



Town of Littleton, Massachusetts
TOWN MEETING REPORT

VOTER INFORMATION

Please bring this with you to the
OCTOBER 29, 2018
SPECIAL TOWN MEETING

Monday, October 29, 2018 at 7:00 PM
Charles Forbes Kaye Gymnasium
Littleton Middle School
55 Russell Street, Littleton, MA 01460

TOWN OF LITTLETON, MASSACHUSETTS

OCTOBER 29, 2018 SPECIAL TOWN MEETING

SPECIAL TOWN MEETING ARTICLES – *beginning on Page 9*

1. Bills of Prior Years
2. FY 2019 Budget Amendments
3. Fund Collective Bargaining Agreement
4. Local Excise on Retail Sales of Marijuana for Adult Use -3%
5. Road Acceptance: Foster Street, from Taylor Street to Harwood Avenue
6. Transfer Ownership of Durkee Farm Parcels to Town of Littleton
7. Transfer 74 Whitcomb Avenue Property from Highway to Water Department
8. Supplemental FY 2019 Capital Items from Available Funds
 - A. Traffic Signalization at Littleton High School / King Street Intersection
 - B. Master Plan Implementation - form-based zoning
 - C. Fire Department Ladder truck
9. Amend Town By-laws: Allow Alcohol on Town-owned property
10. Littleton Common Smart Sewer Design – Borrowing
11. Zoning Amendment: Amend Accessory Apartments By-law
12. Zoning Amendment: Amend Senior Residential Development By-law

TOWN OF LITTLETON, MASSACHUSETTS

This Town Meeting Report is prepared by the

Office of the Board of Selectmen/Town Administrator
Town of Littleton
Littleton Town Offices
37 Shattuck Street
Littleton, MA 01460

Keith A. Bergman, Town Administrator
Anthony Ansaldi, Jr., Assistant Town Administrator
Bonnie Fleck, Director of Finance and Budget

More information is available online at www.littletonma.org

Board of Selectmen: Town Meeting Report

To the Voters of Littleton:

The Board of Selectmen is pleased to present this *Town Meeting Report*.

Town Code §41-3 provides that

For every annual and special town meeting, the Board of Selectmen shall mail to each occupied dwelling at least fourteen (14) days prior to said meeting a Town Meeting Report containing the full text of the articles as posted in the warrant; proposed motions and town board recommendations, if any; and concise explanations of each article, including the fiscal impact of any financial articles. The Town Meeting Report for the annual town meeting shall include the Finance Committee's report to the voters.

Here is the format in which information is presented for each article in this Report:

ARTICLE # Article Sponsor/Insertter Title of the Article

Full text of the warrant article as printed in the Town Meeting warrant, as posted.

[Brief explanation of the article.]

Motion proposed by the sponsor, as reviewed by Town Counsel.

Recommendations of Town Boards.

The Board of Selectmen welcomes your feedback. Thanks very much.

– **Littleton Board of Selectmen**

Paul Glavey, Chair

Joseph S. Knox, Vice Chair

Cindy Napoli, Clerk

Charles DeCoste

Chase Gerbig

Town Moderator: Town Meeting Procedures

In our continuing effort to streamline and improve the efficiency of Town Meeting, and after having discussed ways to improve the process with the Board of Selectmen, the Town Clerk and Town Counsel; as Town Moderator I am proposing to continue the following procedures introduced at the October 30, 2017 Special Town Meeting:

- **Presentations** - The individual, board or committee responsible for placing an article on the warrant will be permitted ten (10) minutes to make a presentation once the main motion is properly before Town Meeting. A single presenter is greatly preferred and in the event of multiple presenters no additional time shall be granted. Presentations in opposition will likewise be limited to 10 minutes and must be approved in advance of Town Meeting by the Moderator. The Moderator reserves the right to grant no more than two minutes of additional time to presentations that he believes Town Meeting would benefit from hearing in their entirety.
- **Limits on length/number of speeches** - Speakers shall be limited to no more than four (4) minutes and no one shall speak more than once per article except for the following situations: responses to questions posed by and through the Moderator, brief clarification of a previous statement with the permission of the Moderator, or by majority vote of Town Meeting.
- **Time limit for consideration of new business** – The Town Meeting shall not begin consideration of any new warrant article after 10:30 p.m., unless the Moderator determines that there is a reasonable likelihood of concluding the Town Meeting prior to 11:00 p.m. and a majority of the Town Meeting votes to continue its business later into the evening.

“A Call of the Articles”

Additionally, we will continue with “**A Call of the Articles**” which was successfully introduced at the May 1, 2017 Annual Town Meeting, to speed up the passage of warrant articles which should generate no controversy and can be properly voted without debate allowing additional time to debate more significant articles.

Specifically, as one of the first orders of business at Town Meeting, the Moderator will call out the numbers/ titles of the articles, one by one. Any voter who has doubts about passing any motion, or wishes an explanation of any article, should say the word “hold” in a loud voice when the article number is called by the Moderator. The Moderator will inquire as to whether the request is for a question or for debate. If the purpose of the request is merely a question then an attempt will be made to obtain a satisfactory answer. If the purpose is to hold the article for debate, the article will be removed from the list of articles included in the “Call” and restored to its original place in the warrant to be brought up, debated and voted in the usual manner. It is hoped that voters will remove articles from the “Call” only in cases of legitimate concern.

After calling each article on the Warrant, the Moderator will ask that all remaining articles in the “Call” be passed as a unit by unanimous vote. There will be a motion to take all the articles identified in the “Call” and act upon them by means of a single, brief affirmative main motion which will be inclusive of the separate and specific motions as printed in this Report.

The use of “A Call of the Articles” is intended to speed up passage of warrant articles which each Town Meeting voter believes should generate no controversy and can be properly voted without debate and give Town Meeting additional time to thoughtfully consider the rest of the warrant articles.

More information about Town Meeting is available online at
<https://www.littletonma.org/town-meetings>

Thank you for your cooperation in implementing these procedures and allowing me the privilege of serving as your Moderator.

Timothy D. Goddard, Town Moderator

FY 2019 Tax Bill Impact Summary

This information summarizes the impact on the FY 2019 property tax bill for an average residential property, as a result of the spending already approved by the May 7, 2018 Annual Town Meeting and the financial articles proposed for this October 29, 2018 Special Town Meeting.

Amounts transferred from account balances or free cash do not impact the property tax. In total the FY 2019 spending plan includes an estimated residential property tax levy of \$26,671,288 for the average residential property assessed at \$422,839 its property tax bill is projected to increase by \$222.94 or 2.94% - from \$7,576.99 in FY 2018 to \$7,799.94 in FY 2019—as a result of this recommended spending plan.

This spending plan also incorporates the use of \$338,236 in Debt Exclusion Stabilization Funds towards debt service for the Middle School previously authorized by Debt Exclusion ballot votes to reduce the tax rate. The estimated impact of this funding reduced the estimated tax increase from \$7,899.23 to the \$7,799.94 referenced above – or \$99.29 annually as a direct relief to the taxpayer.



October 29, 2018 Special Town Meeting

7:00 p.m. Charles Forbes Kaye Gymnasium
Littleton Middle School

ARTICLE 1

Board of Selectmen

Bills of Prior Years

[9/10ths vote required]

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to pay unpaid bills from prior fiscal years, or to take any other action in relation thereto.

[Article 1 would pay any bills from prior fiscal years, which were not received before the books were closed, and for which prior year budget funds had not been encumbered.]

Motion: To be made at town meeting.

ARTICLE 2

Board of Selectmen

FY 2019 Budget Amendments

To see if the Town will vote to amend the FY 2019 Operating Budget, as adopted pursuant to Article 4 of the May 7, 2018 Annual Town Meeting, by adjusting budget line items, or to take any other action in relation thereto.

[Article 2 adjusts the FY 2019 operating budget approved by the May 7, 2018 Annual Town Meeting, but without increasing the property tax levy. The current budget funds Advanced Life Support paramedic services in the Fire Department. The proposed motion adds two Emergency Medical Dispatch positions in the Police Department to also be paid by ambulance receipts. The School Department appropriation increases by \$16,080 from so-called Chapter 70 aid from the State. The proposed motion also provides funds to support the local Veterans of Foreign Wars.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend the FY 2019 Operating Budget, as adopted pursuant to Article 4 of the May 7, 2018 Annual Town Meeting, by raising and appropriating the sum of \$16,080; and by transferring in \$85,916 from ambulance receipts and \$10,000 from overlay surplus, as follows:

		FY 2019		
Budget Line Item		Budget	Adjustment	FY 2019 Adjusted
210	Police / Dispatch – Personal Services	\$ 2,020,636	+\$61,369	\$2,082,005
300	School Department	19,774,190	+16,080	19,790,270
543	Veterans Services – VFW Expense	0	+\$10,000	\$10,000
194	Employee/Retiree Benefits	<u>7,344,119</u>	<u>+24,547</u>	<u>7,368,666</u>
	Net Budgets	\$46,475,799	+\$111,996	\$46,587,795
	Transfers In	<u>(1,358,064)</u>	<u>(95,916)</u>	<u>(1,453,980)</u>
	Total Raise and Appropriate	\$45,117,735	\$16,080	\$45,133,815

Finance Committee, Board of Selectmen, and School Committee support Article 2.

ARTICLE 3
Board of Selectmen
Fund Collective Bargaining Agreement

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums for the purpose of funding a new collective bargaining agreement reached between the Town and the Littleton Professional Firefighters, I.A.F.F., Local 4599; or to take any other action in relation thereto.

[Article 3 funds the first year of a collective bargaining agreement reached with the Town's fire union for a successor agreement to one which expired on June 30, 2018. The new three-year contract would be for the period July 1, 2018 through June 30, 2021, by implementing a salary study and making salary schedule adjustments of 2% in Year 1, 2% in Year 2, and 2% in Year 3. Funding for the cost items of the first year of a union contract require town meeting approval. Similar contracts for the police, dispatch, and highway unions were approved by the May 7, 2018 Annual Town Meeting.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the sum of \$18,250 for Article 3.

Finance Committee and Board of Selectmen support Article 3.

ARTICLE 4
Board of Selectmen
Local Excise on Retail Sales of Marijuana for Adult Use -3%

To see if the Town will vote to accept the provisions of M.G.L. c. 64N, §3 to impose an excise on the retail sales of marijuana for adult use at the rate of three percent (3%); or to take any other action in relation thereto.

[Article 4 would authorize the Town to collect a 3% sales tax on all retail sales of marijuana in Littleton. The May 7, 2018 Annual Town Meeting approved an adult use marijuana zoning by-law to permit two marijuana retailers for Littleton per state law. The number of marijuana retailers is calculated as 20% of the number of package store alcohol licenses issued locally, rounded up to the nearest whole number ($7 \times 0.2 = 1.4$, rounded up to 2).]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 4 as printed in the warrant.

Finance Committee and Board of Selectmen support Article 4.

ARTICLE 5
Board of Selectmen / Planning Board
Road Acceptance: Foster Street, from Taylor Street to Harwood Avenue

To see if the Town will vote as follows:

Whereas, Foster Street was constructed prior to 1846; and Whereas, Foster Street serves as a primary road in Littleton; and

Whereas, the Town has provided continuous and regular maintenance of Foster Street, and treated said road as a public way in all respects; and

Whereas, despite a review of Town records, a Town Meeting vote to accept Foster Street has not been identified; and

Whereas, in order accept state grant funds needed to upgrade Foster Street from Taylor Street to

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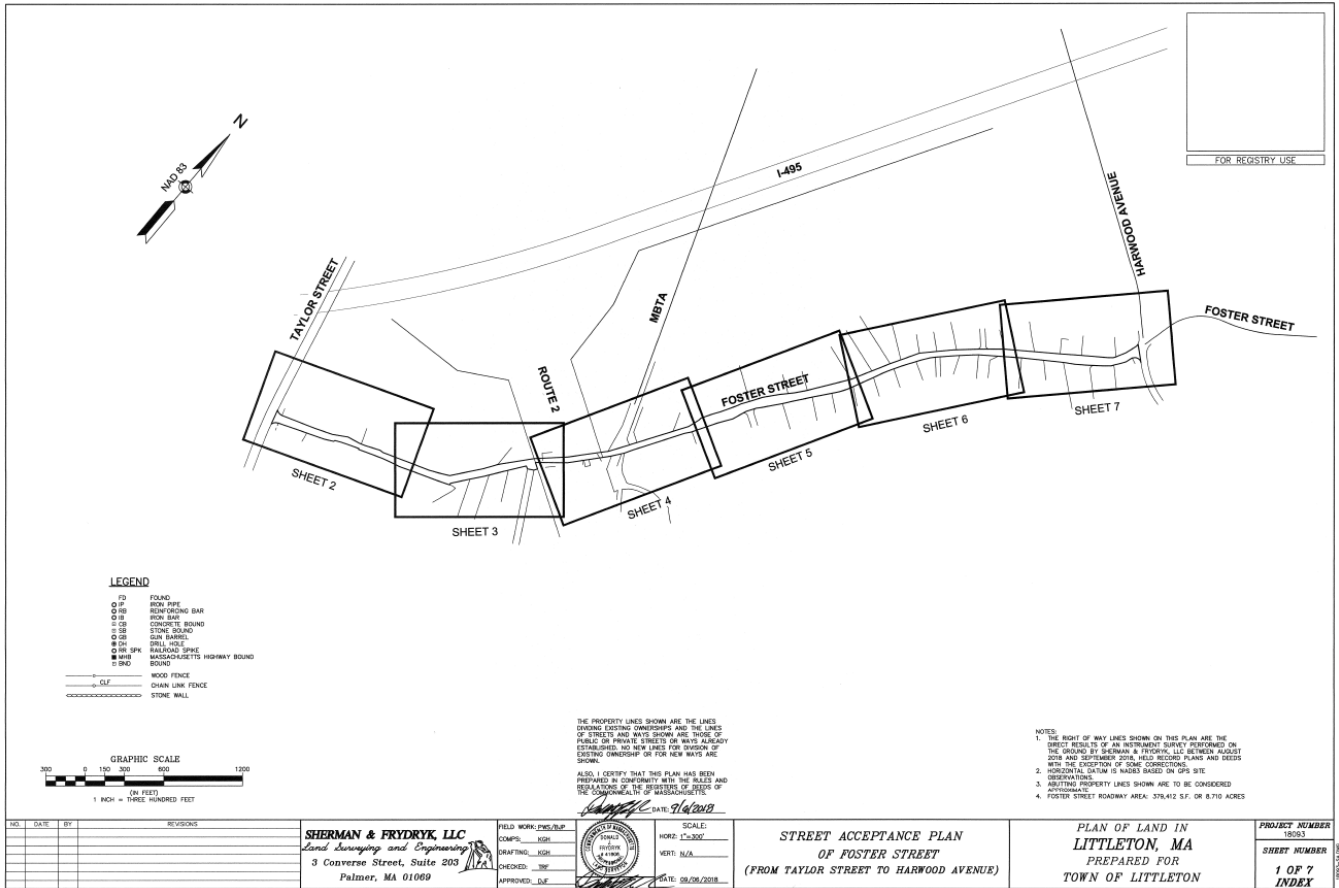
Harwood Avenue, the Town must demonstrate that said road is a public way.

Therefore, shall the Town vote to accept, as a Town way, the layout by the Board of Selectmen of the way known as “Foster Street” from Taylor Street to Harwood Avenue, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain the land, rights, and easements therein for drainage, utility, or other purposes, all as shown on a plan entitled, “Street Acceptance Plan of Foster Street (from Taylor Street to Harwood Avenue), Littleton, Massachusetts”, dated September 6, 2018 and prepared by Sherman & Frydryk, LLC, and to name said street “Foster Street”; or to take any other action in relation thereto.

[Article 5 would formally accept Foster Street from Taylor Street to Harwood Avenue as a public way, in order to be able to accept state grant funds needed to upgrade this portion of Foster Street. The road was constructed prior to 1846, and the Town has maintained it since then and treated it as a public way in all respects. However, despite a thorough review of Town records, we are unable to find a town meeting vote which officially accepted the road layout. This article would affirm the road's layout as it exists in recorded deeds and plans of all of the abutting properties.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 5 as printed in the warrant.

Board of Selectmen and Planning Board support Article 5.



Art. 5. Road Acceptance: Foster Street, from Taylor Street to Harwood Avenue

ARTICLE 6
Board of Selectmen / Planning Board
Transfer Ownership of Durkee Farm Parcels to Town of Littleton
[2/3rds vote required]

To see if the Town will vote to authorize the Board of Selectmen to acquire from Durkee Farm Builders, Inc., two parcels of land being shown as Open Space Parcel A and B on a plan of land entitled “Durkee Farm Estates, Definitive Plan of a Subdivision, Open Space Development Special Permit, Off Grimes Lane, Littleton, MA for Grimes Road, LLC” dated February 16, 2016, revised through June 1, 2016, prepared by Hancock Associates and recorded with Middlesex South District Registry of Deeds as Plan 606 of 2016, with Open Space Parcel A containing 3.264 acres, more or less, and Open Space Parcel B containing 5.822 acres, more or less; and provided that the property shall be held in the care, custody, control and management of the Board of Selectmen and the acquisition shall be subject to such terms and conditions as are agreed to by the Board; or to take any other action in relation thereto.

[Article 6 would facilitate transfer of ownership of two parcels of land shown as Open Space Parcel A containing 3.26 acres and Open Space Parcel B containing 5.82 acres to the Littleton Board of Selectmen. Donation of these Open Space parcels is required by the Definitive Open Space Subdivision approval for Durkee Farm Estates.]

Motion: To be made at town meeting.

Board of Selectmen, Planning Board, and Conservation Commission recommendations forthcoming.



Art. 6. Transfer Ownership of Durkee Farm Parcels to Town of Littleton

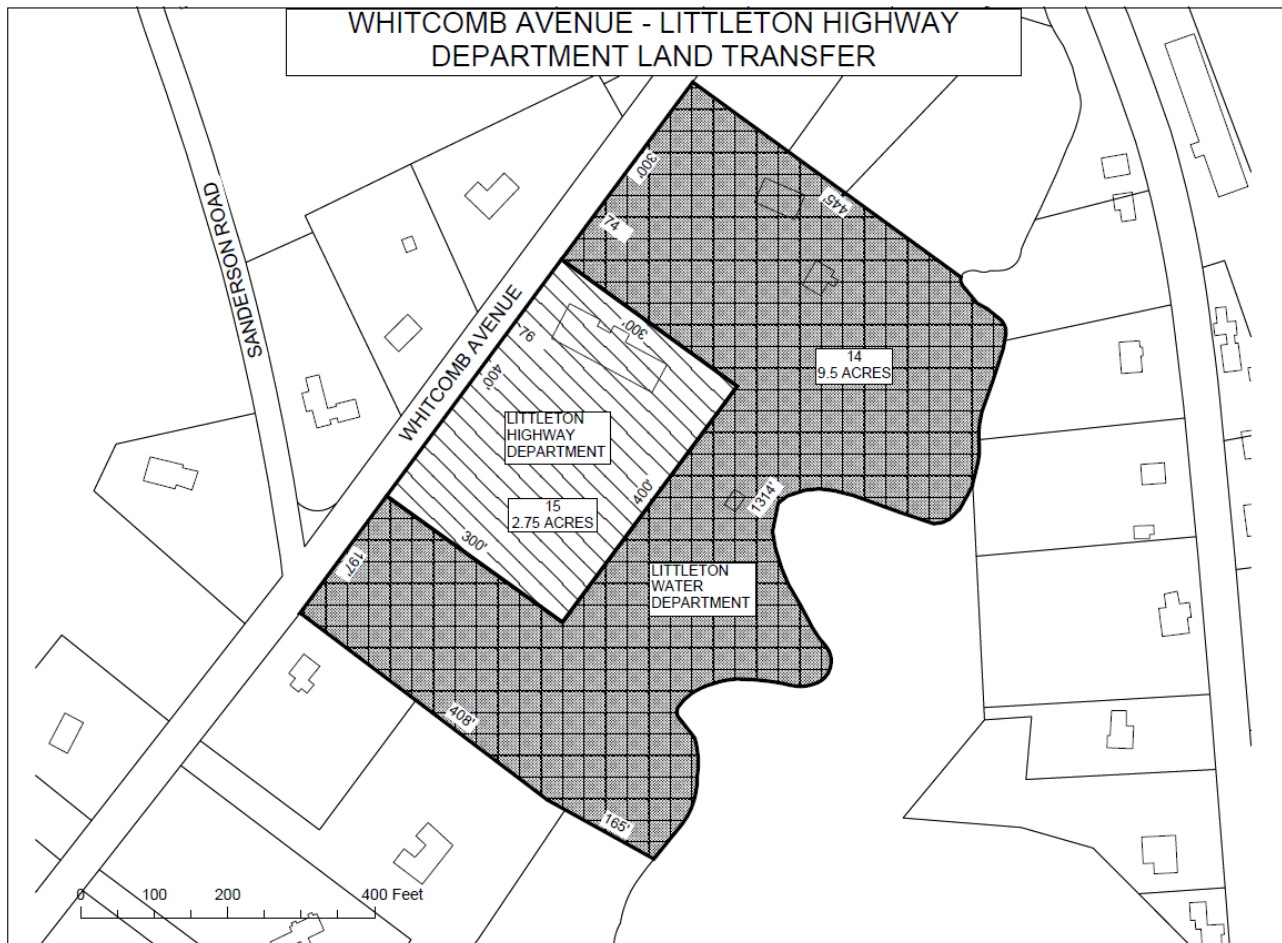
ARTICLE 7
Board of Selectmen / Water Commissioners
Transfer 74 Whitcomb Avenue Property from Highway to Water Department
[2/3rds vote required]

To see if the Town will vote to transfer care, custody, control and management of the parcel of land at 74 Whitcomb Avenue containing 2.75 acres, more or less, and shown on Littleton Assessors maps as parcel U40-15-0, from the Board of Selectmen and the Highway Department to the Water Department to be used for water department purposes, said transfer shall be subject to a vote of the Board of Selectmen to declare said parcel surplus to Board of Selectmen and Highway Department purposes; or to take any other action in relation thereto.

[Article 7 would transfer property on Whitcomb Avenue from the Highway Department to the Water Department, in connection with the \$7-million well field and water treatment plant project approved by the May 7, 2018 Annual Town Meeting. LWD has agreed to help LHD find alternate space for equipment currently stored on the 74 Whitcomb Avenue property.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 7 as printed in the warrant.

Board of Water Commissioners and Board of Selectmen support Article 7.



Art. 7. Transfer 74 Whitcomb Avenue Property from Highway to Water Department

ARTICLE 8
Board of Selectmen
Supplemental FY 2019 Capital Items from Available Funds

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the following sums of money to be expended by the respective Departments or Officers indicated, for the capital projects and purchases itemized and described, or to take any other action in relation thereto.

- A. Traffic Signalization at Littleton High School / King Street Intersection - \$201,804 to be expended by the Highway Department and the School Committee for installation of phased traffic signals at the intersection of the Littleton High School entrance on King Street / State Routes 2A and 110.

[Article 8, Item A funds final design and construction of traffic signalization at the intersection of King Street (Rt. 2A/ Rt. 110) and the entrance to Littleton High School. The Massachusetts Department of Transportation is undertaking the 25% design needed for its issuance of the permit for these traffic signals. The proposed traffic signal design includes vehicle detection, so that the signals would only be activated when vehicles are cued to make left turns entering or exiting LHS, including a left-turn arrow for vehicles entering LHS from King Street eastbound. As such, the signals would primarily be activated at the beginning and end of the school day and before or after other events at LHS. MassDOT will be collecting new traffic data this fall along the King Street corridor, to study the need for other signalization this winter.]

- B. Master Plan Implementation – \$42,000 to be expended by the Master Plan Implementation Committee for costs associated with implementation of the master plan, including consulting services for development of form-based zoning amendments.

[Article 8, Item B funds consultant services to map, gather public input, draft, integrate, and bring a Form Based Code to a future Town Meeting for adoptions. The results of the July 17, 2018 Littleton Common Revitalization planning project public workshop and survey recommended an investigation of using Form Based Code for the Littleton Common. It would solidify the vision for the Common as a walkable, vibrant village center serving local needs and would achieve the vision established for the Common during the Littleton Common revitalization public engagement process.]

- C. Fire Department Ladder 2 Replacement - \$810,253 to be added to the \$200,000 appropriated under Art. 8, Item II-C of the May 7, 2018 Annual Town Meeting to be expended by the Fire Department to replace a 1988 Seagrave Ladder truck at a total cost of \$1,010,253.

[Article 8, item C would allow for the funding of a new aerial to replace our 30 year old 1988 Seagrave ladder truck which has reached its useful service life, and is becoming increasingly expensive to repair and is no longer supported by the manufacturer making parts procurement difficult. The new aerial would be equipped with a tank and pump making this truck more efficient and safer to operate serving the town's ever changing commercial and residential structures. There is a demonstration model available for the purchase price of \$1,010,253. Purchasing the demo model would save \$200,000 and 18 months of lead time for this procurement.]

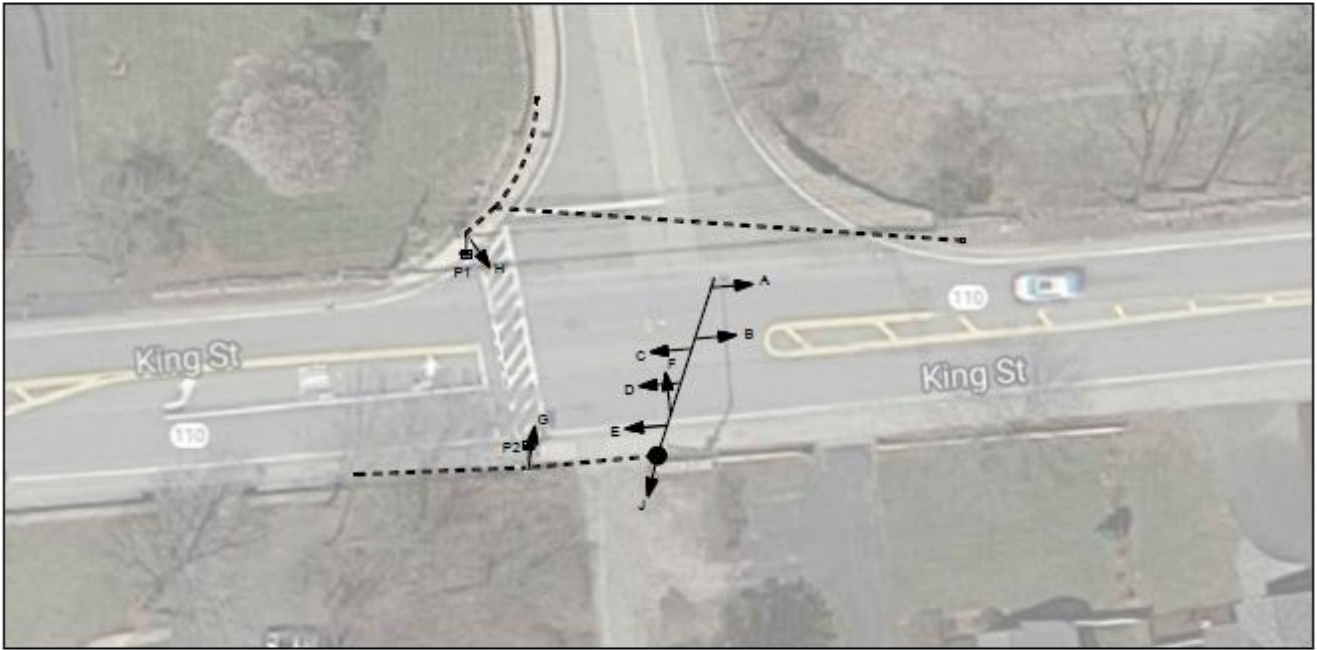
or to take any other action in relation thereto.

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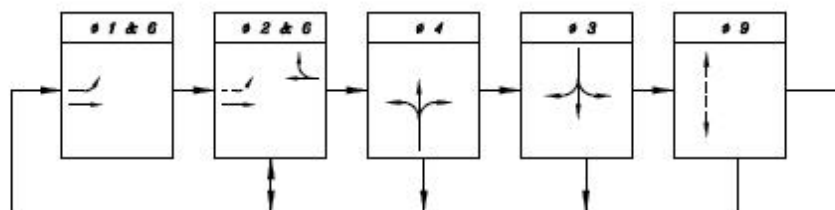
Motion 1: Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the sum of \$175,272 (surplus 2018 snow & ice funds) and transfer from Overlay Surplus the sum of \$68,532, for a total of \$243,804 for Article 8, Items A and B as printed in the warrant.

Finance Committee (A & B), Board of Selectmen (A, B), School Committee (A), Planning Board (B), and Master Plan Implementation Committee (B) support Article 8, Motion 1.

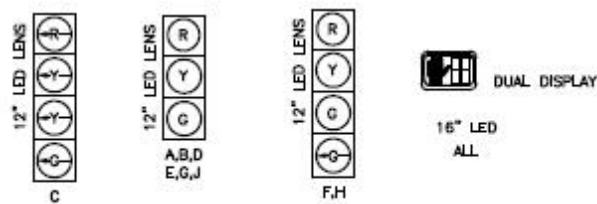
LITTLETON - KING STREET (ROUTES 2A/110) AT HIGH SCHOOL DRIVEWAY



PREFERENTIAL PHASING SEQUENCE



SIGNAL IDENTIFICATION



Art. 8, Item A. Traffic Signalization at Littleton High School / King Street Intersection

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Motion 2: Moved and seconded by the Board of Selectmen that the Town vote to transfer the sum of \$133,944 from the Fuel Facility Capital Account authorized by both the 11/12/14 and 11/2/15 Special Town Meetings, transfer the sum of \$676,309 from Overlay Surplus, for a total of \$810,253 for Article 8, Item C as printed in the warrant.

Finance Committee supports Article 8, Motion 2. Board of Selectmen does not support Motion 2.

ARTICLE 9

Board of Selectmen

Amend Town By-laws: Allow Alcohol on Town-owned Property

To see if the Town will vote to amend Town Code §53-1 to allow consumption of alcohol on certain or all Town-owned property, provided also that (1) the property's custodial board grants its permission, and (2) the Board of Selectmen issues a special liquor license pursuant to M.G.L. c.138, §14, where applicable, so that said §53-1 reads as follows:

No person shall consume an alcoholic beverage as defined by General Laws Chapter 138, Section 1, as amended, or possess an opened container of such beverage, or smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol as defined by General Laws Chapter 94C, Section 1 within the limits of any park, playground, public building, schoolhouse, school grounds, cemetery, parking lot or any area owned by or under the control of the Town of Littleton nor shall any person consume an alcoholic beverage, or consume marijuana or tetrahydrocannabinol on any public way or way to which the public has a right of access as invitees or licensees, including any person in a motor vehicle while it is in, on, or upon any public way or any way to which the public has a right of access as aforesaid, within the limits of the Town of Littleton; *provided, however, that the sale, distribution, and consumption of alcohol may be permitted on all Town-owned property with the express written permission of the board or committee with the care, custody, and control of the Town-owned property, and provided further, that any such sale, distribution, and consumption be in compliance with M.G.L. c.138, §14, where applicable.*

[Article 9 would amend the Town By-laws to allow consumption of alcohol on certain Town properties with the approval of the board in charge of that property and the issuance of a one-day liquor license by the Board of Selectmen. Consumption of alcohol is currently prohibited on all Town properties and in all Town buildings.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 9 as printed in the warrant.

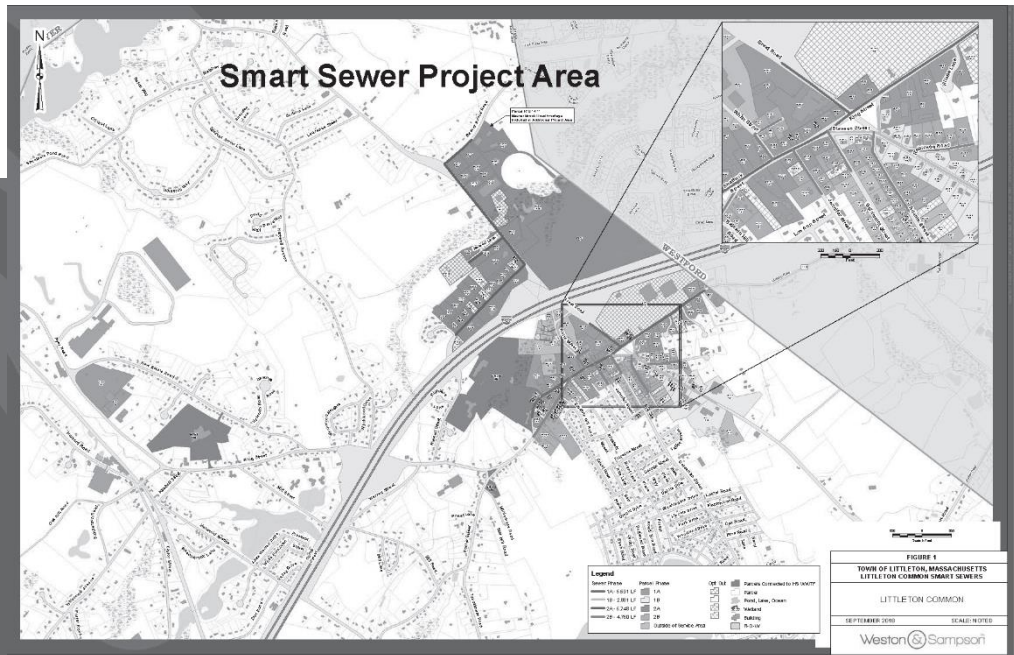
Board of Selectmen supports Article 9.

Littleton Common Smart Sewer Project



A smart start to revitalization

The Littleton Common Smart Sewer Project is a localized project intended to serve 180 or more properties in the Littleton Common and nearby surrounding areas. The project is focused on serving business, commercial and industrial properties, but will also serve residential and municipal parcels, including public housing. This infrastructure project is an essential prerequisite to the downtown revitalization envisioned in the town's Master Plan.



Project Funding & Financing

- System paid for by sewer users via betterment assessments, connection fees, and user charges
- Over 90% of commercial properties in project area want to be part of the Smart Sewer System
- The Town of Littleton will guarantee initial borrowing
- Significant state funding is needed and being pursued; \$6M is already earmarked in state Environmental Bond Bill
- System costs will be offset by energy generation, and sale of reuse water produced by the CWERC

Have a question?

Email: smartsewer@littletonma.org

Project Costs

- Total project estimated at \$27 million
- Includes CWERC facility designed to treat ~150,000 gallons per day
- Incorporates existing municipal sewer system, and upgrade current discharge fields

Project Schedule

- Three prior Town Meeting votes to fund study and design
- **October 29:** Special Town Meeting/ \$2.2M article for full project design
- **May 2019:** Annual Town Meeting/ article to finance construction costs
- Construction expected 2020 and 2021



TOWN OF LITTLETON, MA
Department of Public Works
39 Ayer Road
Littleton, MA 01460
978-540-2670
littletonma.org

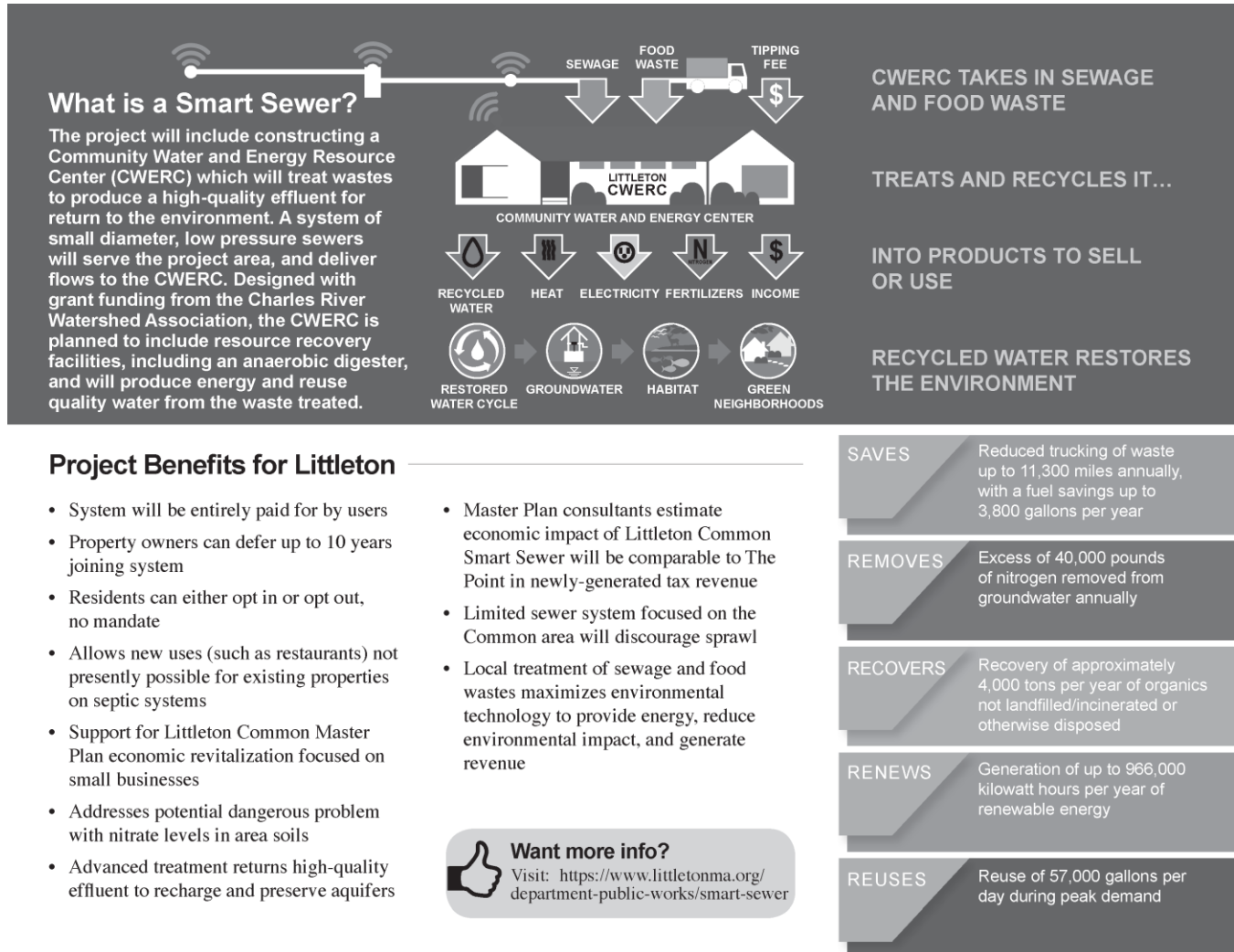
Art. 10. Littleton Common Smart Sewer Design – Borrowing

ARTICLE 10 Board of Selectmen Littleton Common Smart Sewer Design - Borrowing [2/3rds vote required]

To see if the Town will vote to appropriate the sum of \$2,200,000 or any other sum to pay costs of design and engineering to sewer the Littleton Common area, including the payment of all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(7) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Board of Selectmen is authorized to determine and assess betterments upon all properties benefited by these

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improvements. In accordance with M.G.L. c. 44, §20, the premium received by the Town upon the sale of any bonds or notes authorized by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed pursuant to this vote shall be reduced by the amount of any such premium so applied; or take any other action in relation thereto.



Art. 10. Littleton Common Smart Sewer Design – Borrowing

[Article 10 would authorize borrowing \$2.2-million for design of the Littleton Common smart sewer. The Town is pursuing state and federal funds for this project, including a \$6-million earmark in the Environmental Bond Bill signed by the Governor, a \$3-million MassWorks grant application.

[The Smart Sewer is a limited collection system and small treatment facility, serving a targeted area without encouraging sprawl, focusing on the Littleton Common commercial area to support best use of properties that cannot thrive on septic systems. [Benefits of the Smart Sewer include: advanced treatment returns high quality effluent for water reuse (irrigation, etc.) and to recharge aquifer; recharge preserves local water balance between basins; CWERC recovers renewable energy (thermal and electric) from sewer and trucked wastes, for localized

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use, and provides local disposal of grease and food wastes, and reduces greenhouse gas/carbon footprint (e.g. trucking).

[The costs of the Smart Sewer would be borne by sewer users through betterment assessments, user fees, and connection costs paid by owners of property hooking up to the sewer. As a property owner itself, the Town of Littleton and its taxpayers would be responsible for costs for the Town Offices / Library on Shattuck Street, Police Station on Great Road, Fire Station and Houghton Memorial Building on Foster Street, Highway/ LELWD on Ayer Road, Littleton High School on King Street, and Littleton Middle and Russell Street Schools on Russell Street.

[Construction funding for a first phase would be sought at Town Meeting in 2019. If approved, project construction could start in 2020, with first connections in 2021. More at

<https://www.littletonma.org/departments-public-works/smart-sewer>]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 10 as printed in the warrant.

Board of Selectmen, Board of Health, Board of Electric Light and Water Commissioners, Planning Board, Economic Development Committee, and Master Plan Implementation Committee support Article 10. Finance Committee recommendation forthcoming.

ARTICLE 11

Planning Board / Board of Selectmen

Zoning Amendment: Amend Accessory Apartments By-law

[2/3rds vote required]

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. By deleting the definition of “Accessory Apartment” set forth in Article II, Definitions, Section 173-2, in its entirety.
2. By amending the definition of “Dwelling, Single-Family” set forth in Article II, Definitions, Section 173-2, to read as follows:

DWELLING, SINGLE-FAMILY – A dwelling other than a mobile home, singly and apart from any other building, used exclusively for residential purposes for one (1) family except as permitted pursuant to Article XIII, Accessory Dwelling Units.

3. By inserting in Article II, Definitions, Section 173-2, the following definitions in appropriate alphabetical order:

ACCESSORY DWELLING UNIT – The following dwelling units are classified as Accessory Dwelling Units:

- A. ACCESSORY DEPENDENT DWELLING UNIT – An Interior Dwelling Unit that is occupied by one or more persons: (1) related by blood, marriage or adoption to the occupant(s) of the primary single-family dwelling unit; (2) functionally dependent (for medical or other reasons) on the occupant(s) of the primary single-family dwelling unit; or (3) upon whom the resident of the primary single-family dwelling unit is functionally dependent (for medical or other reasons).
- B. ACCESSORY APARTMENT – An Interior Dwelling Unit provided with permanent fire rated separation, two separate means of egress and a Title V compliant septic system.
- C. DETACHED ACCESSORY APARTMENT – A separate accessory dwelling unit, detached from a primary single-family dwelling.

FUNCTIONALLY DEPENDENT – with respect to a person, shall mean an individual who is dependent upon another for assistance relative to at least one activity of daily living, such as bathing, dressing, eating, mobility or similar self-care tasks, who is dependent upon another for

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assistance relative to other instrumental activities of daily living, such as managing money, shopping, taking medication, house cleaning, laundry, or cooking, or who is providing child care or au pair services.

INTERIOR DWELLING UNIT – A secondary dwelling unit that is within or created as an addition to a primary single-family dwelling.

4. By deleting from the table of uses set forth in Article V, Use Regulations, Section 173-26.B, Accessory Uses, the use “Accessory apartment (See Article XIII)” and the corresponding footnote 11.
5. By inserting in Article V, Use Regulations, Section 173-26.B, Accessory Uses, after “Accessory Business Uses and Active Farms” the following use categories and a new footnote 11:

Uses	R	VC	B	IA	IB
Accessory Dependent Dwelling Unit (See § 173-58)	Y	Y	Y	N ¹¹	N ¹¹
Accessory Apartment (See § 173-59)	Y	Y	Y	N ¹¹	N ¹¹
Detached Accessory Apartment (See § 173-60)	A	A	A	N ¹¹	N ¹¹

* * *

¹¹ Provided that Accessory Dwelling Units may be allowed in the IA or IB District by Special Permit from the Zoning Board of Appeals where such uses are made in connection with a lawfully preexisting Single-Family Dwelling.

6. By deleting Article XIII, Accessory Apartment, in its entirety and inserting, in place thereof, a new Article XIII, Accessory Dwelling Units, to read as follows:

ARTICLE XIII, Accessory Dwellings

§ 173-58. Accessory Dependent Dwelling Units.

Accessory Dependent Dwelling Units shall be allowed as set forth in § 173-26.B, provided that:

- A. The square foot area of the Accessory Dependent Dwelling Unit shall not exceed 1,200 square feet;
- B. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site;
- C. There shall be no more than one (1) Accessory Dwelling Unit per lot.
- D. The Accessory Dependent Dwelling Unit shall be designed to maintain the appearance of a single-family dwelling, subject to the following requirements.
 - i. Where two or more entrances exist on the front façade of the single-family dwelling, one entrance shall appear to be the principal entrance and other entrances shall appear to be secondary;
 - ii. A minimum of two (2) parking spaces are provided for the primary dwelling and two (2) additional parking spaces are provided for the Accessory Dependent Dwelling Unit, unless a lesser requirement is deemed adequate by the Board of Appeals. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway;
- E. Where the driveway is located within fifteen (15) feet of the side lot line, at least four (4) feet of the driveway side yard, measured from the side lot line, shall be a buffer zone landscaped with non-invasive plantings;
- F. A certificate of occupancy for the Accessory Dependent Dwelling Unit described above shall be issued for a period of no greater than three (3) years or at the change of ownership. Renewal of a certificate of occupancy shall be granted only

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upon documentation to the Building Inspector that the requirements of this section are still in existence.

§ 173-59. Accessory Apartments.

Accessory Apartments shall be allowed as set forth in § 173-26.B, provided that:

- A. The primary single-family dwelling or the Accessory Apartment is owner-occupied;
- B. The square foot area of the Accessory Apartment shall not exceed the lesser of the dimensional limitations set forth in § 173-53 or 1,200 square feet
- C. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site;
- D. There shall be no more than one (1) Accessory Dwelling Unit per lot.
- E. The Accessory Apartment shall be designed to maintain the appearance of a single-family dwelling, subject to the following requirements.
 - i. Any addition shall not increase the gross floor area of the existing dwelling by more than 15%. Gross floor area for purposes of this provision shall be calculated as post construction gross floor area to include all habitable space including basement, 1st and 2nd levels and attached garage, excluding attics, decks and porches;
 - ii. There shall be two (2) separate means of egress from each Accessory Apartment and each primary residence as remote as possible from each other;
 - iii. Where two or more entrances exist on the front façade of the single-family dwelling, one entrance shall appear to be the principal entrance and other entrances shall appear to be secondary;
 - iv. All stairways to an Accessory Apartment above the first floor shall be enclosed within the exterior walls of the single-family dwelling or on the rear of the dwelling if constructed on an outer wall;
 - v. A minimum of two (2) parking spaces are provided for the primary dwelling and two (2) additional parking spaces are provided for the Accessory Dependent Dwelling Unit. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and
 - vi. Accessory Apartments shall have no more than two (2) bedrooms.
- F. Where the driveway is located within fifteen (15) feet of the side lot line, at least four (4) feet of the driveway side yard, measured from the side lot line, shall be a buffer zone landscaped with non-invasive plantings.
- G. A certificate of occupancy for an Accessory Apartment shall note that it shall be valid for only so long as at least one of the units is owner-occupied.

§ 173-60. Detached Accessory Apartments.

The Zoning Board of Appeals may grant a special permit authorizing a Detached Accessory Apartment as set forth in § 173-26.B only if:

- A. The primary single-family dwelling or the Detached Accessory Apartment is owner-occupied;
- B. The square-foot area of detached structures inclusive of all accessory uses on the lot shall not exceed the dimensional limitations of § 173-53 and the Detached Accessory Apartment shall not exceed 1,200 square feet;
- C. There shall be no more than one (1) Accessory Dwelling Unit per lot.

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- D. A minimum of two (2) parking spaces are provided for the primary dwelling and two (2) additional parking spaces are provided for the Detached Accessory Apartment. Parking spaces shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway; and
 - E. Detached Accessory Apartments shall have no more than two (2) bedrooms;
 - F. The Zoning Board of Appeals determines that the exterior appearance of the accessory structure is compatible with the principal single-family dwelling on the same lot and with dwellings and accessory structures on adjoining lots;
 - G. A certificate of occupancy for a Detached Accessory Apartment shall note that it shall be valid for only so long as at least one of the units is owner-occupied; and
 - H. The Board of Health determines that sewage disposal will be satisfactorily provided for, including provision for an appropriate reserve area on site.
- or to take any other action in relation thereto.

[Article 11 amends the Accessory Apartment zoning by-law approved by Article 17 of the May 1, 2017 Annual Town Meeting. This amendment is meant to better meet the needs of Littleton residents by allowing in-law type apartments and accessory apartments by right and detached accessory apartments by special permit, and to clarify certain sections of the current accessory apartment zoning bylaw. This article amends only those portions of the accessory apartments by-law listed above; all other sections of the by-law remain unchanged. The Planning Board held its public hearing on this proposed zoning amendment on September 20, 2018 and voted to recommend this article as printed above.]

Motion: Moved and seconded by the Planning Board that the Town vote to approve Article 11 as printed in the warrant.

Planning Board supports Article 11.

<p style="text-align: center;">ARTICLE 12 Planning Board / Board of Selectmen Zoning Amendment: Amend Senior Residential Development By-law <i>[2/3rds vote required]</i></p>

To see if the Town will vote to amend the Zoning Bylaw as follows:

1. By amending §173-145 to read as follows: “The purpose of this article is to provide for a variety of housing types, sizes, settings, residential services, and price points to meet the needs of people as they age and people with disabilities.”
2. By amending §173-146.A by adding a new subsection 4, to read as follows:
 4. Site within such proximity to the Village Common Business District, The Point, or the MBTA station so that, in the judgment of the Planning Board, one or more of these locations will serve to support senior health, mobility, independence and participation in the community.
3. By deleting from §173-148.E the phrase “not more than 25 percent of the required minimum open space” and inserting in its place “not more than twenty (20) percent of the required minimum open space”.
4. By amending §173-148 to add a new subsection G to read as follows:
 - G. All Senior Residential Developments shall include accessible common areas for seniors to congregate, sidewalks, walking paths, trails, and/or other passive or active recreation opportunities and appropriate lighting.

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- H. Notwithstanding anything contained in §173-198, for any Senior Residential Development subject to Article XXIX, Inclusionary Housing, fifty (50) percent of the dwelling units shall be affordable housing; provided that the Planning Board may reduce the required number of affordable units to not less than twenty-five (25) percent of the total dwelling units, and that in all cases the affordable units shall range from 60% to 150% AMI and the mix of affordability range of these units shall be at the discretion of the Planning Board. §173-205 shall not apply to Senior Residential Developments; all other requirements of Article XXIX shall remain fully applicable to Senior Residential Developments.

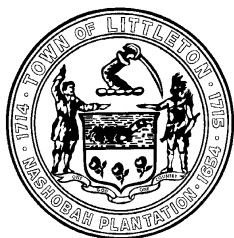
5. By amending §173-152 so that subsection 4 reads as follows: “The Senior Residential Development is consistent with the goals and intentions of the Littleton Master Plan.”
or to take any other action in relation thereto.

[Article 12 amends the Senior Residential Development zoning by-law approved by Article 5 of the October 30, 2017 Special Town Meeting. The proposed zoning bylaw amendment would update requirements regarding unit affordability, development location, on-site amenities, unit design, mix of unit types, and open space requirements, clarifying certain sections of the current senior residential development zoning bylaw. This article amends only those portions of the Senior Residential Development by-law listed above; all other sections in the by-law remain unchanged. The Planning Board held its public hearing on this proposed zoning amendment on September 20, 2018, and voted to recommend this article as printed above.]

Motion: Moved and seconded by the Planning Board that the Town vote to approve Article 12 as printed in the warrant.

Planning Board supports Article 12.

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