



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

July 16, 2020

FORM D

**CERTIFICATE OF DECISION ON A DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF A DECISION ON AN OPEN SPACE DEVELOPMENT SPECIAL
PERMIT AND SITE PLAN REVIEW
CERTIFICATE OF A DECISION ON INCLUSIONARY HOUSING**

APPLICATIONS:

**DEFINITIVE OPEN SPACE SUBDIVISION
"Healy Corner" at 195 Tahattawan Road
Glavey Family Trust; which incorporated the following
five (5) applications:**

1. MGL Chapter 41, Section 81O Definitive Subdivision subject to the Code of the Town of Littleton Chapter 249 Subdivision of Land Regulations;
2. Special Permit in accordance with the Code of the Town of Littleton, Chapter 173, Zoning, Article XIX Open Space Development;
3. Site Plan Review in accordance with Section 173-96 C. of the Open Space Development requirements, Article IV;
4. MGL Chapter 40, Section 15C Scenic Road permit (addressed in a separate decision); and
5. Inclusionary Housing Review to determine compliance with Article XXIX Inclusionary Housing, Section 173-206 through 173-212 of the Town Bylaws.

PROPERTY LOCATION:

195 Tahattawan Road
Assessor's Map R-07 Parcel 1-0

DESCRIPTION:

"Healy Corner" is a proposed open space subdivision with 16 residential lots and several parcels to be preserved as open space on approximately 44 acres of the property located at 195 Tahattawan Road. There is 1 existing home located on the property that is proposed to remain, therefore the project is anticipated to result in 15 new single-family houses.

OWNER/APPLICANT:

Glavey Family Trust (Paul Glavey, Trustee)
PO Box 381
Littleton, MA 01460

ENGINEER:

Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Suite 301
Ayer, MA 01432

DATES OF LEGAL NOTICES: August 21, 2019 and August 28, 2109

DATES OF HEARING:

September 4, 2019; October 2, 2019; October 21, 2019; November 7, 2019; December 5, 2019; January 9, 2020; February 10, 2020; March 5, 2020; April 2, 2020; April 23, 2020; May 7, 2020; and June 4, 2020

Certificate of Decision – Healy Corner

MEMBERS PRESENT:

Anna Hueston, Delisa Laterzo, Mark Montanari, and Gerald Portante (Member Jeffrey Yates was appointed to the Planning Board on February 4, 2020 and was therefore not eligible to vote on this application.)

APPLICATION PLANS: Pursuant to Sections 173-93 through 173-118 of the Littleton Zoning Bylaw, the Preliminary Subdivision application contained a set of plans showing both an Open Space Development and a Conventional Subdivision. Following deliberations, the Planning Board expressed its preference to have the applicant pursue the Open Space development proposal. The applicant submitted Preliminary Subdivision Plan Application on October 26, 2018, discussed at Planning Board meetings on December 6, 2018, and February 7, 2019. At the June 6, 2019 Planning Board meeting, an updated Preliminary Subdivision plan showing an open space development with 17 lots was discussed, and the Planning Board voiced support for this modified open space layout.

The Definitive Open Space Subdivision plan application was received on August 19, 2019.

REFERENCE PLANS: Definitive Subdivision Plan Open Space Development Healy Corner Littleton, MA dated August, 2019, last revised 10/08/19 by Goldsmith, Prest & Ringwall, Inc., with the following sheets:

Plan Number	Plan Sheet Index
C1.1	Title Sheet
C2.1	Master Plan
C3.1	Plan of Lots
C3.2	Plan of Easements
C4.1	Existing Conditions Plan
C4.2	Existing Conditions Plan
C5.1	Site Layout and Utilities Plan
C5.2	Site Layout and Utilities Plan
C6.1	Grading, Drainage and Paving Plan
C6.2	Grading, Drainage and Paving Plan
C7.1	Roadway Plan and Profile: Dennis Circle
C7.2	Roadway Plan and Profile: Alfred Trail
C8.1	Stormwater Pollution Prevention Plan
C8.2	Stormwater Pollution Prevention Details
C9.1	Construction Details
C9.2	Construction Details
C9.3	Construction Details
C9.4	Construction Details

“Exhibit Plan – Open Space modified layout with trails” dated May, 2020

“Exhibit Plan – Open Space Modified Layout” dated April 2020, last revised 5/14/20

“Density Yield Plan” dated October 2019, last revised 5/11/20

“Exhibit Plan Intersection Layout and Signage” dated April 2020

with all of the listed plans to be further revised in accordance with the terms and conditions set forth in this decision prior to endorsement by the Planning Board

Certificate of Decision – Healy Corner

PUBLIC HEARING: The Littleton Planning Board held a duly advertised public hearing on the above dates to consider the application of Glavey Family Trust (Paul Glavey, Trustee) for a Definitive Open Space Subdivision according to M.G.L. Chapter 40A, Section 9 and M.G.L. Chapter 41, Section 81T and the Code of the Town of Littleton Zoning, Sections 173-93 through 173-118.

The Public Hearing was closed on June 4, 2020.

WAIVERS APPROVED: The Board granted each of the following waivers from the Town of Littleton March 22, 2012 Chapter 249 Subdivision of Land Regulations pursuant to MGL Chapter 41 Section 81R:

Section 249-32D(2)—Site Plans and Profiles

Required: Cross-sections cut at 50-ft or closer station intervals and at all critical locations shall be provided with the Site Plans.

Waiver Granted: The Planning Board waives the requirement to depict cross-sections at 50-ft or closer station intervals as sections have been provided at critical locations.

Section 249-32F(1)—Typical Street Cross Section

Required: Typical street cross section for each class of street within the subdivision, drawn at one inch equals 4 ft.

Waiver Granted: Provide a typical street cross section for each class of street within the subdivision, drawn not to scale.

Section 249-43E(3)—Landscaping and Aesthetics

Required: Trees shall be planted on both sides of the street and shall be spaced at intervals of 40 ft.

Waiver Granted: Street trees are provided for the site, locating outside of the right of way at various intervals due to the location of proposed driveways and preservation of existing tree lines as further detailed in Condition 41.

Section 249-43E(9)—Landscaping and Aesthetics

Required: The minimum size of street trees shall be three inches in caliper, measured four feet from the ground level.

Waiver Granted: Street trees shall be 2.5" in caliper with a minimum height of 10 ft.

Section 249-51(H)—Stormwater Management

Required: The pipe inlets discharging into the basin shall be at or above the 25-year storm event ponding elevation.

Waiver Granted: Pipe inlets discharging into the basin is lower than the 25-year storm event ponding elevation.

Section 249-51(H)—Stormwater Management

Required: A minimum 30-ft setback as measured from the top of the inside slope to all property lines shall be required.

Waiver Granted: Waive requirement for a minimum setback from property lines to stormwater basins.

Certificate of Decision – Healy Corner

Section 249-59(C)—Utility Providers Written Approvals

Required: The developer to submit written certification of approval of the design by all utilities which are to provide services within the subdivision.

Waiver Approved: Waive the requirement of the written certification of approval, to be provided prior to construction.

The Board granted each of the following waivers from the Zoning Bylaw:

Section 173-98(E)

Required: Submit a marketing program including anticipated price schedule . . . Market studies prepared by outside consultants are strongly recommended, but not required.

Waiver Granted: The Planning Board waived the requirement of a marketing program.

The Board **denied** the following waivers requested by the applicant:

Section 249-32A(1)(a)(ii)—Application Procedure

Required: Existing Conditions Plan showing the entire site to be subdivided.

FINDINGS:

Number of lots and density bonus: This subdivision is approved with 16 residential lots. This number is based on the Density Yield Plan (DYP) dated December 2019 and last revised May 11, 2020 which showed that the developer could construct a conventional subdivision of the property containing fourteen (14) building lots. Section 179-98.C of the Zoning Bylaw requires the applicant to submit with its application for an Open Space Development Special Permit a DYP “showing how development of the parcel would be achieved by a conventional subdivision plan, in accordance with all applicable land use regulations, to determine the maximum allowable density under [the] Special Permit.”

This Density Yield Plan showed three (3) “reduced frontage” lots (Lot 7, Lot 10 and Lot 14 on the DYP), as allowed by Section 173-28 of Zoning Bylaw. Section 173-28 of the Zoning Bylaw states that “[l]ots having less than the normally required lot frontage may be created and built upon for residential use” provided that such lots satisfy the criteria listed in Sections 173-28 A through G. The Planning Board reviewed the reduced frontage lots shown on the DYP and hereby determines that they each satisfy the applicable criteria of Section 173-28.A through G and qualify for endorsement as “Approved For Reduced Lot Frontage.”

The application includes a DENSITY BONUS request under Section 173-104.B of the Zoning Bylaw. The Planning Board hereby finds that the developer has incorporated into the Open Space Development significant areas of scenic woodland along Tahattawan Road that may otherwise have been developed into “Approval Not Required” (ANR) lots prior to the submittal of the Open Space Development, and further, the proposed Open Space Development protects this significant roadway frontage in the open space to be protected in perpetuity under the provisions of the Open Space Development bylaw. The two lots that on the DYP that in the opinion of the Planning Board meet the density bonus criteria are Lots 13 and 14.

Certificate of Decision – Healy Corner

Based on the foregoing, the baseline number of lots that could be located on this Property, based on the Density Yield Plan is 14. The number of dwelling units to be added to the Healy Corner development pursuant to the Density Bonus granted herein is two (2), bringing the number of dwelling units that can be developed at Healy Corner to 16 (one of which is the existing home at 195 Tahattawan Road that is proposed to remain), for a total of 15 new dwelling units associated with this project.

In accordance with Chapter 249 **Subdivision of Land Regulations**, Section 249-32 G. (5)(b), the Planning Board finds that the following criteria have been substantially met:

1. Submissions are complete and technically adequate;
2. Development at this location does not entail unwarranted hazard to safety or health of future residents of the development or to others because of potential natural disasters, traffic hazard, environmental degradation or other causes;
3. The project adequately conforms with the design standards of Articles IV and V of the Subdivision of Land Regulations;
4. The subdivision, based on the Development Impact Statement, as designed, will not cause unacceptable or substantial damage to the environment, which damage could be avoided or ameliorated through an alternative development plan;
5. The overall benefits of open space development as provided in the Zoning Chapter of the Town Code have been adequately addressed in this Open Space Definitive Subdivision, including the clustering of homes away from wetland and riverfront resource areas, preservation of areas of significant visual interest, locations of existing walking paths, and development of walking trails, and open space to be preserved for recreation uses;
6. Approvals from Conservation Commission is required prior to issuance of any building permits which require work to be performed within the jurisdiction of the Conservation Commission; no input from the Zoning Board of Appeals is required; and
7. Applicant has reported that whereas the project does not result in the direct alteration of 50 or more acres of land, the project has less than 2 miles of roadway and no other MEPA thresholds are exceeded, that MEPA review is not required.

In accordance with Section 173-7 of the Zoning Bylaw (**Special Permits**), the Planning Board finds pursuant to Section 173-7.C that as conditioned below, no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaws.

In accordance with Sections 173-93 through 173-124 of the Zoning Bylaw (**Open Space Development**), the Planning Board finds that the following requirements have been met:

1. The dwellings and accessory buildings shall be arranged in groups that do not detract from the ecological and visual qualities of the environment, and are harmonious with the existing neighborhood. The preservation of desirable open space has been maximized.
2. The open space parcels shown on the plans will be restricted in perpetuity. Open Space Area Parcel A will be conveyed in fee to the Town of Littleton, acting by and through its Conservation Commission, will be subject to a conservation restriction (referred to as Conservation Restriction “C” on the Reference Plans) running to the benefit of the Sudbury Valley Trustees, Inc. Open Space Area Parcel A will be preserved in its natural state and will have walking trails available to the public. Conservation Restriction Area “A” and Conservation Restriction Area “B” will be owned in fee by the owner of

Certificate of Decision – Healy Corner

residential Lot 15, and be subject to a conservation restriction running to the benefit of the Sudbury Valley Trustees, Inc.

3. The plan complies with all relevant requirements of the Zoning Bylaw, and is on balance no less beneficial to the Town than a conventional development, taking into account the concerns detailed in Section 173-100.C(1) through (7):

(1). Preservation of natural resources, especially in relatively large-scale contiguous areas. The development proposal would set aside the following open space, all restricted from further development, with public access on 12.54 acres:

- Parcel A with CR “C” 12.54 Acres owned by the Town of Littleton with public access;
- Parcel B with 3.39 Acres for shared septic system, drainage appurtenances, owned by the Homeowners’ Association;
- Portion of Lot 15 with CR “A” 14.35 Acres privately owned;

Portion of Lot 15 with CR “B” 1.90 Acres privately owned. Preservation of these natural resources is stipulated in the 3 CR areas, providing for relatively large-scale continuous areas being preserved; the open space is immediately adjacent to the Town Forest to the westerly side, and to property owned by the Littleton Conservation Trust on the southeasterly side.

(2) Protection of visual character by having open spaces which are visible from major roads. Open Space is visible from Tahattawan Road immediately adjacent to the Town Forest, extending toward existing development. This development proposal also offers the unique location adjacent to the Town Forest and to Littleton Conservation Trust property.

(3) Reduction in length of publicly maintained roads and utilities per dwelling unit served. The length of new roadway and utilities to be publicly maintained is minimized and provides safe access to new dwelling units in this open space subdivision.

(4) Location of development on sites best suited for such and avoiding environmentally fragile locations. Development is clustered away from significant wetland and riverfront area along the westerly and southwesterly portions of this property, avoiding those environmentally fragile locations and allowing extensive buffers between those areas and new homes.

(5) Protection of major street appearance and capacity by avoiding development close to or egressing directly onto such streets. As conditioned, improvements to Tahattawan Road that will be installed and maintained by the developer until Dennis Circle is accepted as a Town road include new signage and pavement markings.

(6) Contributing to meeting housing need. Up to 15 new single-family homes would be added in this neighborhood and a contribution of \$385,000 to the Town for Affordable Housing through the fee in lieu of providing Affordable units onsite will both serve to meeting housing need in a range of price points.

(7) Protection of water resources through careful location of potential sources of contamination. This site is not located within the Aquifer or Water Resource Districts that contribute to Littleton’s groundwater supply, but development of homes and community septic system are proposed in locations removed from the riverfront area along the westerly portion of the property. There are no known potential sources of contamination associated with this development proposal.

In accordance with Section 173-18 of the Zoning Bylaw (**Site Plan Review—Design Requirements**), the Planning Board finds that the following site plan design requirements have been met:

- A. The internal site circulation and egress protect traffic, and access via minor streets is minimized to the extent practicable.

Certificate of Decision – Healy Corner

- B. All parking areas for individual lots are within the subdivision, and there is no lighting of these parking areas.
- C. Major topographic changes and removal of existing trees has been minimized.
- D. Adequate access for fire and service equipment has been provided for each lot.
- E. Utilities and drainage will be adequate in accordance with the Planning Board's Subdivision Regulations.
- F. Methods of stormwater control and treatment as outlined in the Town of Littleton Low Impact Design/Best Management Practices Manual (latest edition) have been utilized to the maximum extent practicable.

In accordance with Article XXIX of the Zoning Bylaw (**Inclusionary Housing**), the applicant is required to provide two (2) affordable units in connection with this development. The developer has elected to make a payment in lieu of providing the actual affordable units, as allowed by Section 173-208 of the Zoning Bylaw. The payment in lieu of providing the two (2) affordable units (PILU) in site has been calculated to be \$385,000, which shall be paid by in installments of \$27,500 each time a residential lot is built upon or conveyed to a third-party, whichever occurs sooner, until the total amount of the payment in lieu has been attained.

VOTE

At the meeting held July 9, 2020, a motion was made by Mr. Montanari and seconded by Mr. Portante to **approve the Definitive Open Space Subdivision and other** applications listed above in accordance with the Reference Plans with the above **waivers** and subject to the following **conditions**. The following conditions shall be binding upon the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any building permit issued hereunder. The Town of Littleton may elect to enforce compliance with this Special Permit using any and all powers available to it under the law. Revocation of this special permit would require notice to the applicant and a Public Hearing and other applicable requirements of the law.

General Conditions:

1. There shall be no more than 16 residential lots contained within this subdivision. No further division of any lot shall be permitted pursuant to M.G.L. c.41, §81P, or otherwise, and a notation to that effect shall be included on the plans presented to the Board for endorsement and recording.
2. The setbacks for all lots within this subdivision are: Side and rear setback to property lines no less than 10 feet; front setback no less than 20 feet; and 40 from any open space parcel. These setbacks apply to all structures, including without limitation all storage sheds or other accessory structures. In all other respects, with the exception of any preexisting non-conformity of existing structures, the subdivision shall comply with dimensional requirements set out in Section 173-108.
3. All utilities within the subdivision will be underground. All electrical infrastructure shall be completed in accordance with LED specifications; all materials shall meet LED specifications. Transformers and other appurtenances shall not impede compliance with ADA and AAB requirements.

Certificate of Decision – Healy Corner

4. All water infrastructure shall be completed in accordance with Littleton Water Department Specifications; all materials shall meet Littleton Water Department Specifications.
5. Each lot within the subdivision shall have a light at or near the intersection of its driveway and the subdivision road.
6. Fertilizers other than “water-insoluble nitrate fertilizer” (also known as “slow-release fertilizer”) are prohibited for use in any lot, lawn, farm field, or open space associated with this project.
7. The applicant or its heirs, personal representatives, successors or assigns or any successor homeowner’s association or homeowner’s trust, if the property is conveyed to a homeowners association or trust within which the owners of Lots are financially responsible for the expenses of such association or trust shall maintain the subdivision roads and provide for them to be kept clear and passable at all times and in all weather conditions, unless and until such time as the Town accepts the road as a public way.
8. As a requirement of this permit, Open Space Parcel A, Conservation Restriction Area “A” and Conservation Restriction Area “B” shall remain in their natural state in perpetuity, and Open Space Parcel A shall contain walking trails and shall be available for use by the public for hiking, horse-back riding, cross-country skiing, education, nature study, and other non-motorized outdoor recreation, subject to the any limitations and restrictions of the Town of Littleton. This permit condition shall apply in addition to, and independently of, the requirements to be contained in the conservation restrictions required below.
9. Walking trails on Open Space Parcel A shall be available for use by the general public. The developer shall establish the trails shown on the reference plans on the ground, in consultation with the Littleton Trails Committee. Once established by the developer, the trails shall thereafter be maintained, and marked with appropriate signage, by the Town of Littleton and/or the Sudbury Valley Trust.

Conditions precedent to endorsement and recording of the approved plans:

10. The developer shall submit a landscape plan for approval prior to planting to include: low-maintenance groundcover within the cul-de-sac; planting locations, details, and requirements for street trees with no more than 35% of any one species to be used for street trees throughout the subdivision. The developer shall provide a plant list of the proposed plantings and proposed landscaping notes, and planting locations in accordance with ANLA Standards for Planting. The landscape plan shall be subject to the review and approval of Green International Affiliates.
11. The Reference Plans shall be revised to address, to the satisfaction of Green International Affiliates (the Planning Board’s peer review civil engineer for review of this application) all issues outstanding from Green International Affiliates’ Peer Review letter dated 11/1/2019. In addition, Green International Affiliates shall review of the final plans submitted for endorsement and the developer shall address any further comments on those plans. No endorsement shall be provided to the developer until Green International Affiliates submits a letter to the Board noting that all outstanding comments have been satisfactorily addressed.

Certificate of Decision – Healy Corner

12. The developer shall have obtained approval from the Secretary of Environmental Affairs of the Commonwealth of Massachusetts for the Conservation Restrictions for Open Space Parcel A, Conservation Restriction Area A, and Conservation Restriction Area B. Subject to certain reserved rights included in the conservation restrictions, all three open space areas shall be maintained in their natural state in perpetuity, and Open Space Parcel A shall include walking trails open to the general public. The conservation restrictions shall be substantially in accordance with the draft CRs submitted by the developer and reviewed by Sudbury Valley Trustees, Inc., which are on file with the Board, subject to the review and approval by Town Counsel and any changes that may be made in response to comments from Secretary of Environmental Affairs. The conservation restrictions shall be recorded contemporaneously with the endorsed definitive subdivision plan.

13. The developer shall furnish guarantees to the Planning Board as provided in M.G.L. c. 41, Section 81U that, Lot 1 and Lots 3-16 shall not be built upon or conveyed until the work on the ground necessary to service all the lots has been completed in the manner specified by the Subdivision Regulations of the Town of Littleton with the specific conditions listed herein, or security in lieu of completion in a form and amount acceptable to the Planning Board is provided.

14. The developer shall prepare and record documents creating a Homeowners' Association, in which the owners of all residential lots shown on the plan shall be required to be members, that provides for the management and funding to privately maintain and plow the subdivision roadway until such time as it may be accepted as a public way, and privately maintain the shared septic system, drainage system, common mailbox area, and all other common infrastructure. Documentation of the homeowners' association shall be subject to review and approval by Town Counsel.

15. The driveway entrance to existing home at 195 Tahattawan Road shall be relocated from Tahattawan Road to Dennis Circle. The Planning Board has no objection to this home retaining the current street address.

Conditions precedent to commencement of any site work and/or construction activity on site:

16. Final design of the wooden guardrail along the wetland crossing portion of Alfred Trail will be submitted to the Planning Board for its review and approval.

17. Electronic copies of final plans must be provided pursuant to Section 249-32E of the Subdivision of Land Regulations.

Conditions precedent to the conveyance of any lot and/or issuance of any building permits:

18. A covenant prohibiting the use of water insoluble nitrate fertilizer, in accordance with Condition 6 above, to be effective in perpetuity with respect to all land shown on the plans, and which has been reviewed and approved by Town counsel, has been recorded.

19. Street signs must be installed for each/any roadway used to access any lot for which a building permit is requested.

20. Plans shall be recorded within 6 months of the date of the Planning Board's endorsement of the Definitive Open Space Subdivision Plan pursuant to G. L. c. 41, Section 81V, or this approval shall be automatically rescinded.

Certificate of Decision – Healy Corner

21. For each lot within the subdivision, the developer shall make a payment of \$27,500 to the Town of Littleton Community Preservation Committee for use for affordable housing purposes before issuance of a building permit or conveyance of the lot to a good faith purchaser in an arms-length transaction and the recording of a deed, whichever occurs sooner. The obligation to make this PILO for each lot within the subdivision shall run with the land and be binding on developer's successors and assigns until such payment has been made. Upon receipt of payment for a particular lot, the Town Treasurer may execute and deliver an instrument suitable for recording releasing the lot from the provisions of this condition.

This condition shall not apply to Lot 2 (the site of the existing single-family home) and shall expire upon receipt by the Town of the cumulative payment, by the developer and/or its successors and assigns, of the total PILU of \$385,000.

22. The applicant shall obtain the required coverage under the NPDES Construction General Permit issued by the EPA and prepare a Stormwater Pollution Plan (SWPPP). The SWPPP shall be prepared and stamped by a Massachusetts Professional Engineer and submitted to the Town prior to land disturbance of 1 acre or more.

23. Approvals from Conservation Commission is required prior to issuance of any building permits which require work to be performed within the jurisdiction of the Conservation Commission; no input from the Zoning Board of Appeals is required

24. The applicant shall file with the Building Inspector and Planning Board a copy of this decision setting forth the recording information of this decision.

25. The applicant shall deliver a construction sequencing plan to the Planning Board and the Building Inspector prior issuance of the first building permit for the project.

26. The Littleton Board of Health approval of the septic system design is required.

Conditions applicable during construction:

27. All construction activity shall adhere to the construction traffic management plan submitted with the traffic impact and access study.

28. All construction traffic shall be coordinated considering school bus stop areas and other locations where existing homes could be impacted by construction traffic.

29. Any blasting done on-site must be conducted with oversight from the Littleton Fire Department and only with non-perchlorate based materials.

30. No burying of wood waste from lot clearing operations is allowed without compliance with 310 CMR 16.000, Site Assignment Regulations.

31. All phases of construction shall be done to minimize noise, odor and dust that would be injurious of public health and/or cause a "condition of air pollution".

Certificate of Decision – Healy Corner

32. The base course of pavement on Dennis Circle and all utility and infrastructure installation and construction shall be completed within the time frames described in Condition 34 below, unless the Planning Board approves an extension of such time frames.

33. Test pit logs within the footprint of each stormwater BMP that demonstrate that offset to groundwater provided is in accordance with the DEP's Stormwater Handbook must be provided prior to release of any lots from the covenants to be provided pursuant to this Decision.

34. If the roadway has not been released from the security provisions of G. L. c. 41, Section 81U, if the top course of pavement has not been completed within two years from the time that the base course of pavement is installed, or if prior to completion of the top course of pavement the base course is deteriorated so as to be no longer satisfactory in the reasonable opinion of the Operations Manager/Highway Department Superintendent, the developer shall reclaim and reinstall the 2 inches of base course prior to installing the top course of pavement.

Conditions precedent to the issuance of the first certificate of occupancy within the subdivision:

35. A stop sign shall be installed at the end of Dennis Circle at the intersection with Tahattawan Road.

36. The shared sewage disposal system for the project has been completed in accordance with Title 5 and the Littleton sewage disposal system requirements.

Conditions precedent to the issuance of any subsequent certificates of occupancy for particular lots within the subdivision:

37. Each lot must be served by a sewage disposal system in accordance with Title 5 and the Littleton sewage disposal system requirements.

38. Driveway lights as required by Condition 5 have been installed.

Conditions for project completion and release of subdivision security:

39. Improvements (signage and pavement markings) as shown in the Exhibit Plan Intersection Layout & Signage dated April 2020 shall be installed and maintained by the developer until such time as Dennis Circle is accepted as a town way.

40. In accordance with Section 249-89 H. of the Littleton Subdivision of Land Regulations, the developer shall pay the Town's costs of all construction inspections and consultations. In the event any of the inspections disclose that remediation is required, the Developer shall cause such remediation to be completed, as agreed between the Developer and the consultant, within 30 days following any written notice for remediation, or such extended time as is reasonable under the circumstances requiring or causing the need for remediation. In the event the remediation is not forthcoming as required, the Planning Board may, but need not, withhold releases for subsequent lots.

41. All street trees shall be located as depicted on the Plans. Modifications to the Street Tree Planting Plan shall be permitted subject to the reasonable approval of the Tree Warden who is also presently the Operations Manager/Highway Department Superintendent.

Certificate of Decision – Healy Corner

The Board voted 4 to 0 to **approve** the Healy Corner Open Space Definitive Subdivision in accordance with MGL Chapter 41, Section 81O and the Code of the Town of Littleton Chapter 249 Subdivision of Land Regulations; the Special Permit for an Open Space Development in accordance with the Code of the Town of Littleton, Chapter 173, Zoning, Article XIX ; Site Plan Review in accordance with Section 173-96 C. of the Open Space Development requirements, Article IV; and Inclusionary Housing Review all with the above **conditions**.

The Board members voted as follows:

Mark Montanari AYE

Anna Hueston AYE

Delisa Laterzo AYE

Gerald Portante AYE

Appeals, if any, shall be made pursuant to Section 81BB of Chapter 41, and Section 17 of Chapter 40A, of the Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.

Signed:



Mark Montanari, Chair, Littleton Planning Board

Date Filed with Town Clerk:

July 16, 2020



Town Clerk

TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Crory, Clerk of the Town of Littleton hereby certify that twenty days have elapsed since the filing of this decision by the Planning Board for this Definitive Subdivision and the Special Permits and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Town Clerk Diane Crory
Littleton, Mass.

Date