

April 21, 2020

Re: Proposed development of Healy Corner, 195 Tahattawan Rd

To the Town of Littleton Planning Board,

We are writing to voice a concern with the proposed subdivision at 195 Tahattawan Rd (Healy Corner). We own the property at 269 Harwood Avenue, and we are concerned about the proposed driveway to lots 13 and 14 as drawn on the Density Yield Plan. We have attached a copy of this portion of the latest plan for reference (Fig. A).

As we brought to the attention of the Board at a previous planning meeting, the dotted area drawn off of Harwood Avenue, just west of our property line, is a driveway and utility easement granted due to the driveway opening at the road being constructed outside of the property boundary (per the elder Mr. Glavey at the property closing). We've attached a copy of this easement diagram for reference (Fig. B). It is a problem that the existence of our driveway on this parcel continues to be absent from the submitted development plans and thus its existence in relation to the proposed shared driveway is not apparent to anyone reviewing the plan. At the time when we raised this issue, the Board asked Bruce Ringwall to reexamine the ability to build a driveway in the permitted space, and to our knowledge this hasn't been adequately addressed. Since this time, we have additional concerns we wish to raise.

The current plan shows a shared driveway for lots 13 and 14 constructed directly through the easement area. It is our understanding that, per MA law regarding overburdening an easement, driveway access to lots 13 and 14 must be outside of this designated area. It is also our understanding that if the developer proposes to have our driveway become a shared 3-way driveway with lots 13 and 14, then this would require a special permit, which is not allowable for the Density Yield Plan to be accepted by the Board. It is also our understanding that the existing easement protects us from this possibility.

Furthermore, the shared driveway for lots 13 and 14 is currently drawn extending along the entire border of our property. In reality, this is an area of steep decline and it seems likely that significant regrading of the entire western side of our property would be required for the placement of this proposed driveway. It is our understanding that this is also not allowable per Littleton bylaw. This point has been raised in a recent correspondence from the Conservation Trust that is posted on the Healey Corner project page as well. (Littleton Conservation Trust Comments April 17 2020).

This area of the development is heavily covered in wetlands and changing topography. We have attached for reference a copy of the development plan colored to illustrate the presence of the wetlands as it relates to the proposed driveway for lots 13 and 14 (Fig. C and D). In these figures, the wetlands are colored red, the 50' buffer zone to the wetlands is colored orange, and the existing driveway easement is colored blue. It is our belief that the developer needs to be able to demonstrate the ability to access Lots 13 and 14 taking into consideration the wetlands, buffer zone, easement, and steep topography in the area alongside the shared border and Harwood Ave. We do not believe this is currently being met and request further review of the issue.

Presumably, once a Density Yield Plan is approved, the developer will propose an Open Space Plan that includes a public trailhead and parking lot in this location, as has been included in previous open space plans for this project. Regardless of the plan, it is essential that the existence and location of our driveway on the easement is accurately represented on all plans so it is transparent to the Planning Board where the proposed new entrance is located and to determine whether the location is actually permitted and physically feasible to build.

Thank you for your attention to this matter,

Christine and Justin Oborski  
269 Harwood Avenue

Figure A (Current Density Yield Plan)

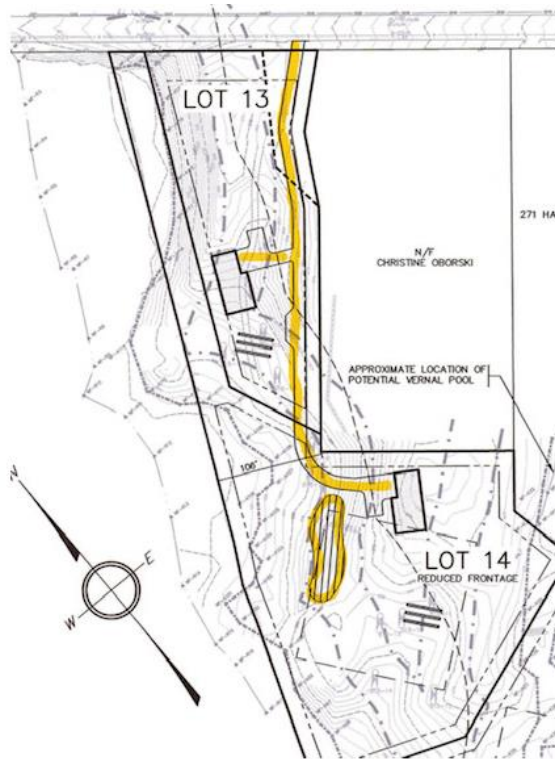


Figure B (driveway & utility easement diagram)

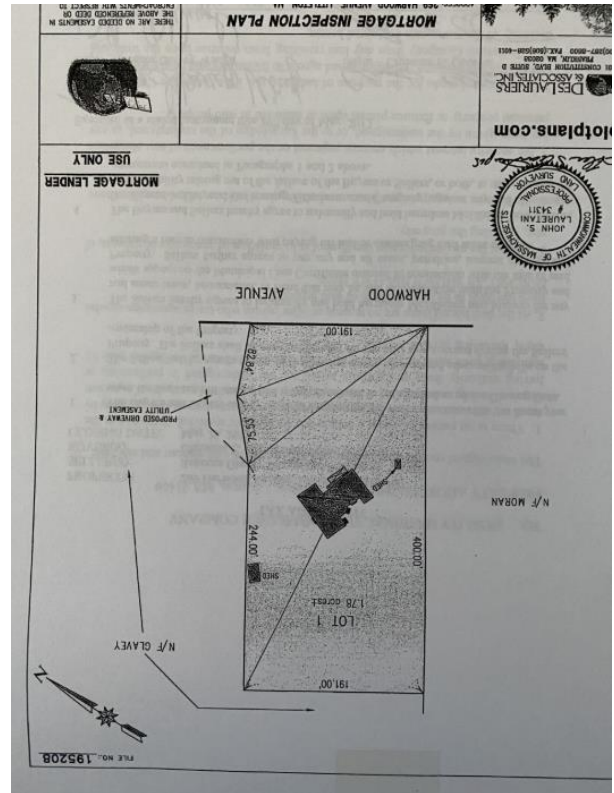


Figure C (wetlands location in Lot 13 and 14)



Figure D (Lot 13 with included wetlands, easement, and topography)

