



Town of Littleton, Massachusetts
TOWN MEETING REPORT

VOTER INFORMATION

Please bring this with you to the
OCTOBER 30, 2017
SPECIAL TOWN MEETING

Monday, October 30, 2017 at 7:00 PM
Charles Forbes Kaye Gymnasium
Littleton Middle School
55 Russell Street, Littleton, MA 01460

TOWN OF LITTLETON, MASSACHUSETTS

OCTOBER 30, 2017 SPECIAL TOWN MEETING

SPECIAL TOWN MEETING ARTICLES – *beginning on Page 9*

1. Bills of Prior Years
2. FY 2018 Budget Amendments
3. Debt Exclusion Stabilization Fund
4. Rescind Unused Borrowing Authority
5. Zoning Amendment: Senior Residential Development
6. Zoning Amendment: Inclusionary Housing
7. Establish Affordable Housing Trust Fund: Town By-law; Accept State Statute
8. Amend FY 2018 Personal Exemption Amounts - 100%
9. Transfer Ownership of Couper Farm Parcels to Town of Littleton
10. Charlotte Hartwell Property Donation for Westlawn Cemetery
11. Tax Title Properties: Abutter Land Sales, Conservation
12. Supplemental FY 2018 Capital Items from Available Funds
13. Zoning Amendment: Temporary Moratorium on Marijuana Establishments
14. Agricultural Commission: Amend Town By-law; Accept State Statute
15. Accept State Statutes on Speed Limits - MGL C. 90, ss. 17C and 18B
16. Accept Layout of McIntosh Lane

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/Inserter
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**

Charles DeCoste, Chair

Paul Glavey, Vice Chair

Joseph S. Knox, Clerk

Chase Gerbig

Cindy Napoli

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 the following procedures for this 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 10:30p.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.

Town Moderator: “A Call of the Articles”

Additionally, we will continue with “**A Call of the Articles**” which was successfully introduced at this year’s 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 <http://www.littletonma.org/townmeeting>.

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

Timothy D. Goddard, Town Moderator

List of Articles, Tax Bill Impact Summary

This information summarizes what impact the financial articles have in calculating the total property tax bill for an average residential property. Amounts transferred from account balances or free cash do not impact the property tax. In total the FY 2018 spending plan includes an estimated residential property tax levy of \$24,934,797. For the average residential property assessed at \$401,565 its property tax bill is projected to increase by \$179.45 or 2.47% - from \$7,245.15 in FY 2017 to \$7,424.60 in FY 2018—as a result of this recommended spending plan.

This spending plan also incorporates the use of \$339,663 in Overlay Surplus funds in Article 2 towards debt service previously authorized by Debt Exclusion ballot votes to reduce the tax rate. The estimated impact of this funding reduced the estimated tax increase from \$7,494.22 to the \$7,424.60 referenced above – or \$69.62 annually as a direct relief to the taxpayer.

This reduced excluded debt level will be sustained through FY2024 by providing a supplemental appropriation of \$90,325 to the Debt Exclusion Stabilization fund in Article 3.

The Debt Exclusion (DE) Stabilization account currently stands with a balance of \$701,099.14

To bring the \$1,748,967 in FY18 excluded debt down to the FY24 level of \$1,409,304 in a sustainable manner requires a balance of \$791,424 in the DE Stabilization account (\$1,131,087 less \$339,663 recommended for FY2018 from overlay surplus).

Fiscal Yr	Gross Excluded Debt	Apply DE Stabilization	Net Excluded Debt	DE Stabilization Balance	Use of Stabilization	Ending Stabilization Balance	
FY17						701,099	
FY18	1,748,967	339,663	1,409,304	701,099	0	701,099	From overlay
FY19	1,706,642	297,338	1,409,304	701,099	297,338	403,761	
FY20	1,660,360	251,056	1,409,304	403,761	251,056	152,705	
FY21	1,530,910	121,606	1,409,304	152,705	121,606	31,099	
FY22	1,490,181	80,877	1,409,304	31,099	80,877	-49,778	
FY23	1,449,851	40,547	1,409,304	-49,778	40,547	-90,325	
Total		1,131,087				791,424	

Needed in DE Stabilization to reach FY24	\$791,424
Balance DE Stabilization	\$701,099
Deposit needed Article 3	\$ 90,325



October 30, 2017 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 2018 Budget Amendments

To see if the Town will vote to amend the FY 2018 Operating Budget, as adopted pursuant to Article 4 of the May 1, 2017 Annual Town Meeting, by adjusting budget line items, or to take any other action in relation thereto.

[Article 2 adjusts the FY 2018 operating to reflect the use of \$339,663 in Overlay Surplus rather than Raise and Appropriate to pay for excluded debt service. It also adds a full-time Tier 1 help desk response person to the Information Systems Department to address all Town (non-school) IT needs. This would become effective January 1, 2018, at an estimated cost of \$30,444 for FY2018. The FY2019 annual salary would be estimated at approximately \$63,000. The final Chapter 70 state aid figure for the Littleton School Department was \$3,943,488-- \$15,890 more than the estimate of \$3,927,598 available at the May 2017 Town Meeting. The School Committee requests to increase its FY 2018 appropriation by that increment.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to amend the FY 2018 Operating Budget, as adopted pursuant to Article 4 of the May 1, 2017 Annual Town Meeting, by transferring in \$339,663 from Overlay Surplus and raising and appropriating \$46,334, as follows:

		FY 2018		FY 2018
Budget Line Item		Budget	Adjustment	Adjusted
155	Information Systems – Personal Services	\$95,590	+\$30,444	\$126,034
300	School Department (Chapter 70 increase)	<u>\$18,860,000</u>	<u>+\$15,890</u>	<u>\$18,875,890</u>
	Net Budgets	\$42,837,806	+\$46,334	\$42,884,140
	Transfers In	<u>(\$1,418,519)</u>	<u>(\$339,663)</u>	<u>(\$1,758,182)</u>
	Total Raise and Appropriate	\$41,419,287	(\$293,329)	\$41,125,958

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

ARTICLE 3
Board of Selectmen
Debt Exclusion Stabilization Fund

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be deposited in the Debt Exclusion Stabilization Fund established by Article 12 of the May 2, 2016 Special Town Meeting for the purpose of reducing the amount of existing debt service and/or the amount of debt needed to be placed when final bonding occurs for borrowing authorizations, both having been exempted from the provisions of Proposition two-and-one-half, so called; said fund as authorized by Chapter 40, Section 5B of the General Laws; or to take any other action in relation thereto.

[Article 3 would deposit the sum of \$90,325 into the stabilization fund established to defray the costs of principal and interest payments on capital projects authorized by a debt exclusion ballot question, bringing the fund balance to \$791,424. Since excluded debt costs can be added to a property tax bill beyond the limits of Proposition 2 ½, defraying those costs by use of this stabilization fund would reduce the cost of debt passed onto property taxpayers. A portion of this fund balance would be applied each year through FY 2023 reducing the annual tax rate.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to transfer from the Overlay Surplus the sum of \$90,325 for Article 3.

Finance Committee and Board of Selectmen support Article 3.

ARTICLE 4
Board of Selectmen
Rescind Unused Borrowing Authorizations
[2/3rds vote required]

To see if the Town will vote to rescind the borrowing authorized for the following articles and following un-issued amounts, or to take any other action in relation thereto:

<i>Town Meeting Vote</i>	<i>Project</i>	<i>Authorization</i>	<i>Amount Issued</i>	<i>Total to be Rescinded</i>
5/6/2013 ATM Art. 30	Septic Loan program	\$300,000	\$282,674	\$17,326
11/16/16 STM Art. 12	Joyce Williams property – CPA	\$403,758	0	403,758
11/16/16 STM Art. 12	Joyce Williams property – grant	\$400,000	0	<u>400,000</u>
			Total	\$821,084

[Article 4 rescinds the unused portion of borrowing previously authorized by town meeting for projects which have since been completed. The Board of Health's program for the repair, replacement and/or upgrade of septic systems was included in a bond issue in 2015. The Joyce Williams property at 31 Boxborough Road was acquired by the Town in August 2017, but did not use borrowing from the November 16, 2016 Special Town Meeting, which was contingent upon award of a State grant that the Town did not receive. Article 4 reduces the Town's total authorized and unissued debt on the books to \$14.8-million. As of June 30, 2017, the Town had a total of \$33.4-million in outstanding debt.]

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
Planning Board
Zoning Amendment: Senior Residential Development
[2/3rds vote required]

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

1. By deleting from §173-26.A, Principal Uses, the phrase “Over-55 Housing Development” and inserting, in place thereof, “Senior Residential Development,” leaving the use designation for the Residence District unchanged, and changing the use designation from “N” to “P” for the Village Common District, Business District, Industrial A District and Industrial B District.
2. By deleting existing Article XXIII, Over 55 Housing Developments, and inserting, in place thereof, new Article XXIII, Senior Residential Development, to read as follows:

Article XXIII, Senior Residential Development

§173-145 Purpose.

The purpose of this article is to provide for a variety of housing types, settings, and residential services to meet the needs of people as they age and people with disabilities.

§173-146 Applicability.

- A. The Planning Board may grant a Special Permit for a Senior Residential Development in accordance with this Article XXIII on any tract of land meeting the following requirements:
 - (1) Two or more acres of land;
 - (2) Minimum of 100 feet of frontage on a public way; and
 - (3) Public water available at the street frontage.
- B. A Senior Residential Development is intended for people age 55 or over. As such, buildings and site improvements in a Senior Residential Development shall provide for visitability and universal design in accordance with the provisions of this article.

§173-147 Uses.

- A. In the Residence, Village Common, or Business District, the Planning Board may grant a special permit for a Senior Residential Development that includes one or any combination of the following uses:
 - (1) Cottage dwellings
 - (2) Two-family dwellings
 - (3) Townhouse dwellings
 - (4) Independent living units
 - (5) Assisted living residence, with or without memory care units
 - (6) Continuing care retirement community, which shall include an assisted living residence and one or more of the other uses listed above, and may include a skilled nursing facility or physical rehabilitation facility with not more than 100 beds.
- B. In the Industrial District, the Planning Board may grant a special permit for a Senior Residential Development that includes one or any combination of the following uses:
 - (1) Independent living units
 - (2) Assisted living residence, with or without memory care units
 - (3) Skilled nursing facility or physical rehabilitation facility with not more than 100 beds
- C. An assisted living residence or continuing care retirement community may include the following nonresidential uses primarily for the benefit of residents and their guests, provided that aggregate floor area for the nonresidential uses shall not exceed 10 percent of the total gross floor area of the buildings in the development. These uses shall be incidental and subordinate to the principal residential uses in the Senior Residential Development.

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- (1) Retail, up to a maximum of 2,500 sq. ft.
- (2) Personal services
- (3) Medical office or clinic
- (4) Community center or senior center

D. A Senior Residential Development may also include the following uses:

- (1) Adult day care center
- (2) Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, or indoor or outdoor recreation facilities
- (3) Conservation or agricultural uses

§173-148 Basic Requirements.

A. A Senior Residential Development shall comply with the following density regulations:

Use	Maximum Density	Maximum Building Height (Feet)
Cottage dwellings or two-family dwellings	4 units/acre	32
Townhouse dwellings	8 units/acre	32
Independent living units	20 units/acre	55
Assisted living residence	16 units/acre	40

B. Maximum building coverage shall not exceed 35 percent of the lot area for new construction or expansion of existing structures.

C. For cottage dwellings, two-family dwellings, and townhouses, the minimum setback shall be 30 feet from all property lines in the Residence District, and 15 feet in the Village Common or Business District, unless the Planning Board determines that a reduced setback is necessary to achieve the purposes of this section and will not have a detrimental impact on the neighborhood. The minimum setback from all property lines for an assisted living residence, independent living units, or any buildings in a continuing care retirement community shall be 50 feet in all districts, except that the minimum setback shall be 100 feet from the side or rear lot line, as applicable, abutting an existing single-family dwelling. Nothing in this section shall preclude the Planning Board from reducing or waiving minimum setback requirements between buildings or internal lots created within the Senior Residential Development.

D. No dwelling unit in a Senior Residential Development shall have more than two bedrooms.

E. The minimum common open space in the development shall be 30 percent of the lot area, and not more than 25 percent of the required minimum common open space shall consist of wetlands. The upland open space shall be contiguous and usable by residents of the development. A permanent conservation restriction running to or enforceable by the Town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation or passive recreation.

F. Minimum off-street parking requirements shall be as follows:

- (1) Cottage dwellings, two-family dwellings, or townhouses: 2 spaces per unit
- (2) Independent living units: 1 space per unit
- (3) Assisted living residence: 1 space per two units
- (4) Skilled nursing facility or physical rehabilitation center, if included in a continuing care retirement community: 1 space per two beds
- (5) Guest parking: 1 space per 3 units or 3 beds, as applicable

§173-149. Age-Appropriate Design.

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- A. A Senior Residential Development shall be designed to provide housing options in a setting that encourages and supports aging in community. While units do not have to be age restricted by deed to adults 55 years and over, they must be “visitable” and designed for people as they age. At minimum, these terms mean that a Senior Residential Development shall have the following features:
- B. Single-family, two-family, and townhouse units shall provide for:
 - (1) At least one zero-step entrance,
 - (2) Doorways with a 36-inch clear passage space,
 - (3) Master bedroom and an accessible en suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero-step entrance,
 - (4) Master bedroom and en suite bathroom designed and equipped for seniors and people *with* mobility impairments, and
 - (5) Indoor or structured parking.
- C. Independent living units and assisted living facilities shall comply with the accessibility requirements of the Massachusetts Architectural Access Board.
- D. Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.

§173-150. Development Standards.

As part of the Planning Board’s special permit review process, the Board shall evaluate the proposed Senior Residential Development for conformance to the following minimum design standards.

- A. Architectural planning and design shall incorporate energy efficient design techniques, such as natural heating and cooling systems, use of sun and wind energy generation systems, and so forth.
- B. Structures located near the project property lines shall be designed and located in a manner that reflects consistency and compatibility with neighboring areas, and shall include appropriate use of building density, heights and design to minimize any intrusion on neighbors.
- C. Outdoor recreation or gathering areas, particularly those that may generate significant noise and/or light and glare, shall be located to minimize intrusion on neighboring properties.
- D. Structures shall be clustered to reduce site disturbance and protect open spaces, natural and environmentally sensitive areas.
- E. Building design shall avoid use of long, unbroken facades, and shall include use of balconies, offset walls, trellises and other design elements to provide visual interest.
- F. Building design, colors, and materials shall generally correspond to the natural setting of the project site, and to any prevalent design styles that may occur in neighborhoods within the general project area.
- G. The development shall be served by public water.

§173-151. Procedures.

- A. The special permit application, public hearing, and decision procedures shall be in accordance with this article, the Planning Board’s Rules and Regulations, and Section 173-7 of this Zoning Bylaw.
- B. The Applicant shall submit a Senior Residential Development special permit application together with the size, form, number, and contents of the required plans and any supplemental information as required in the Planning Board’s Rules and Regulations.

§173-152. Decision.

- A. The Planning Board may grant a Senior Residential Development special permit with any conditions, safeguards, and limitations it deems necessary to mitigate the project’s impact on the surrounding area and to ensure compliance with this article, only upon finding that:

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- (1) The proposed Senior Housing Development will not have adverse effects that outweigh its beneficial effects on either the neighborhood or the Town, in view of the characteristics of the site and of the proposal in relation to that site, considering each of the following:
 - (a) Social, economic, or community needs which are served by the proposal;
 - (b) Traffic flow and safety;
 - (c) Adequacy of utilities and other public services; and
 - (d) Qualities of the natural environment.
- (2) The design of building form, building location, egress points, grading, and other elements of the project could not reasonably be altered to:
 - (a) Improve pedestrian, bicycle, or vehicular safety within the site and egressing from it;
 - (b) Reduce the visual intrusion of parking areas viewed from public ways or abutting premises;
 - (c) Reduce the volume of cut or fill, or reduce erosion;
 - (d) Reduce the number of removed trees six inches trunk diameter and larger; and
 - (e) Provide safer and more efficient access to each structure for fire and service equipment.
- (3) The Senior Residential Development meets the purposes, requirements, and development standards of this Article XXIII, and
- (4) The Senior Residential Development is consistent with the goals of the Littleton Master Plan.

3. By deleting from §173-2, Definitions, the existing definition of Dwelling, Single Family, and inserting the following new definitions in appropriate alphabetical order:

ASSISTED LIVING RESIDENCE -- An assisted living residence is a long-term senior residential facility that provides personal care support services such as meals, medication management, bathing, dressing, and transportation, principally for people age 55 years and over, and certified by the Massachusetts Office of Elder Affairs.

CONTINUING CARE RETIREMENT COMMUNITY -- A Senior Residential Development that provides a continuum of senior housing and care services principally for people age 55 years and over, operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for senior citizens. A CCRC shall include a variety of housing types and may also include semi-institutional facilities such as skilled nursing care or a rehabilitation facility.

INDEPENDENT LIVING UNITS -- Multifamily buildings in a Senior Residential Development that are designed and intended for occupancy principally by people age 55 years and over, with units that include some basic services such as meals, housekeeping, grounds maintenance, security, and common areas and common facilities for events and activities benefiting residents of the development.

DWELLING, SINGLE-FAMILY DETACHED -- A dwelling other than a mobile home, singly and apart from any other building, designed or intended or used exclusively as the residence of one family.

COTTAGE DWELLING: A detached one-family dwelling that does not exceed 1,800 sq. ft. of livable floor area (meaning the heated floor area of the building above finished grade, excluding nondwelling areas such as attic space or a garage).

DWELLING, TOWNHOUSE OR SINGLE-FAMILY ATTACHED -- A residential building of at least three but not more than eight single-family dwelling units sharing at least one common or party or fire wall, and with each building having at least one floor at ground level with a separate entrance.

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DWELLING, TWO-FAMILY -- A detached residential building designed or intended or used exclusively as the residence of two families. A two-family dwelling shall not include a detached single-family dwelling with an accessory apartment.

DWELLING, MULTIFAMILY -- A building designed or intended or used as the residence of three or more families, each occupying a separate dwelling unit and living independently of each other, and who may have a common right in halls and stairways; with the number of families in residence not exceeding the number of dwelling units provided.

or to take any other action in relation thereto.

[Article 5 addresses the Master Plan's housing strategy #3. Make over-55 housing bylaw a more effective tool for creating options to help Littleton residents stay in community as they age. Littleton's affordable housing plan also recommended creating more and better ways to create housing that meets the needs of seniors and the elderly. "Downsizing" seniors often want small, detached or attached housing units that are easy to maintain. Others need housing with services, e.g., help with daily living skills, medication management, meals, or memory care. The needs of frail elders and seniors with disabilities are not the same as the needs of "over 55" retirees. Under this zoning by-law amendment, Senior Residential Development special permits issued by the Planning Board would take into consideration architectural and design standards for age-targeted design for senior cottages; two-family dwellings; townhouse dwellings; independent living units; assisted living residences, and/or a continuing care retirement community. Article 5 is part of the package of three senior and affordable housing articles presented at this Town Meeting. The Planning Board held its required public hearing on this article under MGL C.40A,§5 on October 5, 2017.]

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

Planning Board, Board of Selectmen, and Council on Aging support Article 5.

ARTICLE 6
Planning Board
Zoning Amendment: Inclusionary Housing
[2/3rds vote required]

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

1. By adding a new Article XXIX, as follows:

Article XXIX. Inclusionary Housing

§173-196. Purposes.

The purposes of this bylaw are:

- A. To increase the supply of housing that is available to and affordable for low- and moderate-income households;
- B. To encourage greater diversity of housing in Littleton; and
- C. To develop and maintain housing that is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

§173-197. Applicability.

- A. The requirements of this Article XXIX shall apply to:
 - 1) Any residential development requiring a special permit from the Planning Board or any multifamily or mixed-use development resulting in a net increase of 6 or more dwelling units on any parcel or contiguous parcels comprising a proposed development site;

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- 2) Any subdivision of land that would permit construction of 6 or more dwelling units in a conventional subdivision filed with the Planning Board under G.L. c. 41, §§ 81K to 81GG (Subdivision Control Law).
- B. Development shall not be segmented to avoid compliance with this article. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of 6 or more lots or dwelling units above the number existing 36 months prior to an application to develop any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Article XXIX.
- C. Exemptions. This Article XXIX shall not apply to the following:
 - 1) Independent living units or an assisted living residence in a Senior Residential Development.
 - 2) Rehabilitation of a building or structure all of or substantially all of which is destroyed or damaged by fire or other casualty. However, any rehabilitation or repair that increases the density, bulk, or size of such building or structure above that which existed prior to the damage or destruction thereof shall comply with this article.

§173-198. Development requirements.

In any development subject to this Article XXIX, at least 10 percent of the dwelling units shall be affordable housing. Fractions shall be rounded up to the next whole number.

§173-199. Methods of providing affordable units.

Affordable units created under this Article XXIX shall be provided through one of the following means, or a combination thereof if approved by the Planning Board:

- A. Construction of affordable units on the site of the project (“on-site affordable units”) is the preferred approach to creating affordable housing and shall be required for any development that includes 20 or more dwelling units.
- B. The Planning Board may approve payment of a fee in lieu of affordable units to the Affordable Housing Trust, determined in accordance with §173-201, for any development of with at least 6 but not more than 19 dwelling units.

§173-200. General provisions.

- A. Affordable units shall be dispersed throughout the site and shall be indistinguishable on the exterior from market-rate units. The number of bedrooms in the affordable units shall be comparable to the number of bedrooms in the market-rate units unless the Planning Board grants a special permit to waive this requirement.
- B. The selection of qualified purchasers or qualified renters shall be carried out under an affirmative fair housing marketing plan approved by the Department of Housing and Community Development (DHCD) prior to the sale or rental of any units in the development.

§173-201. Housing contribution payments in lieu of on-site units.

- A. The fee in lieu shall be 2 times the HUD income limit for a household of four in the metropolitan area that includes Littleton. For example, if the HUD income limit for a household of four is \$60,000, the fee in lieu for each affordable unit shall be \$120,000.
- B. The total amount due shall be paid upon the release of any lots or, in the case of a development other than a subdivision, upon the issuance of the first building permit unless the Planning Board grants a special permit to approve an alternative payment schedule.

§173-202. Planning Board Regulations.

The Planning Board shall adopt and may periodically amend rules and regulations to administer this Article XXIX and file the same with the Town Clerk.

§173-203. Submission requirements and procedures.

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- A. A development involving a subdivision of land shall be submitted to the Planning Board in accordance with the Littleton Subdivision Regulations.
- B. For a development that does not require a subdivision, or to request incentives or cost offsets under §173-205, a special permit application shall be submitted to the Planning Board in accordance with §173-7 and the Planning Board's rules and regulations under this Article XXIX.

§173-204. Building permit and occupancy conditions.

- A. The Building Inspector shall not issue a building permit for any unit in a development that is subject to this article unless and until the Planning Board or its designee has verified that all conditions of this Article XXIX have been met.
- B. No certificate of occupancy shall be issued for any affordable unit in a development that is subject to this article until an affordable housing deed restriction has been executed and recorded with the Registry of Deeds or any required fees in lieu of units have been paid to the Affordable Housing Trust.
- C. Timing of affordable unit production: Affordable housing units shall be provided in proportion to market-rate units in the development, but in no event shall the construction of affordable on-site units or payment of fees in lieu of units be delayed beyond the following schedule:

Building Permits for Market-Rate Units %	Building Permits or Fees in Lieu for Affordable Housing Units %
Up to 30%	None required
30% to 50%	At least 10%
Over 50% to 75%	At least 40%
Over 75% to 89%	At least 70%
At 90%	100%

§173-205. Incentives and Cost Offsets

The Planning Board may by special permit award a density bonus for a development that includes more than the minimum number of affordable units required under § 173-198 provided that all of affordable units will be located within the development. For each additional affordable unit over and above the minimum, the board may approve 3 additional market-rate units, up to a maximum density bonus of 75 percent. Example: for a development of 12 housing units, compliance with this Article XXIX would require 2 affordable units. The applicant who agrees to provide 2 more affordable units on site ($12 + 2 = 14$) may request an additional 6 market-rate units (3 per additional affordable unit), bringing the total development to 20 units.

2. By inserting the following new definitions to §173-2. Definitions in appropriate alphabetical order:
AFFORDABLE HOUSING TRUST FUND ("FUND") -- An account established and operated by the Town for the exclusive purpose of creating, preserving, or rehabilitating affordable housing units in the Town of Littleton.

AFFORDABLE HOUSING (AFFORDABLE UNIT) -- A dwelling unit that is affordable to and occupied by a low or moderate income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. Affordable units shall remain as affordable units in perpetuity or for the maximum

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period allowed by law. Such units shall have the same construction methods and exterior physical characteristics as, and be intermingled with, other units in the development.

AFFORDABLE HOUSING RESTRICTION -- A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law.

LOW OR MODERATE INCOME (HUD INCOME LIMIT) -- Household income that does not exceed 80 percent of the area median family income, adjusted for household size, for the metropolitan area that includes the Town of Littleton as determined by the United States Department of Housing and Urban Development (HUD).

QUALIFIED AFFORDABLE HOUSING PURCHASER OR TENANT -- A Low- or Moderate-Income Household that purchases or rents and occupies an Affordable Housing unit as its principal residence. or to take any other action in relation thereto.

[Article 6 addresses the Master Plan's housing strategy #5. Adopt an inclusionary housing bylaw to require affordable housing in any residential development that requires a special permit. In Littleton today, only senior housing cluster developments require developers to create affordable units. The bylaw hasn't always worked out the way the Town had hoped. The proposed Inclusionary Zoning bylaw requires all types of developments with six (6) or more units to provide affordable housing. Small developments (less than 19 units) can opt to pay a fee in lieu of creating affordable units. This option does not exist today. Many developments in Littleton will fall in this less-than-19-unit range. Funds from developers can be placed in the Affordable Housing Trust Fund established in Article 7, below. This zoning bylaw proposal is part of the package of three senior and affordable housing articles presented at this Town Meeting. The Planning Board held its required public hearing on this article under MGL C.40A,§5 on October 5, 2017.]

Motion: Moved and seconded by the Planning Board that the Town vote to approve Article 6 as printed in the warrant.

Planning Board, Board of Selectmen and Council of Aging support Article 6.

**ARTICLE 7
Planning Board**

Establish Littleton Affordable Housing Trust Fund: Town By-law; Accept Statute

To see if the Town will vote to accept G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust Fund to be known as the Littleton Affordable Housing Trust Fund ("the Trust"), whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and further to amend the Town of Littleton General Bylaws by inserting a new Article VII in Chapter 8 of the Town Code, to be entitled "Littleton Affordable Housing Trust Fund," as follows; or to take any other action in relation thereto.

Article VII, Littleton Affordable Housing Trust Fund

§173-163. There shall be a Board of Trustees of the Littleton Affordable Housing Trust Fund, composed of seven members, of whom one shall be a member of the Board of Selectmen, one shall be the Town Administrator or the Administrator's designee, one shall be a member of the Littleton Housing

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Authority, one shall be a member of the Council on Aging, and three shall be residents who would bring to the Trust relevant experience in the fields of real estate, housing, architecture, social services, or the like. The Board of Selectmen shall appoint the Trustees for terms not to exceed two years, except that three of the initial trustee appointments shall be for a term of one year in order to allow staggered terms. The Trustees may be reappointed at the discretion of the Board of Selectmen. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Board of Selectmen for cause after the opportunity of a hearing.

§173-164. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Littleton Affordable Housing Trust Fund, to be recorded with the Middlesex Registry of Deeds and filed with the Middlesex Registry District of the Land Court.

§173-165. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, § 55C, shall include the following:

- A. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from G.L. c. 44B; provided, however, that any money received from G.L. c. 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the trust, and the funds shall be accounted for separately by the trust; and provided further, that at the end of each fiscal year, the trust shall ensure that all expenditures of funds received from G.L. c. 44B are reported to the Littleton Community Preservation Committee for inclusion in the community preservation initiatives report to the department of revenue;
- B. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- C. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
- D. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages in order to accomplish the purposes of the Trust;
- E. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
- F. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
- G. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

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- I. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
- J. to carry property for accounting purposes other than acquisition date values;
- K. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
- L. to make distributions or divisions of principal in kind;
- M. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
- N. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
- O. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
- P. to extend the time for payment of any obligation to the trust.
- Q. to take any other action relative thereto.

§173-166. These powers shall be subject to the following limitations:

- A. any purchase, sale, lease, exchange, transfer or conveyance of any interest in real property must be approved by five of the seven voting members.
- B. the Trustees may incur debt, borrow money, grant mortgages and pledge Trust assets only in an amount not to exceed 80% of the Trust's total assets.
- C. any debt incurred by the Board shall not constitute a pledge of the full faith and credit of the Town of Littleton and all documents related to any debt shall contain a statement that the holder of any such debt shall have no recourse against the Town of Littleton with an acknowledgement of said statement by the holder.

§173-167. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. The audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided to the Board of Selectmen.

[Article 7 addresses the Master Plan's Housing Strategy #4. Establish Municipal Affordable Housing Trust to build local capacity for housing advocacy, housing finance, and housing development. Most towns around Littleton have created an Affordable Housing Trust or similar organization to provide leadership for affordable housing and funding that to retain, preserve, and create affordable housing for people who need help. Littleton does not have a housing trust. With an Affordable Housing Trust, Littleton will be able to invest fee-in-lieu payments in housing assistance such as acquiring land for affordable senior housing or buying existing homes and reselling them as affordable units. Article 7 is part of the package of three senior and affordable housing articles presented at this Town Meeting.]

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

Planning Board, Board of Selectmen, and Council on Aging support Article 7.

ARTICLE 8
Board of Selectmen
Amend FY 2018 Personal Exemption Amounts – 100%

To see if the Town will vote to amend its vote under Article 30 of the May 1, 2017 Annual Town Meeting and vote to accept Massachusetts General Laws Chapter 59, Section 5C 1/2 , which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100% of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2017, or to take any other action in relation thereto.

[Article 8 increases from 50% to 100% the additional amount in property tax exemptions the Town may grant to qualifying elderly, disabled veterans, and blind persons.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 8 as printed in the warrant.

Finance Committee and Board of Selectmen support Article 8.

ARTICLE 9
Board of Selectmen
Transfer Ownership of Couper Farm Parcels to Town of Littleton
[2/3rds vote required]

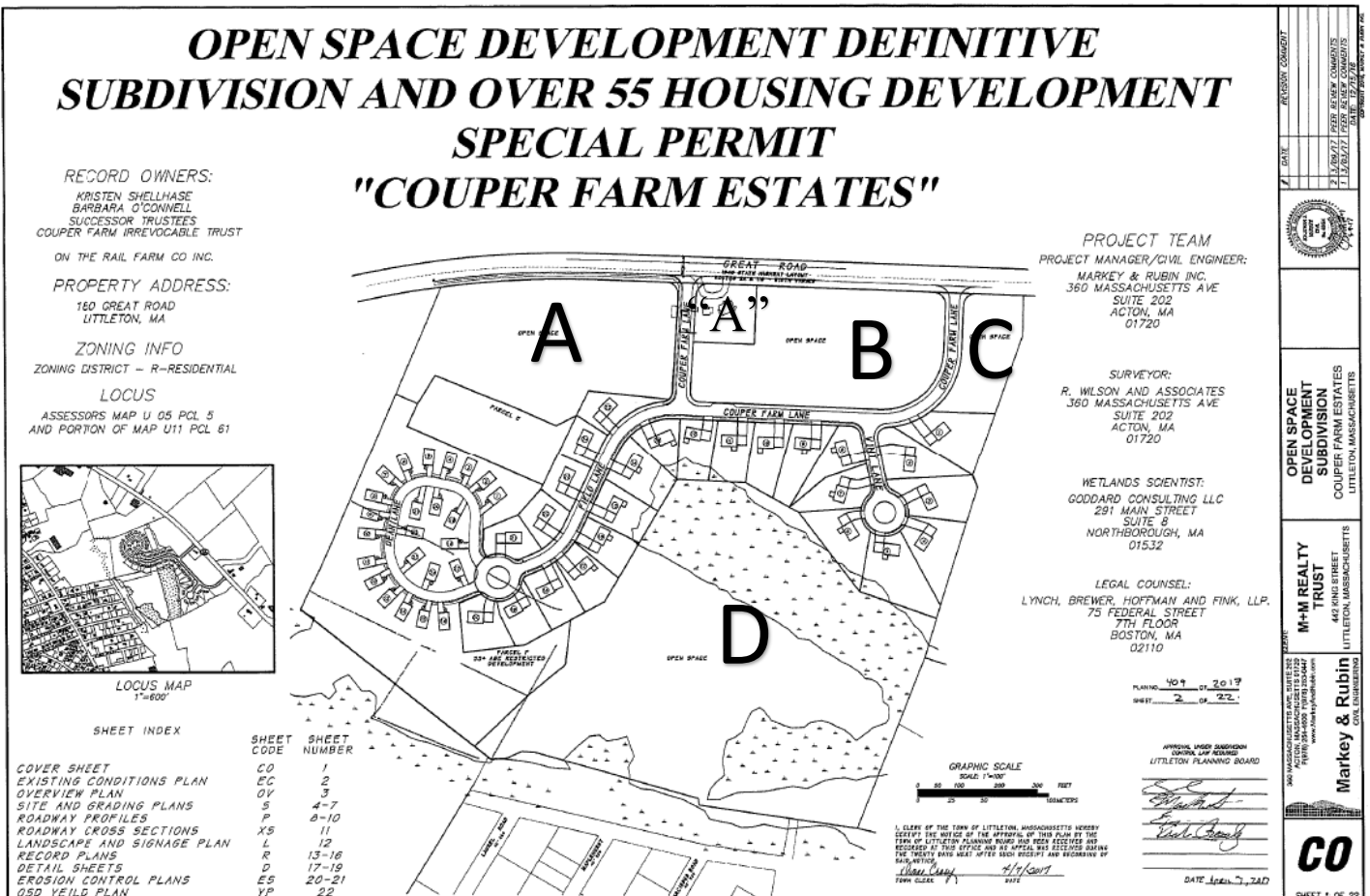
To see if the Town will vote to authorize the Board of Selectmen to acquire from Matthew P. Field and Michael S. Field, Trustees M & M Realty Trust, the land, together with any improvements thereon, located in the Town of Littleton, Middlesex South County, Massachusetts, shown as Open Space Area “A”, Open Space Area “B”, Open Space Area “C”, Open Space Area “D” and Lot A on a plan entitled: “COUPER FARM ESTATES, Open Space Development Definitive Subdivision and Over 55 Housing Development Special Permit”, dated December 15, 2016, and last revised March 17, 2017, prepared by Markey & Rubin Civil Engineering (the “Plan”), which Plan is recorded with the Middlesex South District Registry of Deeds, as Plan 409 of 2017; provided that all such property shall be in the care, custody, control and management of the Board of Selectmen, and that Open Space Area “A” is to be held for recreational, conservation and/or agricultural purposes, Open Space Areas “B” and “C” are to be held for agricultural purposes, Open Space Area “D” is to be held for open space and/or agricultural purposes, and Lot A is to be held for affordable housing purposes and/or such other public use as determined by the Board; and provided further that such acquisition may be subject to such terms and conditions as are agreed to by the Board; or to take any other action in relation thereto.

[Article 9 transfers 22.99 acres of the Couper Farm property to the Town of Littleton, in accordance with the Host Community Agreement between the Board of Selectmen and the developer. The Board of Selectmen held a public hearing on this article on October 2, 2017 and voted to recommend the motion shown below.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote pursuant to M.G.L. c.40, §3, to authorize the Board of Selectmen to acquire by gift from Matthew P. Field and Michael S. Field, Trustees of M&M Realty Trust, the land, together with any improvements thereon, located in the Town of Littleton, Middlesex South County, Massachusetts, shown as Open Space Area “A”, Open Space Area “B”, Open Space Area “C”, Open Space Area “D” and Lot A on a plan entitled: “COUPER FARM ESTATES,

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Open Space Development Definitive Subdivision and Over 55 Housing Development Special Permit", dated December 15, 2016, and last revised March 17, 2017, prepared by Markey & Rubin Civil Engineering (the "Plan"), which Plan is recorded with the Middlesex South District Registry of Deeds, as Plan 409 of 2017. All such parcels shall be held in the care, custody, management and control of the Board of Selectmen, and Open Space Area "A" shall be used for active recreational purposes, provided that it may be used for agricultural purposes until such time as an active recreational use (or uses) can be implemented; Open Space Areas "B" and "C" shall be used for agricultural purposes; Open Space Area "D" shall be used for open space and/or agricultural purposes; and Lot A shall be used for affordable housing purposes and/or such other public use as the Board of Selectmen may determine; and provided further that such acquisition may be subject to such terms and conditions as are agreed to by the Board. Board of Selectmen and Park & Recreation Commission support Article 9.



Art. 9, Couper Farm Parcels

<u>Parcels</u>	<u>Acres</u>	<u>Proposed purposes</u>
Lot "A" – farmhouse	0.51	affordable housing and/or other public use determined by Selectmen
Open Space Area A	4.38	active recreational (agricultural in the meantime)
Open Space Area B	3.67	agricultural
Open Space Area C	0.97	agricultural
Open Space Area D	<u>13.45</u>	open space and/or agricultural
TOTAL	22.99	

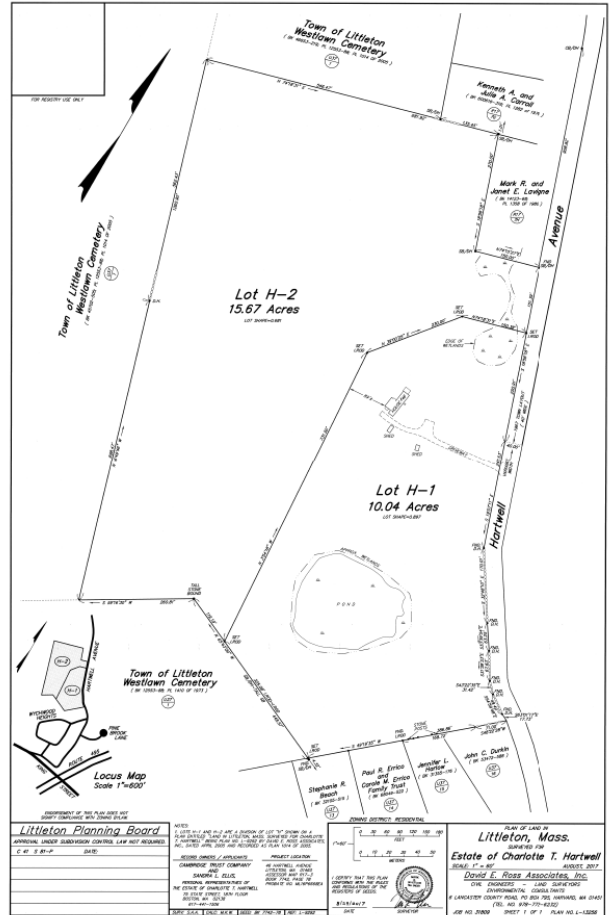
ARTICLE 10
Board of Selectmen / Cemetery Commissioners
Charlotte Hartwell property donation for Westlawn Cemetery
[2/3rds vote required]

To see if the Town will vote to authorize the Board of Selectmen to acquire from the estate of Charlotte Hartwell, as a gift, a portion of the parcel of land located at 46 Hartwell Avenue and shown on Assessors' Map R17 as Parcel 30, said portion containing approximately fifteen (15) acres and abutting the Westlawn Cemetery, with the land to be held in the care, custody, management and control of the Littleton Cemetery Commission to be used for cemetery purposes, and on such other terms and conditions as are agreed to by the Board; or to take any other action in relation thereto.

[Article 10 authorizes acceptance of a gift to the Cemetery Commissioners of 15 acres of land abutting the Westlawn Cemetery, to be used for cemetery purposes.]

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 and Cemetery Commissioners support Article 10.



*Art. 10. Charlotte Hartwell property
 Donation for Westlawn Cemetery*

ARTICLE 11
Board of Selectmen
Tax Title Properties, Abutter Land Sales, Conservation
[2/3rds vote required]

To see if the Town will vote to add the following list of properties to the “Tax Title Abutter Lot Sales Program” established by Article 10 of the November 14, 2011 Special Town Meeting: (A) an up-to-4,800 square-foot portion of parcel U17-175-0 comprised of 8,000 square feet abutting 11 Elm Road, (B) an up to 4,800 square-foot portion of the 0.84-acre parcel U14-117-0 abutting 416 Newtown Road; and (C) an up to 4,800 square-foot portion of the 0.84-acre parcel U14-117-0 abutting 414 Newtown Road; and, further, to transfer the care, custody, management and control of the balance of the 0.84-acre parcel U14-117-0 to the Conservation Commission for open space purposes, and provided further that either of the 4,800 square-foot portions of the 0.84-acre parcel U14-117-0 that are unsold as of March 31, 2018 shall automatically be transferred to the care, custody, management and control of the Conservation Commission for open space purposes; or to take any other action in relation thereto.

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[Article 11 as posted would add three 4,800-square-foot lots, one on Elm Road, and two on Newtown Road, to the Tax Title Abutter Lot Sales Program established to facilitate the sale of Town owned parcels of land, acquired by foreclosure, to property owners with a home or building directly abutting the parcel. The goal of this program is to give property owners a chance to acquire a vacant parcel, improve their current parcel and encourage private ownership and maintenance of land that is not suitable for development. This article as posted would also transfer to the Conservation Commission 0.61-acres of a tax title property on Newtown Road which abuts the George and Lucy Yapp Conservation Land. The Board of Selectmen will be discussing this article again at its meeting on October 23, 2017.]

Motion: To be made at Town Meeting.

Board of Selectmen recommendation forthcoming.



*Art. 11. Tax Title Properties –
Elm Road parcel U17-175-0*



*Art. 11. Tax Title Properties -
Newtown Road parcel U14-117-0*

ARTICLE 12
Board of Selectmen
Supplemental FY 2018 Capital Items from Available Funds

To see if the Town will vote to raise and appropriate or transfer from available funds 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. School Curb & Sidewalk Repairs - \$99,000 to be expended by the Highway Department and the School Committee for curb and sidewalk repairs to the Middle and High Schools.

B. Master Plan Implementation – \$80,000 to be expended by the Master Plan Implementation Committee for costs associated with implementation of the master plan, including development of a master plan for Littleton Common and a comprehensive review the Zoning Bylaw.

[Article 12, Item A increases funding available for school curb and sidewalk repairs to be undertaken by the Highway Department. Item B addresses two of the Master Plan's land use of strategies: #2. Prepare a detailed master plan for the Littleton Common and Beaver Brook area to guide redevelopment, and #3. Undertake a detailed audit of Littleton's Zoning Bylaw and develop recommendations for updates and changes.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate \$179,000 for Article 12 as printed in the warrant.

Finance Committee, Board of Selectmen, School Committee, Planning Board, and Master Plan Implementation Committee support Article 12.

ARTICLE 13
Planning Board
Zoning Amendment: Temporary Moratorium on
Marijuana Establishments
[2/3rds vote required]

To see if the Town will vote to amend the Zoning By-law by adopting new Article XXVIII, Temporary Moratorium on Marijuana Establishments, to read as follows:

§173-193. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, manufacture, processing, distribution, sale, possession, testing and use of marijuana. On July 28, 2017, the Governor signed into law Chapter 55 of the Acts of 2017, which regulates the same matters in place of the voter-approved version of the law. Chapter 55 of the Acts of 2017 creates a new state agency, the Cannabis Control Commission (CCC), which is required to issue regulations regarding implementation of various components of the new law by March 15, 2018 and May 1, 2018. The regulation of Marijuana Establishments raises novel and complex legal, planning, and public safety issues. The Town needs time to consider and address these issues, as well as the potential impact of the forthcoming Cannabis Control Commission regulations, by means of a comprehensive planning process to consider amending the Zoning By-law to regulate Marijuana Establishments. The temporary moratorium provided in Section 173-195 is intended to allow sufficient time for the Town to engage in such a planning process and to adopt suitable Zoning By-law provisions in a manner consistent with sound land-use planning objectives.

§173-194. Definition. As used in Sections 173-193 through 173-195, the term “Marijuana Establishment” shall mean a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer, or any other type of marijuana-related business, subject to regulation

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under Chapter 94G of the Massachusetts General Laws; provided, however, that a Registered Marijuana Dispensary shall not be deemed to be a Marijuana Establishment.

§173-195. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning By-law to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures as a Marijuana Establishment. The moratorium shall be in effect through December 31, 2018, unless extended, continued, or modified as a subsequent Town Meeting. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Establishments and other related land uses and structures, consider the Cannabis Control Commission regulations regarding Marijuana Establishments when they are issued, and shall consider adopting new provisions of the Zoning By-law governing the location, operation and effects of Marijuana Establishments for consideration by a Town Meeting in 2018. This temporary moratorium shall not be applicable to any property in Town whereby there is an existing Special Permit to operate a Registered Marijuana Dispensary (for cultivation and processing only) by the holder of a Provisional Certificate of Registration from the Massachusetts Department of Public Health issued prior to the effective date of this temporary moratorium, provided that the operator further obtains all required State and Town approvals to become a cultivator or processor of recreational marijuana in the Town pursuant to Chapter 94G of the Massachusetts General Laws.

or to take any other action in relation thereto.

[Article 13 would temporarily prohibit the cultivation, processing and sale of recreational marijuana as a use under the Zoning By-law, to allow the Town sufficient time to engage in a comprehensive planning process to consider amending the Zoning By-law to regulate such establishments, which were recently approved by legislation signed by the Governor on July 28, 2017. This temporary moratorium would not affect medical marijuana facilities, and would extend through December 31, 2018. The moratorium proposed under this article would not apply to Sanctuary Medicinals, Inc., the entity approved for medicinal marijuana at 234 Taylor Street by the Planning Board and Massachusetts Department of Public Health. The Planning Board held its required public hearing on this article under MGL C.40A,§5 on October 5, 2017.]

Motion: Moved and seconded by the Planning Board that the Town vote amend the Zoning By-law by deleting Article XXVIII, Temporary Moratorium on Marijuana Establishments in its entirety, and inserting in its place a new Article XXVIII, Temporary Moratorium on Marijuana Establishments, precisely as printed in Article 13 of the warrant. The Town's action under said Article 13 is intended to amend the action taken under Article 18 of the warrant for the May 1, 2017 Annual Town Meeting.

Planning Board and Board of Selectmen support Article 13.

ARTICLE 14

Board of Selectmen / Agricultural Commission

Agricultural Commission: Town By-law Amendment; Accept Statute

To see if the Town will vote to accept section 8L of Chapter 40 of the General Laws, as added by Section 23 of Chapter 218 of the Acts of 2016, to expand the powers and duties of the Agricultural Commission established by Article VI, Agricultural Commission, of the Town Code, and to amend said Article VI by deleting §8-10 through §8-12 in their entirety and inserting in their place the following:

§ 8-10 Establishment; purpose.

There shall be an Agricultural Commission (Commission) to promote and develop the agricultural resources of the Town; to promote agricultural-based economic opportunities; to preserve, revitalize and

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sustain the Littleton agricultural industry; to encourage the pursuit of agriculture as a career opportunity and lifestyle in the Town of Littleton; and to represent the Littleton farming community.

§ 8-11 Powers and duties.

1) The Commission shall have all of the powers and duties enumerated in M.G.L. c.40, §8L, which shall include, but not be limited to, the following:

- a) Buy (only with funds available to the Commission), hold, manage, license, or lease land for agricultural purposes;
- b) Educate the public on agricultural issues;
- c) Advocate for farmers, farm businesses and farm interests;
- d) Assist farmers in resolving municipal problems or conflicts related to farms;
- e) Seek to coordinate agricultural-related activities with other governmental bodies or unofficial local groups or organizations that promote agriculture;
- f) Receive grants, gifts, bequests or devises of money or personal property of any nature and interests in real property in the name of the Town of Littleton, in accordance with M.G.L. c.40, §8L, and subject to the approval of the Board of Selectmen;
- g) Apply for, receive, expend and act on behalf of the Town of Littleton in connection with federal and state grants or programs or private grants related to local agriculture, with the approval of the Littleton Board of Selectmen;
- h) Advertise, prepare, print and distribute books, maps, charts and pamphlets related to local agriculture that the Littleton Agricultural Commission deems necessary for its work;
- i) Conduct research and prepare agricultural-related plans, including a comprehensive local agricultural land plan which shall be, to the extent possible, consistent with the Town of Littleton's current Master Plan and regional area plans, which may be amended whenever the Commission deems necessary, and which shall show or identify:
 - (1) Agricultural land areas and facilities within the Town of Littleton;
 - (2) Matters which may be shown on a tract index under M.G.L. c.184, §33;
 - (3) Acquisitions of interest in land under this section;
 - (4) Municipal lands that are held as open space;
 - (5) Nonmunicipal land subject to legal requirements or restrictions to protect that land or use it for open space, conservation, recreation or agriculture;
 - (6) Land that should be retained as a public necessity for agricultural use; and
 - (7) Any other information that the commission determines to be relevant to local agricultural land use.
- j) The Commission may appoint a chair, clerks, consultants and other employees and may contract for materials and services as it may require, subject to appropriation by the Town of Littleton;
- k) The Commission shall maintain accurate records of its meetings and actions and shall file an annual report with the Town Clerk and shall also post the annual report on the Town's website and print it in the Town's Annual Report for that year;
- l) The Commission may purchase interests in the land only with funds available to it. The Town Meeting may raise or transfer funds so that the Commission may acquire, in the name of the Town, by option, purchase, lease or otherwise, the fee in the land or water rights, conservation or agricultural restrictions, easements or other contractual rights as may be necessary to acquire, maintain, improve, protect, limit the future use of, or conserve and properly utilize open spaces in land and water areas within the Town, and shall manage and control any such interests in land acquired pursuant to this bylaw; and

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- m) Pursuant to M.G.L. c.40, §8L(h), the Commission may expend any income derived from deposits or investments to a duly-created agricultural preservation fund of which the Treasurer of the Town of Littleton shall be the custodian.
- 2) The Commission shall adopt rules and regulations governing the use of land and water under its control and shall prescribe civil penalties, not to exceed a fine of \$100, for any violation of said rules and regulations.
- 3) The Commission shall not take or obtain land by eminent domain proceedings pursuant to M.G.L. c.79, §1 *et seq.*
- 4) The Commission shall have sole management and control of the interests in any agricultural land acquired after the effective date of this bylaw and acquired pursuant to M.G.L. c.40, §8L(g).

§ 8-12 Membership; terms and removal for cause.

The Commission shall consist of seven members appointed by the Board of Selectmen for a term of 3 years, provided, however, that the initial members appointed under this section shall serve for terms of 1, 2, or 3 years and the Board of Selectmen shall arrange the terms so that the terms of approximately 1/3 of the Commission's members shall expire each year. All members of the Commission must be residents of the Town of Littleton. Not less than four members shall be engaged in farming, as defined in M.G.L. c.128, §1A, or employed in an agriculture-related field. If persons engaged in farming or persons employed in agriculture-related fields are not available to serve on the Commission, then the Commission shall include a majority of members with knowledge and experience in agricultural practices or knowledge of related agricultural business.

The Board of Selectmen, as the appointing authority, may remove a member of the Commission for cause, after a public hearing if so requested by the member. A vacancy created by the removal of a member for cause shall be filled by the Board of Selectmen for the remainder of the unexpired term of the removed member and in the same manner as the original appointment.

§ 8-13. Work Plan.

The Commission shall develop a work plan to guide its activities. Such activities shall include, but are not limited to, the following: serve as facilitators for encouraging the pursuit of agriculture in Littleton; promote agricultural-based economic opportunities in Town; act as mediators, advocates, educators, and/or negotiators on farming issues; work for preservation of prime agricultural lands or waters within the Town of Littleton; and pursue all initiatives appropriate to creating a sustainable agricultural community.

Or to take any other action in relation thereto.

[Article 14 would expand the powers and duties of the Agricultural Commission by accepting new state statute and amending the Town By-laws. Under the new statute, any properties acquired by the Town pursuant to that section shall be held in the care, custody, management, and control of the Agricultural Commission. However, it is still possible for the Town to acquire land for agricultural purposes pursuant to a different statute. Any Town owned property that was acquired for agricultural purposes or general municipal purposes, that is not held by the Conservation Commission or subject to a conservation restriction, may be transferred to and placed under the care, custody, management, and control of the Agricultural Commission. In order to complete the transfer, the Board that controls the property (the Board of Selectmen, for the Nagog Hill Orchard and Church Meadows properties) must declare it as surplus, followed by a two-thirds vote of Town Meeting.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 14 as printed in the warrant.

Board of Selectmen and Agricultural Commission support Article 14.

ARTICLE 15
Board of Selectmen
Accept State Statutes on Speed Limits

To see if the Town will vote to accept the following sections of the Massachusetts General Laws which were amended by Chapter 218 of the Acts of 2016, known as an Act Modernizing Municipal Finance Act: MGL Chapter 90, Section 17C and 18B (Speed Limit), or to take any other action in relation thereto.

[Article 15 accepts state laws passed in 2016 which would authorize the Board of Selectmen to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the town on any way that is not a state highway. The Board of Selectmen may also establish designated safety zones of 20 miles per hour with MassDOT approval.]

Motion: Moved and seconded by the Board of Selectmen that the Town vote to approve Article 15 as printed in the warrant.

Board of Selectmen supports Article 15.

ARTICLE 16
Board of Selectmen/Planning Board
Road Acceptance: McIntosh Lane

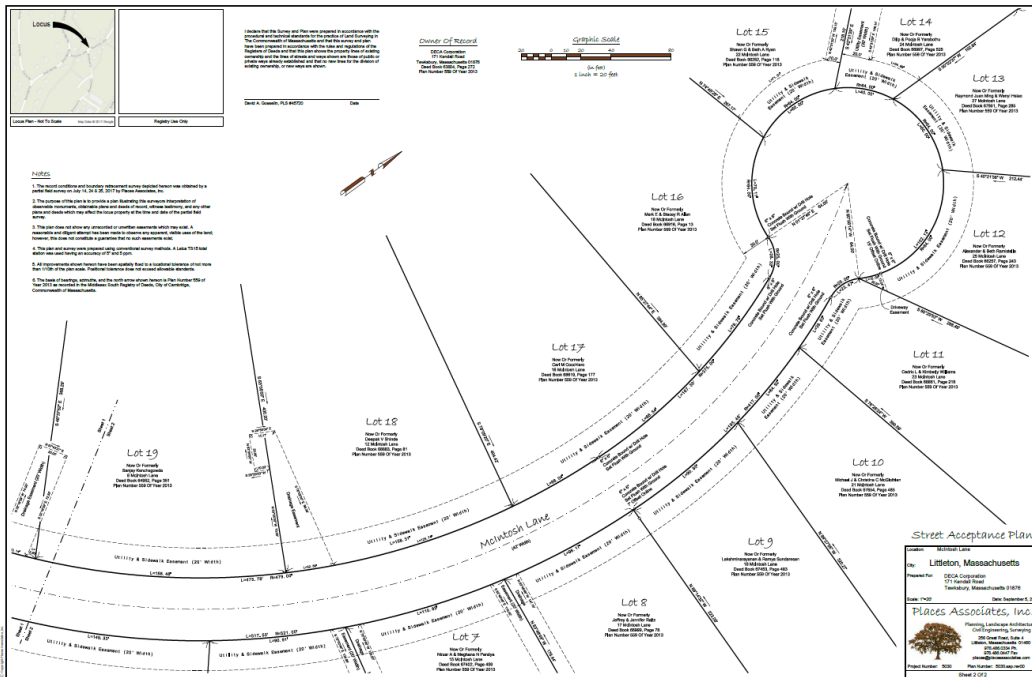
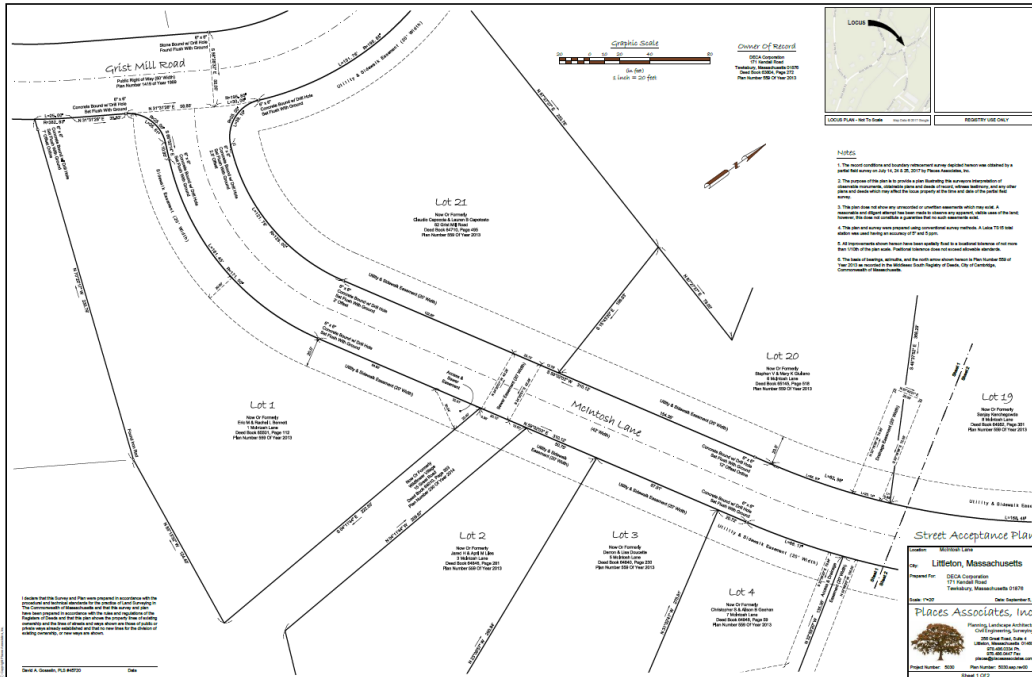
To see if the Town will vote to accept, as a Town way, the layout by the Board of Selectmen of the private way known as “McIntosh Lane”, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain the land, rights, and easements therein for drainage, utility, or other purposes, all as shown on a plan entitled “McIntosh Lane Road As-Built and Street Acceptance Plan, Town: Littleton, Massachusetts prepared for Deca Corp.” by Places, Associates, Inc. dated August 2017, Plan No. McIntosh ASB sheets 1 and 2, said street having been constructed to the satisfaction of the Planning Board and to name said street “McIntosh Lane”; or to take any other action in relation thereto.

[Article 16 would accept McIntosh Lane as a public way. McIntosh Lane has access from Grist Mill Road. The Board of Selectmen opened its road layout hearing on October 2, 2017, and continued it to October 23, 2017 pending completion of a list of remaining items to be addressed by the developer. See road acceptance plans on page 30.]

Motion: To be made at town meeting.

Board of Selectmen recommendation forthcoming.

TOWN OF LITTLETON, MASSACHUSETTS



Art. 16. Road Acceptance: McIntosh Lane

TOWN OF LITTLETON, MASSACHUSETTS

TOWN OF LITTLETON, MASSACHUSETTS



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