



**Town of Littleton, Massachusetts**  
**TOWN MEETING REPORT**

**VOTER INFORMATION**

*Please bring this with you to the*  
**NOVEMBER 4, 2013**  
**SPECIAL TOWN MEETING**

**Monday, November 4, 2013 at 7:00 PM**  
**Charles Forbes Kaye Gymnasium**  
**Littleton Middle School**  
**55 Russell Street, Littleton, MA 01460**

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  
Bonnie Holston, Assistant Town Administrator for Finance and Budget

More information is available online at [www.littletonma.org](http://www.littletonma.org)

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***To the Voters of Littleton:***

The Board of Selectmen and its Study Committee to Increase Voter Participation continue to develop recommendations based on community input, research and other information to improve voter participation in the Town of Littleton. Upon the Study Committee's recommendation, the Board of Selectmen has voted to order the articles in this Special Town Meeting warrant so that financial articles come first, followed by those requiring a supermajority vote, with all other articles (including routine authorizations and reauthorizations coming last).

One of the Study Committee's previous recommendations was adopted by voters at the November 14, 2012 Special Town Meeting in amending the Town Code to read as follows:

**§41-3. Town Meeting Report.** 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.

Accordingly, here is the format in which information for each article is presented 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 article's sponsor, as reviewed by Town Counsel.

**Recommendations of Town Boards.**

The Board of Selectmen and the Study Committee welcome your feedback on this publication. And please remember to bring your copy of this report with you to Town Meeting. Thank you!

— ***Littleton Board of Selectmen***  
Ted Doucette, Chairman  
Joseph Knox  
James Karr  
Alexander McCurdy  
Jenna Koerper Brownson

## Summary of Fiscal Impact of Financial Articles

The table below lists the titles of all articles in the November 4, 2013 Special Town Meeting warrant, with a **dollar amount** following the title of each of the financial articles.

1. Bills of Prior Years *[9/10ths vote required]*
2. Fund Collective Bargaining Agreement - **\$14,171** *(first year only)*
3. FY 2014 Budget Amendments - **\$226,550** *(to increase OPEB, Historical, Highway).*
4. FY 2014 Capital Items from Available Funds **-\$185,000**
5. Littleton 300th - **\$50,000**
6. Revenue Sharing: Solar, Peak Generator at Town Landfill; Cell Towers at Water - requested by Boards of Electric Light and Water Commissioners *[2/3rds vote]*
7. Russell Street Sidewalk Easement *[2/3rds]*
8. Russell Street Aerial Utility Line & Pole Easement *[2/3rds vote]*
9. Transfer of Land to Conservation - requested by Cemetery Commissioners *[2/3rds vote]*
10. Zoning By-law Amendment: Motor Vehicle / Vehicular Retail Sales - Requested by Planning Board *[2/3rds vote]*
11. Establish Park, Recreation & Community Education Enterprise Fund
12. Other Post Employment Benefit Liability Trust Fund
13. Community Preservation Act Amendment
14. By-law Amendment: Manner of Authorizing Indebtedness
15. By-law Amendment: Fees
16. Home Rule Petition: Subsidized Housing Inventory

The projected operating deficit for FY 2014 had stood at \$97,372 as of the May 6, 2013 Annual Town Meeting. Since then, there was slight increase of \$76,288 in Net State Aid (State Aid minus Assessments), as well as a small increase of \$21,310 in local receipts (motor vehicle excise). These combined factors have closed the deficit leaving a small surplus of \$226 for FY 2014.

In addition, \$378,998 is available from the unexpended reserve for the Snow and Ice account for one-time (non operating budget) expenditures. The total amount planned for Snow and Ice for last year (FY 2013) was \$650,000-- \$200,000 from FY 2013 town meeting appropriation; plus \$450,000 from FY 2014 reserve for deficit. The \$378,998 available balance from \$650,000 is calculated by subtracting \$363,705.68 actually spent for snow & ice, and adding \$102,703.89 in FEMA reimbursements applied.

That \$378,998 is proposed to be applied by increasing the appropriation into the Other Post Employment Benefits (OPEB) fund by \$208,998 from \$605,000 to \$813,998 (Article 3); appropriating \$50,000 for Littleton's 300<sup>th</sup> celebration in 2014 (Article 5); and by appropriating \$120,000 to fund public safety radio upgrades (Article 4).

The amount needed to fund years one and two of the new three-year collective bargaining agreement reached with the Highway Department (\$31,723) was previously reserved for appropriation within the FY 2014 budget process, and can now be implemented. Also included is a proposed increase in the Historical Commission's FY 2014 budget by \$3,500 to explore the reuse of the Long Store.



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# November 4, 2013 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 is to pay bills from prior fiscal years, if there are any to be paid.]**

**Motion:** To be made at town meeting.

## ARTICLE 2

### Board of Selectmen

### Fund Collective Bargaining Agreement

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of funding any new collective bargaining agreements between the Town and its employee unions, or to take any other action in relation thereto.

**[Article 2 funds the first year (FY 2013) of a collective bargaining agreement reached with the highway union commencing July 1, 2012. The new agreement includes implementation of the classification and compensation plan study with no cost-of-living adjustments during the life of the contract; a policy limiting sick leave; and providing for pay on a biweekly, rather than weekly, basis. Similar agreements reached with the police, fire, and dispatch unions were funded by the November 14, 2012 Special Town Meeting.]**

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the sum of \$14,171 to fund the collective bargaining agreement reached between the Town and the AFSCME Council 93, Local 1703 (Highway).

**Finance Committee, Board of Selectmen support Article 2.**

## ARTICLE 3

### Board of Selectmen

### FY 2014 Budget Amendments

To see if the Town will vote to amend the FY 2014 Operating Budget, as adopted pursuant to Article 4 of the May 6, 2013 Annual Town Meeting, by adjusting budget line items, or to take any other action in relation thereto.

**[Article 3 makes these adjustments to the Fiscal Year 2014 budget: adds funds to the Historical Commission for a feasibility study for rebuilding of the Long Store; increases this year's appropriation into the Other Post Employment Benefits Fund; and funds the second year (FY 2014) of the collective bargaining agreement reached with the highway union.]**

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**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to amend the FY 2014 Operating Budget, as adopted pursuant to Article 4 of the May 6, 2013 Annual Town Meeting, by adjusting budget line items, as follows:

<b>Budget</b>	<b>Line Item</b>	<b>FY 2014</b>		<b>FY 2014</b>
		<b>Budget</b>	<b>Adjustment</b>	<b>Adjusted</b>
194	Other Post Employment Benefits Liability Fund	\$605,000	+208,998	\$813,998
194	Employee/Retiree Benefits	\$5,326,503	-3,500	\$5,323,003
420	Highway – Personal Services	697,000	+ 17,552	\$714,552
690	Historical Commission	700	+\$3,500	\$4,200
<b>TOTAL</b>	<b>Appropriated Budgets</b>	<b>\$34,136,077</b>	<b>+\$226,550</b>	<b>\$34,362,627</b>

**Finance Committee, Board of Selectmen support Article 3.**

**ARTICLE 4**  
**Board of Selectmen**  
**FY 2014 Capital Items from Available Funds**  
*[2/3rds 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 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.

1. LCTV equipment upgrades - \$65,000 from the PEG funds account to be expended by the LCTV Advisory Committee for LCTV equipment upgrades.
2. Public safety radio upgrades - \$120,000 to be expended by the Police and Fire Chiefs to upgrade to a microwave radio system for the public safety departments.

**[Article 4 funds two capital projects from existing fund balances.**

**LCTV equipment upgrades will further the goal of televising more town board meetings, including new robotic cameras planned for Rooms 103 and 307 in the Town Office Building, and a mobile unit. Funding is from PEG (public education government) funds paid by cable franchisees.**

**The public safety radio upgrades replace outdated copper phone lines with a microwave radio system; its \$120,000 expense coming from the unexpended reserve for Snow and Ice expenditures.**

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to transfer the sum of \$65,000 from the PEG funds account and raise and appropriate the sum of \$120,000 to fund the projects listed in Article 4.

**Finance Committee, Board of Selectmen, LCTV Advisory Committee support Article 4.**

**ARTICLE 5**  
**Board of Selectmen**  
**Littleton 300th**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to be expended by the Tercentennial General Planning Committee to fund the 300<sup>th</sup> anniversary celebration of the Town of Littleton in 2014, or to take any other action in relation thereto.

**[Article 5 makes an appropriation for Littleton's 300<sup>th</sup> anniversary celebration. Planned activities include a parade, fireworks, and gala ball in 2014.]**

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to raise and appropriate the sum of \$50,000 to be expended by the Tercentennial General Planning Committee to fund the 300<sup>th</sup> anniversary celebration of the Town of Littleton in 2014.

**Finance Committee, Board of Selectmen, and Tercentennial General Planning Committee support Article 5.**

**ARTICLE 6**  
**Board of Selectmen / Boards of Electric Light & Water Commissioners**  
**Revenue Sharing: Solar, Peak Generator at Town Landfill; Cell Towers at Water**  
*[2/3rds vote required]*

To see if the Town will vote as follows:

Whereas the Littleton Electric Light Department (the "Light Department") wishes to reduce the cost of peak rate electricity to the rate payers by installing a peak shaving generator; and

Whereas the Light Department wishes to reduce the cost of electricity to the rate payers by installing a photovoltaic system; and

Whereas the Light Department wishes to construct the peak shaving generator and the photovoltaic system at the Town's Landfill located on Spectacle Pond Road; and

Whereas the Board of Selectmen (the "Selectmen") is the custodian of the Landfill; and

Whereas the Selectmen wish to be compensated for electricity generated at the Landfill; and

Whereas the Littleton Water Commissioners have constructed cell towers at their property at Oak Hill and at Newtown Hill; and

Whereas the revenues from the cell towers are deposited in the conservation fund and Conservation Commission land acquisition accounts to be used to purchase land or an interest in land; and

Whereas the Selectmen, the Light Commissioners and the Water Commissioners all wish to retain future, unencumbered revenues generated on property under their respective control; and

Whereas the Selectmen supports transferring future, unencumbered revenues generated on Water Department property to the Water Department in exchange for receiving revenues generated by the Light Department at the Landfill, so long as the amount of revenue the Town receives from the Light Department is equal to or greater than cell tower revenues retained by the Water Department; and

Whereas the Selectmen intend to deposit into the Community Preservation Fund all or a portion of the proceeds the Town receives from the Light Department, but no less than an amount equal to the amount that would have been placed into the conservation fund and Conservation Commission land acquisition accounts that is not already encumbered for debt service on previous land purchases; the Selectmen's intention to direct these funds to the Community Preservation Fund is contingent upon

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successful passage of an amendment to the Town's acceptance of the Community Preservation Act contained in Article 13 of this Warrant and at the May 2014 Annual Town Election; and

Whereas the Town has directed, by its votes under Articles 37 and 45 of the May 5, 1997 Annual Town Meeting, Article 1 of the June 15, 2000 Special Town Meeting, Article 6 of May 6, 2002 Special Town Meeting, and Article 8 of the November 14, 2012 Special Town Meeting, that funds from the proceeds of cell tower leases at the Water Department's standpipes at Oak Hill and Newtown Hill be deposited in the conservation fund and Conservation Commission land acquisition accounts; and

Whereas the Town has directed, by its votes under Article 5 of the September 22, 2003 Special Town Meeting and Article 5 of the November 12, 2002 Special Town Meeting, that it intends to use the funds from the proceeds of cell tower leases at the Water Department's standpipes at Oak Hill and Newtown Hill to pay the annual debt payments incurred by the interests acquired in the Prouty Property and the Hartwell Property; and

Whereas the Town also voted under Article 8 of the November 14, 2012 Special Town Meeting that the proceeds from co-locator sites at Well #2 shall be "deposited directly into the Water Department Water Surplus Fund."

Therefore, shall the Town vote to authorize the Selectmen to lease to the Littleton Electric Light Department, on such terms as it determines to be in the best interest of the Town, approximately five acres of land located at the Town's Landfill, Spectacle Pond Road, for the purpose of installing and operating thereon photovoltaic systems and a peak shaving generator for electric power generation and distribution for a term of years equal to the useful life of said photovoltaic systems or peak shaving generator, whichever is longer, and to authorize the Selectmen to grant to the Littleton Electric Light Department such temporary easements in, on, under, across or over any adjacent Town-owned property and adjacent roadways, for utility and access purposes, as reasonably necessary and appropriate for the installation and operation of such photovoltaic systems and a peak shaving generator, for a term of years equal to the useful life of said photovoltaic systems or peak shaving generator, whichever is longer, and further, notwithstanding any previous Town Meeting vote to the contrary, to deposit into the Water Department Water Surplus Fund, the following sums: (1) all unencumbered revenues derived from leasing telecommunications co-locator sites located at Oak Hill; and (2) all unencumbered revenues derived from leasing telecommunications co-locator sites located at Newtown Hill, and to allow the Water Department to use said revenues for capital improvements, or to take any other action in relation thereto.

**[Article 6 is the Littleton Electric Light and Water Department's proposal to construct, at its expense, a solar photovoltaic array and natural-gas powered generator on the Town's closed landfill. It is a revenue sharing proposal which creates a new revenue and energy generating source for the Town on its property, in return for LELWD retaining unencumbered revenues from cell towers located on Water Department property. Income generated on the Town property would go largely to the Community Preservation Fund to increase the base for state matching funds. Net revenues generated on the Water Department property would be retained by the water enterprise fund, lessening the impact of increases on water ratepayers.]**

***Motion:*** To be made at town meeting.

**Recommendation forthcoming from Boards of Electric Light and Water Commissioners, Board of Selectmen, Finance Committee, Community Preservation Committee, and Sustainability Committee.**

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**ARTICLE 7**  
**Board of Selectmen**  
**Russell Street Sidewalk Easement**  
*[2/3rds vote required]*

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain an easement and/or rights in a portion of the parcel of land shown on Assessor's Map R18 as Parcel 2-1 for the purposes of making certain sidewalk improvements on Russell Street, said portion being shown as "Proposed Permanent Easement for Sidewalk Purposes Area = 75 S.F. ±" on the plan of land entitled "Plan of Land, Town of Littleton, Permanent Easement Russell Street at Great Road" prepared by Green International Affiliates, Inc., dated January 21, 2013, or to take any other action in relation thereto.

**[Article 7 authorizes a 75-square foot land easement from Littleton Office Center property located on Russell Street at the intersection of Great Road. This easement will allow the town the needed land in order to construct a sidewalk along easterly side of Russell Street.]**

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

**Board of Selectmen supports Article 7.**

**ARTICLE 8**  
**Board of Selectmen**  
**Russell Street Aerial Utility Line & Pole Easement**  
*[2/3rds vote required]*

To see if the Town will vote to authorize the Littleton Electric Light Department to acquire by purchase or gift, an easement and/or rights in a portion of the parcel of land shown on Assessor's Map R18 as Parcel 2-1 for the purposes of relocating certain overhead utility lines and poles on Russell Street, said portion being shown as "Parcel UT-1 Permanent Aerial Utility Line and Pole Easement Area = 150 ± S.F" on the plan of land entitled "Town of Littleton, Aerial Utility Line and Pole Easement, Russell Street at Great Road" prepared by Green International Affiliates, Inc., dated June 14, 2013, or to take any other action in relation thereto.

**[Article 8 authorizes an aerial utility & pole easement needed by Littleton Electric Light Department of approximately 150 square feet from Littleton Office Center property located on Russell Street. This easement will allow overhead wires to cross private property. The easement will also allow for the placement of a utility pole and push brace (pole) within that easement. This easement is required to align the poles and wires correctly. This easement is part of the Great Road safety improvement project.]**

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

**Board of Selectmen supports Article 8.**

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**ARTICLE 9**  
**Cemetery Commissioners**  
**Transfer of Land to Conservation**  
*[2/3rds vote required]*

To see if the Town will vote to authorize the Cemetery Commission to convey, for no consideration, to the Conservation Commission, for conservation purposes, a parcel of land described as "Conservation Restriction Area" in a certain plan of land entitled "Plan of Land in Littleton, Massachusetts (Middlesex County), For: Westlawn Cemetery" prepared by Stamski and McNary, Inc., dated August 10, 2011, said parcel containing of approximately 7.2004 acres of land containing a vernal pool and associated upland habitat, or to take any action in relation thereto.

**[Article 12 transfers certain cemetery land to the Conservation Commission in order to obtain approval from the State's Natural Heritage office for expansion of the Westlawn Cemetery.]**

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

**Cemetery Commissioners, Board of Selectmen, and Conservation Commission support Article 9.**

**ARTICLE 10**  
**Planning Board**  
**Zoning By-law Amendment: Motor Vehicle / Vehicular Retail Sales**  
*[2/3rds vote required]*

To see if the Town will vote to amend the Zoning By-law of the Town of Littleton as follows:

1. Amend §173-2 by deleting from the definition of MOTOR VEHICLE SERVICE STATION "and/or sales or storage of motor vehicles."
2. Amend §173-2 by inserting, in alphabetical order, a definition for VEHICULAR RETAIL SALES, as follows:

**VEHICULAR RETAIL SALES:** Any use involving the sale or lease of new or used motor vehicles (which shall include without limitation all varieties of automobiles, motorcycles, mopeds, off road sporting vehicles, snowmobiles, jet skis and boats), parts or accessories, or the commercial display or storage of any motor vehicles, parts or accessories.

3. Amend the Use Regulations Schedule set forth in §173-26.A by inserting, immediately below the row labeled "Motel, hotel, conference center" a new row as follows:

	<b>R</b>	<b>VC</b>	<b>B</b>	<b>IA</b>	<b>IB</b>
Vehicular Retail Sales	N	N	A10	A10	A10

4. Amend the Use Regulations Schedule set forth in §173-26.A by changing the row labeled "Motor vehicle service station" to read as follows:

	<b>R</b>	<b>VC</b>	<b>B</b>	<b>IA</b>	<b>IB</b>
Motor vehicle service station	N	N	A10	A10	A10

5. Amend the Notes that follow the Use Regulations Schedule set forth in §173-26 by adding new Note 10, as follows:

10 Except that vehicular retail sales and motor vehicle service stations shall be an excluded/prohibited use (N) within the Littleton Village Overlay District West—Beaver Brook Area District.

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6. Amend the use regulations schedule set forth in §173-61 by changing the row labeled “Motor vehicle service or washing station” to read as follows:

**Aquifer (A) Water Resource (W.R.)**

Motor vehicle service or washing station      N      P1

and adding a new Note 1 to follow the use regulations schedule as follows:

1 Except that motor vehicle service or washing stations shall be an excluded/prohibited use (N) within the Littleton Village Overlay District West—Beaver Brook Area District.

7. Amend the use regulations schedule set forth in §173-61 by inserting, immediately below the row labeled “Motor vehicle service or washing station” a new row as follows:

**Aquifer (A) Water Resource (W.R.)**

Vehicular Retail Sales      N      N

8. Amend §173-171.B to by deleting the existing section in its entirety and inserting in its place a new section, as follows: “The following uses, granted by Special Permit in the underlying Industrial Zones, shall not be allowed in any project submitted as a Master Planned Development: Adult Use Establishments and Mobile Homes. Motor Vehicle Service Stations and Vehicular Retail Sales shall not be allowed by Special Permit as part of a Master Planned Development pursuant to this bylaw.” or take any other action in relation thereto.

**[The Planning Board is conducting its required public hearing under MGL C.40A,§5 on this proposed zoning amendment on Thursday, October 17, 2013 at 8 PM. The proposed Motor Vehicle/Vehicular Retail Sales zoning bylaw amendment is to restrict any new vehicular sales dealerships from the Village Common (VC) business district, from the Beaver Brook West (Area B) overlay district, from the Residence R districts, and from the Aquifer and Water Resource overlay districts. Existing dealerships, gas stations, car washes, and vehicle maintenance facilities in these districts would be grandfathered, and allowed to continue.]**

***Motion:*** To be made at town meeting.

**Planning Board recommendation forthcoming.**

**ARTICLE 11**

**Board of Selectmen / Park & Recreation Commission**

**Establish Park, Recreation & Community Education Enterprise Fund**

To see if the Town will vote to accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws to establish Littleton’s Park, Recreation, and Community Education Department as an enterprise fund, effective fiscal year 2015, or to take any other action in relation thereto.

**[Article 11 implements the Town’s annual financial audit recommendation to fund the Park, Recreation & Community Education Department through a single enterprise fund, rather than by a series of separate revolving funds. The annual appropriation would specify the amount of a reserve fund for PRCE, and identify any general fund subsidy. All fees generated by PRCE would be retained by that enterprise fund, with the balance certified annually by the state’s Department of Revenue.]**

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

**Finance Committee, Board of Selectmen, Park & Recreation Commission support Article 11.**

**ARTICLE 12**  
**Board of Selectmen**  
**Other Post Employment Benefit Liability Trust Fund**

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 of the General Laws to establish a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and to transfer thereto the balance of the Other Post Employment Benefits Liability Fund established under Article 9 of the May 3, 2010 Special Town Meeting; or to take any other action in relation thereto.

**[Article 12 authorizes the Town to establish an irrevocable trust to fund the Town's obligations regarding retiree health insurance benefits—called Other Post Employment Benefits (OPEB). Since 2010, when the Town established its OPEB fund, changes to MGL C.32B,§20 require OPEB to be segregated from all other Town funds by establishment of a separate trust. This trust protects the funds from the claims of any general creditor of the Town. Approval of this article would allow the Board of Selectmen to establish the trust and name trustees to manage those funds. The OPEB fund balance will be transferred into the new OPEB Trust.]**

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

**Finance Committee, Board of Selectmen support Article 12.**

**ARTICLE 13**  
**Board of Selectmen**  
**Community Preservation Act Amendment**

To see if the Town will vote as follows:

Whereas, the Town of Littleton has accepted Section 3 to 7, inclusive, of Chapter 44B of the General Laws, (the Community Preservation Act) by its ballot votes on May 12, 2007 and May 11, 2013; and

Whereas, said votes impose a 1 per cent surcharge on all classes of property, with exemptions for the first \$100,000 of value of class one residential, class three commercial property and class four industrial property as defined in section 2A of Chapter 59 of the Massachusetts General Laws, and for property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act; and

Whereas, the Town desires to accept the provisions of the Community Preservation Act as amended by Chapter 139, sections 69 to 83 of the Acts of 2012 in order to have the 1 per cent surcharge remain in place while making an additional commitment of funds from other sources of municipal revenue, said additional commitment from other sources being equal to the equivalent of 2 per cent of the real estate tax levy against real property, in order to increase the base for state matching funds;

Therefore, shall the Town vote to reauthorize the surcharge of 1 per cent previously approved under section 3 of Chapter 44B of the General Laws (the Community Preservation Act) and approve appropriation to the Community Preservation Fund of additional municipal revenues pursuant to Section 3(b1/2) of Chapter 44B up to 2 per cent of the taxes assessed annually on real property, effective for fiscal years beginning on or after July 1, 2014, or to take any other action in relation thereto.

**[Article 13 is the first step necessary to accept the Community Preservation Act as amended in 2012 to allow the Town to increase its base for state CPA matching funds by appropriating local funds up to an equivalent of a 3% surcharge. Littleton raises \$150,000 by its annual 1%**

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CPA surcharge, and so could add up to \$300,000, for a total of \$450,000 annually as the base for the state match. The second step would be ballot approval at the May 2014 Annual Town Meeting Election. With both approvals, subsequent town meetings could appropriate monies into the CPA fund.]

**Motion:** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 13 as printed in the warrant.

**Finance Committee, Board of Selectmen, Community Preservation Committee support Article 13.**

**ARTICLE 14**  
**Board of Selectmen**  
**By-law Amendment: Manner of Authorizing Indebtedness**

To see if the Town will vote to amend Chapter 18, Section 6 of the Town Code, "Manner of authorizing indebtedness," so that said section will read as follows:

Whenever a two-thirds vote is required by law to authorize the Town to incur indebtedness, the manner of voting shall be by ballot, and a checklist of the voters of the Town shall be used; *provided, however, that, by unanimous vote, the Town Meeting may dispense with the requirement for use of the ballot and checklist, and the vote to incur indebtedness may be conducted in such manner as the Moderator determines.*

or to take any other action in relation thereto.

**[Article 14 would amend the Town's general by-laws to confirm to the satisfaction of bond counsel Town Meeting's long practice of dispensing with the ballot-and-checklist in the case of unanimous votes on borrowing articles.]**

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

**Finance Committee, Board of Selectmen support Article 14.**

**ARTICLE 15**  
**Board of Selectmen**  
**By-law Amendment: Fees**

To see if the Town will vote, pursuant to the acceptance Chapter 40, §22F of the Massachusetts General Laws by Article 15 of the May 5, 2003 Annual Town Meeting, to amend the Town Code as follows:

(1) by deleting Chapter 115, Junk Dealer, §115-3, Fee, and inserting in its place the following:

For any license so granted, there shall be paid to the Town Treasurer a fee that shall be set by Board of Selectmen pursuant to M.G.L. c.40, §22F.

(2) by deleting Chapter 171, Wetlands Protection, §171-3. Fee/charges, Section B. Fees, and inserting in its place the following:

B. Fees shall be as set by the Conservation Commission with the approval of the Board of Selectmen pursuant to M.G.L. c.40, §22F.

or to take any other action in relation thereto.

**[The 2003 Annual Town Meeting accepted MGL C.40,§22F, which permit-issuing authorities to set reasonable fees for those permits, subject to approval by an elected appointing authority. Article 15 deletes the two remaining references to specific fees still in the general by-laws. ]**

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**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**  
**Home Rule Petition – Subsidized Housing Inventory**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set below for the purpose of ensuring that low or moderate income housing authorized by the Town to be built or created under G.L. chapters 40A, 40B, or 40R shall be included for purposes of G.L. c.40B, §20 on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development as “affordable housing”; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.

SECTION 1. Notwithstanding the provisions of sections 20 through 23 of chapter 40B of the General Laws, or of any other general or special law or Massachusetts regulation to the contrary, the determination of whether the Town of Littleton has low or moderate income housing in excess of ten per cent of the total housing units reported in the latest federal decennial census for the Town of Littleton for purposes of section 20 of said Chapter 40B, which determination is reflected in a list known as the Subsidized Housing Inventory (“SHI”) as maintained by the Massachusetts Department of Housing and Community Development or by a successor department regardless of its name, shall be calculated as follows. As of the date an approval decision is filed with the Littleton Town Clerk and through and including the expiration date of the decision as provided by applicable statute or regulation and any extension of such decision granted by action of the Town or the General Court, the SHI shall include all of the following:

1. Any affordable housing unit approved under any local zoning provision under G.L. c.40A, including a so-called Local Initiative Program project, provided that the affordable unit shall be required to have a permanent deed restriction to restrict occupancy or ownership of the unit to an “Income Eligible Household” as presently defined under the Department’s regulations at 760 CMR 56.02;
2. Any affordable housing unit in a homeownership project approved under G.L. c.40B or G.L. c.40R; and
3. Any rental housing unit in a rental project approved under G.L. c.40B or G.L. c.40R. Provided further that if any such approval decision is appealed, the unit or units at issue shall continue to be listed on the SHI unless and until the approval decision is finally overturned by a court of competent jurisdiction.

SECTION 2. This act shall apply to all housing units meeting the requirements of section 1 wherein the relevant approval decision was filed with the Littleton Town Clerk on or after January 1, 2000.

SECTION 3. This act shall take effect upon its passage.

**[Article 16 proposes home rule legislation, modeled after similar bills filed by other towns, to allow a community to continue to count units on its Subsidized Housing Inventory (SHI), even**

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if building permits are not pulled by the developer within one year, as current law requires. If such a measure became state law, units could remain on the inventory for as long as the developer has regulatory approval to build them. Currently, a comprehensive permit approved by the Zoning Board of Appeals is good for three years, and can be further extended; but units can only remain on the SHI if building permits are pulled within one year of approval, and then again if occupancy permits are issued with 18 months thereafter. Littleton's SHI currently stands at 13.97%, but could fall back to 8.45% by February 2014, if the developer of Fifteen Great Road does not pull its building permits by then. The Town's three-fold strategy for addressing Chapter 40B issues are, first and foremost, to have the developer pulls its building permits on a timely basis; second, to have the Town update its Housing Production Plan to be able to qualify for temporary administrative relief from 40B; and, third, to file this home rule legislation with the State.]

***Motion:*** Moved and seconded by the Board of Selectmen that the Town vote to approve Article 16 as printed in the warrant.

**Board of Selectmen supports Article 16.**



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