

DRAFT for December 1, 2022 Planning Board meeting.

[Insert date filed with Town Clerk]

**410 Great Road Street
Master Planned Development Special Permit
Village Common Special Permit
Aquifer and Water Resource District Special Permit
Sidewalk Curb Cut Special Permit**

APPLICATION: SPECIAL PERMIT pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning. The application is for a Master Planned Development Special Permit pursuant to Sections 173-89, Village Common Special Permit pursuant to Article XXX, Aquifer and Water Resource District Special Permit pursuant to Article XIV and Sidewalk Curb Cut Special Permit pursuant to Article XXX for the construction of a multi-family residential redevelopment project that is considered as a phase of the 550 King Street project, directly across the street.

PROPERTY LOCATION: 410 Great Road, Assessor's Map U-09, Parcels 23 and 28

DESCRIPTION: A multi-family residential redevelopment project containing up to 285 units of multifamily housing.

APPLICANT/OWNER: Salvatore Lupoli, Manager
Lupoli Companies, LLC
290 Merrimack Street, 2nd Floor
Lawrence, MA 01843

ENGINEER: Rick Friberg, PE, LEED AP
TEC, Inc.
282 Merrimack Street, 2nd Floor
Lawrence, MA 01843

DATES OF LEGAL NOTICE: October 27, 2022 and November 3, 2022

DATES OF HEARINGS: November 10, 2022, November 16, 2022 and December 1, 2022

MEMBERS PRESENT: Mark Montanari, Bartlett Harvey, Anna Hueston and Delisa Laterzo
Board Member Jeffrey Yates, absent for the November 16 Public Hearing, reviewed the video recording of the November 16 Public Hearing, and signed the written certification.

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REFERENCE PLAN: Residences at King Street Commons, 410 Great Road, prepared by TEC, Inc., dated October 21, 2022

HEARING: The Littleton Planning Board held a duly noticed public hearing on November 10, 2022, which was continued to November 16, 2022, and December 1, 2022 to consider an application for Special Permits pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning. Rick Friberg of TEC, Inc. made presentations to the Planning Board on behalf of the Applicant / Owner, Lupoli Companies, LLC, and answered questions raised by the Planning Board and the members of the public. The Public Hearing was closed on November 16, 2022 and deliberation and voting occurred at the Planning Board's December 1, 2022 public hearing.

BACKGROUND: The Applicant is acquiring the subject property from its current Owner, the parcel is identified by deed and recorded with the Middlesex South Registry of Deeds in Book 19983, Page 303.

The Applicant proposes to redevelop the subject property in a manner that is consistent with the the intent, objectives, performance standards and criteria, and design standards of the Village Common zoning district with the flexibility afforded to the Planning Board for redevelopment projects in Article XXX, Section 173-216 (B) and (F).

The subject redevelopment shall be considered as a distinct phase of the 550 King Street project Master Plan, which is larger than twenty-five (25) acres. It is eligible for a Master Planned Development special permit pursuant to the Town of Littleton Zoning Code, section 173-89.

The Master Planned Development shall be constructed in phases, one of such phases shall be 410 Great Road. Each phase of the project is required to return to the Planning Board for Site Plan Review subject to Article IV Site Plan Requirements. This review shall be conducted separately from and in addition to the special permit process.

The Applicant has submitted to the Planning Board the materials listed below, which, together with the testimony provided at the referenced public hearings, provide the information required for issuance of special permits by and are the basis of the Board's determinations and decision:

1. Residences at King Street Commons, 410 Great Road, Cover Letter, prepared by TEC, Inc., dated October 27, 2022.
2. Residences at King Street Commons, 410 Great Road, Master Plan, prepared by TEC, Inc., dated October 21, 2022.

The special permits requested by the Applicant will allow the subject property to be developed as a mixed-use project that is consistent with Article XXX Village Common Zoning District. The master plan proposes to raze the existing degraded structures onsite and construct a new

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building containing 285 residential units, with a maximum height of 6-stories over podium / covered parking.

The Applicant shall construct the Master Plan in phases over several years and the 410 Great Road project shall be a phase of the Master Plan. The Planning Board shall conduct Site Plan Review prior to construction of the Residences at King Street Commons at 410 Great Road, to review its consistency with the approved Master Plan.

DETERMINATIONS:

Based on the presentation of the Applicant and the foregoing information, the Planning Board makes the following determinations:

1. For master plan purposes, the criteria for approval set forth in Sections 173-88B have been met. Notwithstanding the foregoing, all applicable sections of the Zoning Bylaw will remain applicable during site plan approval of the various phases of the project.
2. The criteria for approval set forth in Section 173-7.C, Section 173-88.B and Section 173-89 are met as the project is determined to not cause any significant nuisance, hazard or congestion and will not cause substantial harm to the neighborhood or derogation from the intent of the Code of the Town of Littleton Zoning. Specifically, the Board finds as follows:
 - a. Roads, water, and drainage facilities shall be improved as described during the testimony so that the appropriate infrastructure exists to serve this proposal adequately and safely without material deterioration in service to other locations.
 - b. No planned process or unplanned contingency will result in the undue hazard or contamination of air, land, or water resources.
 - c. The proposal will be visually compatible with and complimentary to its vicinity and consistent with the Town's vision for Form Based Code in the Village Common Zoning District and the King Street Common Zoning District.
 - d. The subject parcel was previously fully-developed and the proposal will not pose a threat to environmental resources. Improved stormwater management systems onsite will improve the quality of stormwater recharge to the Town's aquifer and all areas during construction will be isolated from resource areas by erosion and sediment controls.
 - e. The proposal sufficiently buffers and screens from nearby uses of different character.
3. The proposal supports reinvestment and redevelopment of a degraded pre-developed property in a manner that is more compliant and consistent with Article XXX, Village Common and is in accordance with the provisions of Section 173-216 (B) and (F).

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4. The redevelopment will be more compliant with Article XXX than the existing conditions. The architecture is mindful of its location and scale. The proposed building shall step from Great Road, proposing 4-stories at the street and up to 6-stories for portions of the building at least 30' from the Great Road Right-of-Way. The proposal maintains similar massing to the existing building along Great Road while making the architecture and uses substantially more compliant with Article XXX.
5. The site is not presently served by municipal sewer, but it is anticipated that the the Town's sewer extension will be operational by 2024. The project will also meet all stormwater requirements of the Aquifer and Water Resource District and MassDEP as well as requirements of Chapter 38 Littleton's Stormwater Bylaws.
6. As a redevelopment project, the site will improve upon the stormwater system that currently discharges to the Town's aquifer, as the site is located within the Aquifer and Water Resource District. This will be achieved by eliminating the wastewater discharge from existing uses and structures onsite in favor of the municipal sewer connection and creating a series of new stormwater treatment best management practices (BMPs) to improve the quality of stormwater and recharge the Town's water supply. Details of the stormwater management system will be provided and reviewed during the Site Plan Review and Stormwater Bylaw review prior to the construction of each phase of the project.
7. The goals of the latest Littleton Master Plan are incorporated into the proposed development. The project proposes to provide new housing opportunities through sustainable design. Pedestrian amenities and accessibility will be provided, and the overall site design will be consistent with the Town's architectural and historic character.
8. The requirements of Section 173-224 (J) have been met, enabling up to a maximum lot coverage (80%) and maximum building coverage (50%) and the proposed uses are permitted. Details of the stormwater management system shall be submitted to the Planning Board for Site Plan Review and Stormwater Bylaw review prior to construction.
9. The criteria set forth in Section 173-62 and requirements of Section 173-224 (J) are met by the proposal for simultaneous issuance of an Aquifer and Water Resource District Special Permit. The project will provide detailed plans and stormwater management calculations demonstrating compliance with the applicable local, state, and federal regulations prior to construction. In addition, as noted above, this Special Permit is premised on the existence and availability of municipal sewer to serve all buildings shown on the Revised Master Plan, and requires both before it may be exercised.
10. The requirements set forth in Section XXIX regarding inclusionary housing has been met as follows;

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- a. The proposal shall provide 10% of the total housing units as affordable units, up to 29 affordable units (10% of 285 total units).
 - b. The affordable units may be provided on-site, off-site within Littleton, or a combination thereof subject to review and approval of the Planning Board.
 - c. Affordable units required to achieve 10% of total unit count, on-site and off-site units, shall be 80% AMI or lower.
 - d. It is a stated project goal to prioritize Littleton residents to the maximum extent allowed by law and the Applicant commits to exploring legal strategies and coordinating with the Littleton Affordable Housing Trust to do so (i.e. local preference). Current DHCD regulations allow for up to 70% local preference.
 - e. Affordable units constructed off-site shall not subtract from the total unit count on-site, however, affordable units constructed on-site shall be counted toward the total maximum of 285 residential units on-site.
11. The proposal provides 357 parking spaces through a combination of surface parking spaces and covered “podium” parking spaces for 285 residential units, 1.25 spaces / unit, which complies with Section 173-224 (A).
12. The Town of Littleton is pleased to be working with the Applicant to make this project a Transit-Oriented Development, a smart-growth development that will add a significant number of rental housing units to our housing stock, expanding housing choice for Littleton residents. In conjunction with the 550 King Street project, the Town and the Applicant are seeking to provide a significant connection with the commuter rail at the Littleton/Route 495 Station, and Applicant has committed to providing such a connection at its own expense.
13. The requirements of Section 173-224.H Sidewalk Curb Cuts have been met as follows:
 - a. No more than one curb cut per 300 feet of lot frontage is proposed.
 - b. The location of the curb cuts will minimize potentially dangerous conflicts between motor vehicles and pedestrians.
 - c. The project provides internal cross-connections between the development parcels, establishing shared driveway access for the proposed uses.
 - d. The interior width of each curb cut is minimized while providing adequate opening for emergency vehicles and trucks where necessary.
 - e. All curb cuts are proposed to be constructed with suitable materials to convey the presence of a walkway and shall meet the required grade, cross slope and clear width requirements.

DECISION:

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Based on the foregoing, [REDACTED] made a motion that the Planning Board grant the requested special permits under Articles XXX and XVIII of the Code of the Town of Littleton Zoning, subject to the conditions set forth in Exhibit A hereto. [REDACTED] seconded this motion and the Board voted XX to YY in favor of this motion.

The foregoing decision shall apply as it is currently configured and may be reconfigured by subsequent Site Plans Reviews as the project is constructed over time.

The Board members voted as follows:

Mark Montanari	AYE/NAY
Jeffrey Yates	AYE/NAY
Bartlett Harvey	AYE/NAY
Anna Hueston	AYE/NAY
Delisa Laterzo	AYE/NAY

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

Signed:

Bartlett Harvey, Clerk

Date Filed with Town Clerk: _____

Diane Crory, Town Clerk

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TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Crory, Clerk of the Town of Littleton hereby certify that twenty (20) days have elapsed since the filing of this decision by the Planning Board for this Special Permit and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Date

Diane Crory, Town Clerk
Littleton, Massachusetts

Exhibit A
Conditions

The following conditions shall be binding upon the Owner / Applicant and its successors and assigns. The Town of Littleton may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

1. The Site shall be developed in accordance with the plan entitled “Residences at King Street Commons, 410 Great Road, Littleton, Massachusetts”, scale 1” = 40’, dated October 27, 2022, prepared by TEC, a copy of which is attached as Appendix A (the “Master Plan”). Building locations, uses, and sizes shall be limited to what is shown on the Revised Master Plan, inclusive of the Building Program included as a table to that plan, subject to such adjustment and revision as may be approved by the Planning Board during site plan approval of the various phases of construction.
2. Each new building (vertical improvement) constructed as part of this approved Master Plan shall have detailed Site Plans and Stormwater Management plans submitted to the Planning Board for Site Plan Review and Stormwater Bylaw review prior to the issuance of a Building Permit. It is expected that buildings and uses may be reconfigured within the parcel but that all phases shall be consistent with the approved Master Plan and in compliance with the Aquifer and Water Resource District.
3. The project at 410 Great Road shall be considered as a phase within the King Street Commons project at 550 King Street, primarily located at 550 King Street.
4. All requirements of the Littleton Zoning Bylaw shall apply to the construction of the project and the use of the site. Nothing contained in this Special Permit or the Planning Board’s approval of the Master Plan shall be construed as a waiver of any applicable provision of the Zoning Bylaw, unless expressly stated herein.
5. The site may be developed with a maximum of 285 dwelling units contained in 6-story multi-family apartment building(s). Parking may be located beneath the building in “podium” parking levels.
6. For the purpose of the Master Plan, the following table of units is provided for the project. The exact configuration and allocation of units will be proposed during the Site Plan Review of each phase of the project. Flexibility of up to 10% per bedroom category (ie 1-bedroom, 2-bedroom or 3-bedroom) is permissible to meet the market demand. Changes in the overall bedroom counts exceeding 10% shall require an amendment to this Special Permit.

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Bedrooms	# of Units (% of total units)	Breakdown
1-bedroom	142 (50%)	
		15 units at or below 80% AMI
		127 units at market rate
2-bedrooms	114 (40%)	
		11 units at or below 80% AMI
		103 units at market rate
3-bedrooms	29 (10%)	
		3 units at or below 80% AMI
		26 units at market rate

7. A minimum of 10% of all dwelling units constructed under this Master Plan Special Permit shall be affordable to households whose annual income is less than 80% of the area wide median income (AMI). Affordability of these units shall be assured in perpetuity or for the maximum timeframe allowed by law with affordable housing restrictions, and all affordable units must be eligible for Inclusion on the Subsidized Housing Inventory. To the extent that an affordable housing restriction placed on any unit or units is limited as to time based on the requirements of a particular subsidizing agency or regulatory program, a successor affordable housing restriction ensuring the same level of affordability shall be entered into prior to its expiration, to provide for the seamless continuation of affordability with no lapse or gaps regarding same.
 - a. The affordable units may be provided on-site, off-site within Littleton, or a combination thereof subject to review and approval of the Planning Board.
 - b. The project shall achieve affordability for 10% of the total unit count, on-site and off-site units, at 80% AMI or lower. If a combination of on-site and off-site affordable units are provided, then the total amount of units x 10% shall be the total number of affordable units, at 80% AMI or lower. For example, if 15 affordable units are constructed off-site, and 285-units are constructed on-site, 20 of the 285 on-site units shall be affordable to achieve a total of 10%.
 - c. It is a stated project goal to prioritize Littleton residents to the maximum extent allowed by law and the Applicant commits to exploring legal strategies and coordinating with the Littleton Affordable Housing Trust to do so (i.e. local preference). Current DHCD regulations allow for up to 70% local preference.

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- d. Affordable units constructed off-site shall not subtract from the total unit count on-site, however, affordable units constructed on-site shall be counted toward the total maximum of 285 residential units on-site.
 - e. Affordable units shall be constructed, leased, and occupied on a schedule roughly proportional to the construction, lease, and occupancy of market rate units on site; in no event shall the schedule depart from the requirements of Section 173-212.C.
8. Not later than ninety (90) days prior to its first application for a building permit for the new construction of vertical improvements (other than infrastructure or building permits associated with demolishing or remediating the existing building) the Applicant shall submit a traffic study for the Master Plan. The Planning Board may arrange for the hiring of an outside traffic consultant to review the traffic study, at the Applicant's expense. The traffic study shall be subject to review by the Planning Board and/or its traffic consultant, and the Applicant shall arrange for the traffic study to be revised as needed in response to comments from the Planning Board's traffic consultant.
9. The Applicant shall implement, at its own expense, any and all off-site mitigation recommended or required by the traffic study above. The timing / phasing of infrastructure improvements will be determined in the study in a manner that is deemed agreeable by the Planning Board and/or its traffic consultant.
10. All buildings within the project will connect to and be served by municipal sewer. The Owner / Applicant acknowledges that municipal sewer is anticipated to become available by 2024, and that it does not presently exist. The project cannot and shall not be constructed, and this Special Permit may not be exercised, in the absence of municipal sewer and sufficient available capacity within the sewer project to serve the applicable phase of the project.
11. All new buildings within the project are subject to the 2018 International Energy Conservation Code (IECC) (or shall be subject to any subsequently adopted comparable replacement building code) which regulates the design and construction of buildings for the effective use and conservation of energy over the useful life of each building. Building design measures shall include high-performance windows and walls, thermally broken windows and other components to eliminate thermal bridges and low air-infiltration. The project shall consider measures to avoid, minimize and mitigate impacts to create a sustainable development. Measures shall include solar-ready roofs, rooftop solar photovoltaic (where feasible), EV charging stations, pedestrian and bicycle accommodations, a Transportation Demand Management (TDM) Plan, a stormwater management system that includes Low Impact Design (LID) Best Management Practices (BMPs) and will be resilient to the 50-year storm conditions as of 2070. The project shall provide ecosystem-based adaptation measures to reduce heat island effect through the

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integration of tree canopy and LID BMPs.

12. Pedestrian Crossings: Pedestrian crossings shall be designed, permitted, and constructed by the Applicant as part of the phased development program. During the Site Plan Review process for each phase, the Planning Board shall consult the traffic study/peer review for timing of the onsite and offsite pedestrian improvements, including crossings and crosswalks across all major site driveways and internal roadways.
13. The affordable housing units shall prioritize Littleton residents to the maximum extent allowed by law and shall be provided as stated in “Determinations” #7 above.
14. No parking of vehicles is allowed on any unpaved surface upon completion of construction.
15. This Aquifer and Water Resource District Special Permit does not contemplate use, storage, generation, or disposal of hazardous materials. Any use proposed onsite that proposes use, storage, generation, or disposal of toxic or hazardous materials in excess of those outlined in § 173-61 will require a separate Aquifer & Water Resource District Special Permit application.
16. A “Long Term Pollution Prevention & Stormwater System Operation & Maintenance Plan” shall be provided for each phase of the project and is an integral part of this approval; all maintenance, inspections, and reporting requirements specified therein are required.
17. This Special Permit shall not become effective until it is recorded at the Registry of Deeds and the Developer / Applicant provides recording information to the Planning Department.
18. In conjunction with the 550 King Street project, the Applicant shall provide, at its own expense, transportation options from the site to the Littleton/Route 495 Commuter Rail Station. This obligation shall commence upon issuance of the first certificate of occupancy for a building at the site, and shall remain ongoing thereafter. The transportation shall be sufficient at all times to satisfy demand, and shall therefore account for additional construction and occupancy as the site is built out, and any additional increase in demand over time. The transportation shall provide convenient travel for users in a manner that coincides with the MBTA commuter rail schedule. The local Transportation Management Agency, Cross-Town Connect may provide consultation and non-financial assistance to the Owner / Applicant to meet this condition as needed; provided that nothing contained herein shall be deemed to affect the Owner / Applicant’s obligations under this condition.

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19. The Owner / Applicant shall conduct semi-annual groundwater monitoring to help assess land use impacts from the site on local groundwater resources. The owner shall be responsible for all associated costs incurred including: the installation of new groundwater monitoring wells (to be located with the approval of the Littleton Water Department); maintenance and upkeep of existing groundwater wells; and sampling, analysis, and review performed by the Littleton Water Department. The sampling, location, testing frequency, and analytical requirements shall be drafted and modified by the Littleton Water Department and approved by the Littleton Planning Board contingent upon existing and future environmental site conditions.
20. Groundwater quality shall not be degraded below drinking water standards at the property lines due to activity on this property.
21. No sodium deicing chemicals are to be used or stored on site (non-sodium deicing chemicals may be used).
22. This Special Permit authorizes up to 80% impervious maximum lot coverage and up to 50% maximum building coverage.
23. This Special Permit will lapse 36 months following the grant thereof (except such time required to pursue or await the determination of an appeal referred to in M.G.L. c. 40A, Section 17) if a substantial use or construction has not sooner commenced, except for good cause. Commencement of construction of improvements to the building, commencement of demolition of the existing building, or substantial site work in support of the construction approved hereby will constitute substantial use of this Special Permit.