

## **Host Community Agreement - 15 Great Road, Littleton**

### **Summary of Key Business Terms**

On February 11, 2013, a Host Community Agreement (HCA) was executed between the Board of Selectmen on behalf of the Town of Littleton (“the Town”), and Fifteen Great Road, LLC and various owners of the properties at 15 Great Road, Littleton (“the Developer”). The HCA provides for mitigation payments to the Town from the developer relative to two major development projects and two groups of existing, undeveloped single-family house lots. The HCA also provides assurance that the Town will remain above the 10% Chapter 40B affordability goal through January 1, 2031.

The relevant properties are:

1. The 21.17-acre 40B Property, which is the subject of the comprehensive permit application unanimously approved by the Zoning Board of Appeals for the 190-rental unit “Village Green” on February 14, 2013.
2. The 31.42-acre 40A Subdivision Property, which is the subject of the application for “The Orchards” subdivision unanimously approved by the Planning Board on February 14, 2013 as a so-called “Open Space Plan”, rather than a conventional subdivision.
3. Five undeveloped “Non-Easement Lots” located within the Apple D’Or Subdivision.
4. Seven undeveloped “Easement Lots” located within the Apple D’Or Subdivision. Six of these lots have been foreclosed in Land Court for nonpayment of taxes, and all of these lots require easements from the Town if the Developer is to run sewer lines under Grist Mill and Surrey Roads.

The Zoning Board of Appeals acts on the application for the 40B; the Planning Board, on the 40A; and MassDEP, on the wastewater treatment facility (WWTF). Having the HCA in place provides for mitigation payments to the Town to reflect whatever decisions are made by the Zoning Board of Appeals relative to the 40B property, the Planning Board for the 40A subdivision property, and by Town Meeting relative to the so-called “easement lots”.

The Zoning Board of Appeals has approved the comprehensive permit for the 40B property-- thereby bringing the Town of Littleton’s subsidized housing inventory (S.H.I.) from 8.45% to 13.97% under MGL Chapter 40B. The host community agreement further provides that if the 40B development is later converted from rental to ownership units, the developer would keep a sufficient number of units on the S.H.I. so that the town would be at the 10% Chapter 40B goal through January 1, 2031.<sup>1</sup>

Once the Zoning Board of Appeals approves the comprehensive permit for the 40B property, the Planning Board approves the subdivision plan for the 40A, and DEP issues the groundwater discharge permit for the WWTF serving both, then the HCA provides that the Developer pay to the Town 8% of the final sales price of each of the five Non-Easement

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<sup>1</sup> The Town would be responsible for maintaining its current 291 units on the S.H.I. The Developer would maintain up to 100 of its units on the S.H.I. in order for the Town to continue to achieve 10% through 1/1/2031. Littleton’s total housing stock is estimated at 3,900 units as of the 2020 U.S. Census. If that figure is higher than 3,900 total units, the Town would make up the resulting difference on the S.H.I.

Lots. Payment is made when a lot is sold to a third party with a finished home. *Estimated mitigation payment: \$270,000 (\$675,000 average sale price x 8% x 7 units)*

Since the Planning Board has approved the Open Space Plan for the 40A Subdivision Property, the Developer or its successor will pay to the Town 4.25% of the final sales price of the subdivision lots, plus a one-time payment of \$100,000. The percentage payment is made when a lot is sold to a third party with a finished home. *Estimated mitigation payment: \$544,125 (\$100,000 + \$550,000 average sale price x 4.25% x 19 units)*

In the alternative . . .

If the Planning Board had approved a conventional plan for the 40A Subdivision Property, the Developer or its successor would pay to the Town 4.25% of the final sales price of the subdivision lots, if the plan is for 17 units; or 3.5% if fewer than 17 with a right to appeal a decision of fewer than 17. *Estimated mitigation payment if 17: \$397,375 (\$550,000 average sale price x 4.25% x 17 units)*

Once the Host Community Agreement is executed, the Town will vacate the Land Court foreclosures on six Easement Lots, and place a warrant article before the 2013 Annual Town Meeting seeking authorization to convey easements that allow the Developer to place sewer lines under Grist Mill and Surrey Roads.

If the May 6, 2013 Annual Town Meeting authorizes the easements for Grist Mill and Surrey Road, this \$250,000 is paid free and clear and the Developer also pays an additional \$191,000 in back taxes; if the 2013 Annual Town Meeting does not authorize the easements, this \$250,000 is credited against payments that later become due.

If the Town (or any Town board, officer, etc.) is named as a defendant in any lawsuit involving the connection of the 40A Subdivision Property, the Easement Lots or the Non-Easement Lots to the WWTF, the Town will actively support the Developer in that lawsuit.

## **Summary of Mitigation Payments**

	Open Space <sup>2</sup>	Conventional
For 40A subdivision		
If Open Space Plan	\$544,125	19 new lots
If conventional plan		\$397,375 17 new lots
For 5 non-easement lots	270,000	270,000
<b><i>Sub-total w/o easement lots</i></b>	<b>\$814,125</b>	<b>\$667,375</b>
For 7 easement lots	250,000	250,000
<b><i>Total Mitigation w/easement</i></b>	<b>\$1,064,125</b>	<b>\$917,375</b>
Back taxes on tax title lots	191,000	191,000
<b><i>Grand Total w/taxes</i></b>	<b>\$1,255,125</b>	<b>\$1,108,375</b>

<sup>2</sup> The Planning Board approved the so-called Open Space plan on February 14, 2013, so this column reflects the operative amounts.