



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

November 23, 2022

Consolidated Decision
Site Plan Review
Accessory Business Uses at Active Farms Special Permit
571 Great Road – SpringDell Farm

APPLICATION: **SPECIAL PERMIT** pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning. The application is for an Accessory Business Use at an Active Farm for farmland reclamation including composting, rock crushing, topsoil screening and wood grinding disposal, landscaping yard and associated activities as outlined below at SpringDell Farm 571 Great Road.

PROPERTY LOCATION: 571 Great Road
Assessors' Map R-19, Parcel 7

APPLICANT John Durkin and Jamie Cruz
Trustees of SpringDell Farm
18 Wetherbee Street
Acton, MA 01720

OWNER: SpringDell Farm Trust
571 Great Road
Littleton, MA 01460

DATES OF LEGAL NOTICE: September 22, 2022 and September 29, 2022 Lowell Sun

DATES OF HEARINGS: October 6, 2022
October 25, 2022
November 10, 2022

MEMBERS PRESENT: Mark Montanari, Jeff Yates, Bartlett Harvey, Anna Hueston, and Delisa Laterzo

PUBLIC HEARING:

The Littleton Planning Board opened a duly noticed public hearing on October 6, 2022, which was continued to dates listed above. The Board closed the public hearing on November 10, 2022, with the Board deliberating on November 10, 2022 to consider an application for Special Permits and Site Plan Review pursuant to MGL Chapter 40A and the Code of the Town of Littleton Zoning.

Applicants Jamie Cruz and John Durkin, and Attorney Douglas Hausler, representing the applicants presented information on the proposed farmland reclamation and associates use and responded to questions posed by members of the Planning Board and Town Staff. Abutters and other members of the public in attendance were allowed the opportunity to ask questions, and/or make comments over the course of several Public Hearing dates, all of which were taken under advisement.

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The Public Hearing was closed on November 10, 2022 and the Board deliberated and voted on the project.

REFERENCE PLANS:

The Applicant submitted to the Planning Board the materials listed below (collectively, the “Plans”), which, together with the testimony provided at the referenced public hearings and the review and analysis of these materials, provide the information required by Sections 173-7 Special Permits; 173-16 through 173-19 Site Plan Requirements; to be amended as noted in the conditions:

1. Special Permit Application packet “Special Permit - Accessory Farm use Section 173-57 Springdell Farm 571 Great Road” received September 6, 2022, including:

Cover Letter
Exhibit A Application Materials
Exhibit B Deed
Exhibit C Plans: Existing Conditions Proposed Conditions

2. Updated Site Plan dated 11-7-2022 to be further updated as outlined in the Conditions below.

DETERMINATIONS:

Section 173-7 Special Permits:

1. As designed, and as conditioned below, no significant nuisance, hazard or congestion will be created and there will be no substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaw;

Section 173-18 Design Requirements for Site Plans:

2. Internal circulation and egress are such that traffic safety is protected, and access via minor streets servicing single-family homes is minimized;
3. Visibility of parking areas from public ways and residences is minimized, and lighting of these areas avoids glare on adjoining properties – no lighting is proposed.
4. Major topographic changes or removal of existing trees is minimized.
5. Adequate access to each structure and to each area for fire and service equipment is provided.
6. Utilities and drainage in the vicinity will be made adequate, and
7. Methods of stormwater control and treatment as outlined in the Town of Littleton Low Impact Design/Best Management Practices Manual (latest edition) are utilized to the maximum extent practicable;

Section 173-57 Accessory business uses at active farms:

8. The proposed farmland reclamation serves to protect and preserve the agricultural lands, and to maintain (and increase) land in active agricultural uses.
9. Roads, water, and drainage facilities are existing, or as committed by the applicant to be improved, and they will serve this proposal adequately and safely without material deterioration to service to other locations.
10. There is a high degree of assurance that no planned process or unplanned contingency will result in undue hazard or contamination of air, land, or water resources.

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11. The proposal is visually compatible with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees, and architectural character.
12. There is a low degree of threat to environmental resources, including the loss of valuable trees and other vegetation, disturbance to habitats, and soil loss through erosion.
13. Buffering and screening from any nearby uses of different character is adequate.
14. The proposed operations will not only retain prime or important agricultural soils in active production, but will allow for an increase in important agricultural soils in active production.

Conformance with Goals of the Littleton Master Plan:

15. This proposal supports the goals of the Littleton Master Plan. The Master Plan states that agricultural land should be viewed not just as an element of Littleton's history and community fabric, but also as an economic development driver. The farms in Littleton are actively used to produce crops and goods as a means of subsistence for farmers and their employees. The continued existence and success of farms will help accomplish the goals of economic development, open space, natural resources, and provide fresh, healthy, and sustainable food options for Littleton residents.

CONDITIONS:

Based on the foregoing, Mr. Yates made a motion that the Planning Board **approve** the Site Plan and **grant** the Accessory business uses at active farms special permit under the Code of the Town of Littleton Zoning, subject to the following conditions:

Conditions prior to commencement of commercial operation:

1. The validity of this permit is dependent on the Applicant recording this decision at the Middlesex South Registry of Deeds; applicant shall file with the Building Inspector and Planning Board a copy of this decision setting forth the recording information of the decision;
2. Adequate access to each structure and each composting area for fire and service equipment shall be provided and confirmation from the Littleton Fire Department is required;

Conditions for rock crushing operations:

3. Rock crushing operations shall occur no more than 60 days per each calendar year. This limitation can include up to 30 days in the March 1 through April 30 period and up to 30 days in the November 1 through December 31 period. Feb 15 – April listen to the tape prevailing wind, will suspend operations during this time period.
4. Rock crushing operations shall meet all State (including MA DEP) and Federal rules, regulations laws, and guidelines, including best management practices.
5. Rock crushing shall meet Local Noise Bylaw standards at the property lines.
6. Rock crushing operations is allowed only for rocks that currently exist onsite at 571 Great Road. All resulting crushed rock shall be reused onsite and shall not be removed from the site.
7. Maximum hours of rock crushing operations shall be 7:00 a.m. to 6:00 p.m. Monday through Friday. No rock crushing can occur outside of those hours or days. Processing of rock shall not begin before 7:30 a.m.
8. Rock crushing is approved until reclamation is complete, estimated to be a ten (10) year period.

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Conditions for composting operations:

9. Composting shall meet all State and Federal guidelines, including compost piles no closer than 75-feet from any property line.
10. Materials to be composted may include leaves, wood stumps, and leaf litter. No grass clippings, food waste, or screened wood product (AKA wood pulp) is allowed to be composted under this Special Permit.
11. A minimum of 50% of the composted materials shall be used to reclaim underproductive farmland at this property.
12. Maximum hours of operations for trucking for the composting operations shall be 7:00 a.m. to 6:00 p.m. Mondays through Saturdays.

Conditions for ongoing business uses at active farms:

13. The primary use of SpringDell Farms shall remain in active agriculture; a minimum of 25 acres must remain in active agriculture or this Special Permit shall be null and void.
14. Footprint of the accessory business operations is approximately 5 acres as shown on the Site Plan; this 5-acre size is just over the 10% maximum called for in Section 173-57 of the Zoning Bylaw, and the Planning Board acknowledges this.
15. Updated site plan shall be provided to the Planning Board showing the minimum 75-foot distance from the property line to the closes compost pile, and shall be stamped by a Professional Engineer.
16. Farmland reclamation shall proceed substantially as shown on the Site Plan, with cover cropping used to the extent practicable to keep fugitive dust from migrating offsite to a minimum.
17. Applicant shall provide an annual update to the Planning Board regarding operations under this Special Permit, starting 1 year from issuance of this permit. This Special Permit may be revised or rescinded by the Planning Board upon finding that operations are not in compliance with the conditions.
18. Neighbors are encouraged to approach the property owner and operator for an amicable discussion regarding any issues prior to filing any formal complaint with the Town.
19. Complaints filed with the Town will undergo a process described below to the extent practicable:
 - a. Investigate the complaint:
 - i. When is it happening;
 - ii. With what frequency;
 - b. The intensity of the issue
 - i. Is it a fleeing issue
 - ii. Affect by weather
 - iii. Production related
 - c. The potential complaint is determined from the property line of the individual filing the complaint.
 - d. If potential issue is identified the enforcing authority works with the entity to address the matter.

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- e. If the entity won't or can't address the matter the enforcing authority can issue an order to correct.
- 20. The Applicant and neighboring "Spring Brook Farm" property owners, the Matheson family, shall enter into a Memorandum of Agreement, or similar, to outline issues of common interest to allow operation of the accessory business uses contemplated by this Special Permit, such as water quality testing and setbacks for composting operations. The conditions included in this agreement shall be enforceable as part of this Special Permit.
- 21. Results of water quality testing shall be provided to the Board of Health in a timely manner.
- 22. 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 composting, rock crushing, or farmland reclamation approved hereby will constitute substantial use of this Special Permit.

Ms. Laterzo seconded this motion and the Board voted 5 to 0 in favor of this motion.

VOTE:

The Board members voted as follows:

Mark Montanari	AYE
Jeff Yates	AYE
Bartlett Harvey	AYE
Anna Hueston	AYE
Delisa Laterzo	AYE

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: 11/23/2022


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 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

Town Clerk Diane Crory
Littleton Mass.