



PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

December 14, 2018

FORM D

**CERTIFICATE OF DECISION ON A DEFINITIVE SUBDIVISION PLAN
CERTIFICATE OF A DECISION ON AN OPEN SPACE DEVELOPMENT SPECIAL
PERMIT AND SITE PLAN REVIEW
CERTIFICATE OF A DECISION OF A SCENIC ROAD SPECIAL PERMIT**

APPLICATIONS:

**DEFINITIVE SUBDIVISION PLAN
AN OPEN SPACE DEVELOPMENT
For "The Homes at Croft Common"
Previously known as Highland Park
At 93 Foster Street Littleton, Massachusetts
which incorporates the following four (4) applications:**

1. MGL Chapter 41, Section 81O Definitive Subdivision subject to the Code of the Town of Littleton Chapter 249 Subdivision of Land Regulations;
2. Special Permit in accordance with the Code of the Town of Littleton, Chapter 173, Zoning, Article XIX Open Space Development;
3. Site Plan Review in accordance with Section 173-96 C. of the Open Space Development requirements, Article IV; and
4. MGL Chapter 40, Section 15C Scenic Road permit

PROPERTY LOCATION:

93 Foster Street
Map U-35 Parcels 12-A and 13-0

APPLICATION DATE:

May 23, 2018

OWNERS:

Map U-35, Parcel 12A
Janis H & Aina Vilcans
PO Box 1325
Littleton, MA 01460
and
Map U-35, Parcel 13-0
Janis H & Aina Vilcans
87 Oak Knoll Road
Carlisle, MA 01741

APPLICANT:

Habitech Acquisition and Permitting Trust
Bruce Wheeler
148 Park Street
North Reading, MA 01864

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ENGINEER: Stamski & McNary, Inc.
1000 Main Street
Acton, MA 01720

DATES OF LEGAL NOTICES: June 22 and 29, 2018

DATES OF HEARING: July 12, August 2 (no testimony), September 13 (no testimony), October 4, November 1 (no testimony), and December 6, 2018

MEMBERS PRESENT: Mark Montanari, Ed Mullen, Anna Hueston, Peter Scott, and Jamie Cruz

APPLICATION PLANS: Pursuant to Sections 173-93 through 173-118 of the Littleton Zoning Bylaw, the application contained a set of plans showing both an Open Space Development and a Conventional Subdivision. Following deliberations, the Planning Board expressed its preference to have the applicant pursue the Open Space development proposal. The applicant submitted Preliminary Subdivision Plan Application on October 25, 2017, discussed at subsequent Planning Board meetings and approved March 12 2018, followed by the submission of a Definitive Subdivision Plan Application on May 23, 2018.

REFERENCE PLANS: “Definitive Subdivision Plan an Open Space Development for The Homes at Croft Common (previously known as Highland Park) at 93 Foster Street Littleton, Massachusetts” dated May 23, 2018; Revised August 17, 2018, Revised October 11, 2018, Revised October 30, 2018 and as further revised in accordance with this decision.

PUBLIC HEARING: The Littleton Planning Board held a duly advertised public hearing on the above dates to consider the application of **Janis and Aina Vilcans, as owners and Habitech Acquisition and Permitting Trust**, as applicant, for a Definitive Open Space Subdivision according to M.G.L. Chapter 40A, Section 9 and M.G.L. Chapter 41, Section 81T and the Code of the Town of Littleton Zoning, Sections 173-93 through 173-118.

The Public Hearing was closed on December 6, 2018.

WAIVERS APPROVED: The Board granted each of the following waivers from the Town of Littleton March 22, 2012 Chapter 249 Subdivision of Land Regulations pursuant to MGL Chapter 41 Section 81R:

- A. Section 249-32 B: from the requirement for the plans to be at the scale of one (1) inch equals twenty (20) feet. The proposed definitive plan is at a scale of one (1) inch equals forty (40) feet.
- B. Section 249-32D: Site Plans and Profiles: from the requirement to depict existing road profiles and proposed cross-sections at 1”=12’ and profiles at 1”=4’ (vertical). A profile of the proposed road is provided at 1”=40’ and 1”= 4’ (Vertical).
- C. Section 249-43 A (3): Dead end street: from the requirement for a circular offset type turnaround. A loop turnaround is provided with an open space parcel in lieu of the cul-de-sac island for use as a public park.

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- D. Section 249-43 D (10): Street intersections: from the requirement for street intersection on Collector Streets, including Foster Street, to be no less than four hundred (400) feet apart. The proposed road intersects with Foster Street approximately 323 feet from the intersection of Mill Road and Foster Street.
- E. Section 249-43 D (12): from the requirement for the nearest line of any driveway to be no closer than fifty (50) feet from the intersection of any two (2) streets. This waiver is for the driveway for 105 Foster Street (44 feet) and for one driveway within the proposed subdivision that is within 50-feet of the intersection of the new roadway with Foster Street.
- F. Section 249-43E(1): Cul-de-sac islands landscaping: from the requirement to landscape cul-de-sac island with grave, low-maintenance ground cover, and trees. The cul-de-sac island is proposed as a public park. Trees shall be clustered in a manner to provide open space for park use.
- G. Section 249-51H: Stormwater Management from the requirement for berm construction width and lot access. The maintenance berm design requirements for basin 1 have been met; for basins 2 and 3, access is from Croft Circle and the #93 Foster Street driveway, the berms have been reduced to 6-feet due to unique site constraints.
- H. Section 249-59C: Written Approvals: to waive the requirement for written certification of approvals from utility providers. The applicant is required to provide certification to the Planning Board prior to issuance of any building permit for all utilities designed by the applicant (storm drainage and domestic water).

FINDINGS: In accordance with Chapter 249 Subdivision of Land Regulations, Section 249-32 G. (5)(b), the Planning Board finds that the following criteria have been substantially met:

1. Submissions are complete and technically adequate;
2. Development at this location does not entail unwarranted hazard to safety or health of future residents of the development or to others because of potential natural disasters, traffic hazard, environmental degradation or other causes;
3. The project adequately conforms with the design standards of Articles IV and V of the Subdivision of Land Regulations;
4. The subdivision, based on the Development Impact Statement, as designed, will not cause unacceptable or substantial damage to the environment, which damage could be avoided or ameliorated through an alternative development plan;
5. The overall benefits of open space development as provided in the Zoning Chapter of the Town Code have been adequately addressed in this Open Space Definitive Subdivision, including the clustering of homes away from wetland resource areas and existing homes, and allowing for open space to be preserved for park and passive recreation uses;

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6. Required approvals from Conservation Commission and/or Zoning Board of Appeals are required prior to issuance of any building permits which require work to be performed within the jurisdiction of the Conservation Commission or Zoning Board of Appeals; and
7. Applicant has reported that whereas the project does not result in the direct alteration of 50 or more acres of land, the project has less than 2 miles of roadway and no other MEPA thresholds are exceeded, that MEPA review is not required.

In accordance with Sections 173-93 through 173-124 (Open Space Development), the Planning Board finds that the following requirements have been met:

1. The dwellings and accessory buildings shall be arranged in groups that do not detract from the ecological and visual qualities of the environment, and are harmonious with the existing neighborhood. The preservation of desirable open space has been maximized for this site.
2. As conditioned below, the developer shall convey the open space to the Town.
3. The Planning Board found that the plan complies with all relevant requirements of the Zoning Bylaw, and is on balance no less beneficial to the Town than a conventional development, taking into account the concerns detailed in Section 173-100.C(1) through (7).

The application does not include a DENSITY BONUS request under Section 173-104 B Open Space Development of the Zoning Bylaw.

In accordance with Section 173-18 Site Plan Review Design Requirements of the Zoning Bylaw, the Planning Board finds that the following site plan design requirements have been met:

1. The internal site circulation and egress protect traffic, and access via minor streets is minimized to the extent practicable.
2. All parking areas are for individual lots within the subdivision, and there is no lighting of these parking areas.
3. Major topographic changes and removal of existing trees has been minimized for this difficult site.
4. Adequate access for fire and service equipment has been provided for each lot.
5. Utilities and drainage will be adequate in accordance with the Planning Board's Subdivision Regulations.
6. Methods of stormwater control and treatment as outlined in the Town of Littleton Low Impact Design/Best Management Practices Manual (latest edition) have been utilized to the maximum extent practicable.

In accordance with Chapter 143 Scenic Roads, the Planning Board finds that the following work governed by the Scenic Road bylaw is proposed: The stone wall along the site frontage will be removed to make way for the proposed sidewalk; total linear feet of stone wall to be removed is no greater than 277 feet. All stones removed from this stone wall shall be reused to reinforce remaining stone walls or to construct new stone wall features within the development to the reasonable satisfaction of the Planning Board. A sketch plan showing the reuse of stones from this site shall be submitted to the Planning Board for approval prior to the start of construction onsite.

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VOTE

At the meeting held December 6, 2019, a motion was made by Mr. Mullen and seconded by Mr. Scott to **approve** the **Definitive Open Space Subdivision** applications listed above in accordance with the reference plan with the above **waivers** and with the following **conditions**:

1. The applicant shall remove the additional horizontal curve near STA 1+50 if field conditions allow during construction.
2. Fertilizers other than “water-insoluble nitrate fertilizer” (also known as “slow-release fertilizer”) are prohibited for use in any lot, lawn, or open space associated with this project. A covenant to this effect that is effective in perpetuity with respect to all land shown on the plans, and which has been reviewed and approved by Town counsel, shall be recorded prior to the issuance of any building permits.
3. The minimum setback for structures on each of the lots shall conform to the following dimensional requirements: side and rear setback to property lines no less than 10 feet; front setback no less than 15 feet. In all other respects, with the exception of any preexisting non-conformity of existing structures, the subdivision shall comply with dimensional requirements set out in Section 173-108.
4. The location of the houses, driveways, and grading shall be generally in accordance with the Site Development Plan, unless the Planning Board allows a modification to the Site Development Plan.
5. Fire Flow calculations must be submitted prior to issuance of any building permit.
6. Any blasting done on-site must be conducted with oversight from the Littleton Fire Department and only with non-perchlorate based materials.
7. The base course of pavement on Croft Circle and all utility and infrastructure installation and construction shall be completed within two years of this decision, unless the Planning Board approves an extension of such time frame.
8. To minimize impact on the infiltration capacity of the final infiltration basin, temporary sediment basins shall be excavated to no deeper than 12” above the final bottom of infiltration basin elevation.
9. Inspection and maintenance of dry wells and infiltration trenches will be the responsibility of the individual owners in perpetuity.
10. The developer shall be responsible for the installation, inspection and maintenance of the infiltration basins and sediment fore bays, street sweeping, snow removal, catch basins, and drainage manholes until such time as the Town accepts the roadway as a Public Way.
11. All requirements outlined in the Stormwater Operations and Maintenance Plan shall be adhered to.

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12. The applicant shall provide a copy of the legal instrument that establishes the terms of and legal responsibility for the operations and maintenance of stormwater BMP's.
13. A homeowners' association shall be created and shall be responsible for maintaining the park; the park is considered Open Space and can be used by the public at large.
14. Plans shall be recorded within 6 months of the date of the Planning Board's endorsement of the Definitive Open Space Subdivision Plan pursuant to G. L. c. 41, Section 81V, or this approval shall be automatically rescinded.
15. Electronic copies must be provided per Section 249-32E of the Subdivision of Land Regulations prior to commencement of construction activities onsite.
16. If the roadway has not been released from the security provisions of G. L. c. 41, Section 81U, if the top course of pavement has not been completed within two years from the time that the base course of pavement is installed, or if prior to completion of the top course of pavement the base course is deteriorated so as to be no longer satisfactory in the reasonable opinion of the Operations Manager/Highway Department Superintendent, the developer shall reclaim and reinstall the 2 inches of base course prior to installing the top course of pavement.
17. Street trees shall be located as depicted on the Plans. Modifications to the Street Tree Planting Plan shall be permitted subject to the reasonable approval of the Planning Board.
18. A stop sign shall be installed at the end of Croft Circle at the intersection with Foster Street.
19. Street signs for Croft Lane must be installed prior to issuance of building permits within this subdivision.
20. The developer shall submit any signs for the subdivision to the Planning Board for approval prior to installation.
21. Street lights shall be waived, with the exception of lighting to be added to the existing utility pole on Foster Street, and the developer will provide driveway lights at the roadway end of all driveways.
22. All retaining walls shall be designed in accordance with MassDOT Construction Detail E302.2.0 or designed in accordance with site specific conditions and stamped by a Professional Engineer registered with the Commonwealth of Massachusetts. The design should be submitted to the Planning Board and the proposed retaining wall finish shall require the review and approval of the Planning Board. The wall design shall also include fall protection measures if required by the Planning Board.
23. In accordance with Section 249-89 H. of the Littleton Subdivision of Land Regulations, the developer shall pay the Town's costs of all construction inspections and consultations. In the event any of the inspections disclose that remediation is required, the Developer shall cause such remediation to be completed, as agreed between the Developer and

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the consultant, within 30 days following any written notice for remediation, or such extended time as is reasonable under the circumstances requiring or causing the need for remediation. In the event the remediation is not forthcoming as required, the Planning Board may, but need not, withhold releases for subsequent lots, except that no release will be withheld which, at the time of notice, was already subject to a pending purchase and sale agreement.

24. As required by Section 173-112. A, Parcel A Open Space shall be conveyed for nominal consideration to the Town of Littleton under the care and custody of the Town of Littleton under the care and custody of the Board of Selectmen; and Parcels B Open Space shall be conveyed for nominal consideration to the Homeowners Association subject to a permanent Restriction for open space park purposes, as provided herein and as required by said Section 173-112.A.
25. The conveyance of Parcels A and B, shall occur no later than prior to the last two building permits issuing for the last two lots in the subdivision or within two years of the date of this decision, whichever first occurs.
26. All utilities within the subdivision will be underground.
27. All water infrastructure shall be completed in accordance with Littleton Water Department Specifications; all materials shall meet Littleton Water Department Specifications.
28. Until the subdivision road "Croft Loop" is accepted by the Town as a public way, the applicant or its heirs, personal representatives, successors or assigns or *any successor homeowner's association* or homeowner's trust, if the property is conveyed to a homeowners association or trust within which the owners of Lots are financially responsible for the expenses of such association or trust shall maintain the subdivision roads and provide for them to be kept clear and passable at all times and in all weather conditions.
29. Prior to the Board's endorsement of its approval of the subdivision thereon the developer shall furnish guarantees to the Planning Board as provided in M.G.L. c. 41, Section 81U that, with the exception of Lot A in the subdivision, no other lots included in such plan, shall be built upon or conveyed until the work on the ground necessary to service all the lots has been completed in the manner specified by the Subdivision Regulations of the Town of Littleton with the specific conditions listed herein, or a subdivision bond in lieu of completion in a reasonable amount is provided. With respect to Lot A, no occupancy permit can issue for that lot until Planning Board deems access is safe and adequate.
30. Construction shall adhere to the construction traffic management plan submitted with the traffic impact and access study.
31. The developer shall submit a landscape plan for approval prior to planting to include: low-maintenance groundcover within the cul-de-sac; planting locations, details, and requirements for street trees with no more than 35% of any one species to be used for street trees throughout the subdivision. The developer shall provide a plant list of the proposed plantings and proposed landscaping notes, and planting locations in accordance with ANLA Standards for Planting.

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32. Final design of the wooden guardrail will be submitted to the Planning Board for approval prior to construction.
33. A SWPPP plan, including an illicit discharge statement, and NPDES filing shall be completed and submitted to the Town prior to disturbance of 1 acre or more.
34. Final locations and configurations of compliant curb ramps and crosswalks near Foster Street shall be coordinated with the Town of Littleton Highway Department.
35. Each lot must be served by a sewage disposal system in accordance with Title 5 and the Littleton sewage disposal system requirements.
36. No burying of wood waste from lot clearing operations is allowed without compliance with 310 CMR 16.000, Site Assignment Regulations.
37. All phases of construction shall be done to minimize noise, odor and dust that would be injurious of public health and/or cause a “condition of air pollution”.
38. Final design of transition curbing will be in consultation with Littleton Highway Department and design shall be submitted to the LHD for approval prior to construction.

The Board voted 5 to 0 to **approve** The Homes at Croft Common Open Space Definitive Subdivision in accordance with MGL Chapter 41, Section 81O and the Code of the Town of Littleton Chapter 249 Subdivision of Land Regulations; the Special Permit for an Open Space Development in accordance with the Code of the Town of Littleton, Chapter 173, Zoning, Article XIX ; Site Plan Review in accordance with Section 173-96 C. of the Open Space Development requirements, Article IV; and Special Permit for Scenic Road, all with the above **conditions**.

Each Board member voted as follows:

Mark Montanari	AYE
Ed Mullen	AYE
Anna Hueston	AYE
Peter Scott	AYE
Jamie Cruz	AYE

Appeals, if any, shall be made pursuant to Section 81BB of Chapter 41, and Section 17 of Chapter 40A, of the Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.

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Signed:



Anna Hueston, Clerk

Date Filed with Town Clerk: Dec 14, 2018

For D Croy
Town Clerk

TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Croy, 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 Definitive Subdivision and the Special Permits and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Town Clerk Diane Croy
Littleton, Mass.

Date