



Town of Littleton, Massachusetts
TOWN MEETING REPORT

VOTER INFORMATION

Please bring this with you to the

NOVEMBER 1, 2023
SPECIAL TOWN MEETING

Wednesday, November 1, 2023, at 7:00 PM
Charles Forbes Kaye Gymnasium, Littleton Middle School
55 Russell Street, Littleton, MA 01460

This Town Meeting Report is prepared by the

Office of the Select Board/Town Administrator
Town of Littleton
Littleton Town Offices
37 Shattuck Street
Littleton, MA 01460

Ryan Ferrara, Interim Town Administrator
Kellie Hebert, Interim Assistant Town Administrator
Dianne Dickerson, Special Projects Coordinator
Lisa Montgomery, Executive Assistant

More information is available online at:

<https://ma-littleton.civicplus.com/480/Town-Meetings-Documents>.



November 1, 2023 Town Meeting Articles

SPECIAL TOWN MEETING at 7 PM

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Moderator: Town Meeting Procedures

As Town Moderator, I propose the following guidelines and procedures for the Special Town Meeting on Wednesday, November 1st:

Presentations: The individual, board or committee responsible for placing an article on the warrant will be permitted ten (10) minutes to make a presentation once the main motion is properly before Town Meeting. A single presenter is greatly preferred, and in the event of multiple presenters, the ten (10) minute time limit stands. No additional time shall be granted without the Moderator's permission. Presentations in opposition will likewise be limited to 10 minutes and must be approved in advance of the Town Meeting by the Moderator. The Moderator reserves the right to grant no more than two (2) minutes of additional time to presentations that he believes Town Meeting would benefit from hearing in their entirety.

Limits on Length/Number of Speeches: Speakers shall be limited to no more than three (3) minutes, and no one shall speak more than once per article except for the following situations: responses to questions posed by and through the Moderator, brief clarification of a previous statement with the permission of the Moderator, or by a majority vote of Town Meeting.

Time Limit for Consideration of New Business (evening Town Meetings only): The Town Meeting shall not begin consideration of any new warrant article after 10:30 p.m., unless the Moderator determines that there is a reasonable likelihood of concluding the Town Meeting prior to 11:00 p.m. and a majority of the Town Meeting votes to continue its business later into the evening.

A Call of the Articles: In the interest of time and efficiency, Town Meeting will continue with “**A Call of the Articles**” to speed up the passage of warrant articles which should generate no controversy and can be properly voted without debate allowing additional time to debate more significant articles. Specifically, as one of the first orders of business at Town Meeting, the Moderator will call out the numbers/titles of articles deemed to be non-controversial. If any voter has doubts about passing any motion, or wishes an explanation of any article, should say the word “hold” in a loud voice when the article number is called by the Moderator. The Moderator will inquire as to whether the request is for a question or for debate. If the purpose of the request is merely a question, then an attempt will be made to obtain a satisfactory answer. If the purpose is to hold the article for debate, the article will be removed from the list of articles included in the “Call” and restored to its original place in the warrant to be raised, debated, and voted in the usual manner. We hope that voters only remove articles from the “Call” in cases of legitimate concern.

After calling each article proposed for the consent agenda, the Moderator will ask that all of the articles in the “Call” be passed as a unit by unanimous vote. There will be a motion to take all the articles identified in the “Call” and act upon them by means of a single, brief affirmative main motion which will be inclusive of the separate and specific motions as printed in this Report. The use of “A Call of the Articles” is intended to speed up the passage of warrant articles which the Select Board and the Town Moderator believe should generate no controversy and can be properly voted without debate and give Town Meeting additional time to thoughtfully consider the rest of the warrant articles.

More information about Town Meeting is available online on the Town's website at <https://ma-littleton.civicplus.com/480/Town-Meetings-Documents>. Thank you for your cooperation in implementing these procedures and allowing me the privilege of serving as your Moderator.

Timothy D. Goddard, Town Moderator

Select Board: Town Meeting Report

To the Voters of Littleton:

The Select Board is pleased to present this *Town Meeting Report*.

Town Code §41-3 provides that

For every annual and special town meeting, the Select Board 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.

Here is the format in which information is presented for each article in this Report:

<p>ARTICLE # Article Sponsor/Inserter Title of the Article <i>[If needed, any special voting requirements]</i></p>
--

Full text of the warrant article as printed in the Town Meeting warrant, as posted.

[Brief explanation of the article.]

Motion proposed by the sponsor, as reviewed by Town Counsel.

Recommendations of Town Boards.

The Select Board welcomes your feedback. Thank you for your participation and interest in this important civic event.

Littleton Select Board

Gary Wilson, Chair
Charles DeCoste, Vice Chair
Mark Rambacher, Clerk
Matthew Nordhaus
Karen Lee Morrison



November 1, 2023 Special Town Meeting

7:00 PM, Charles Forbes Kaye Gymnasium
Littleton Middle School at 55 Russell Street

The Special Town Meeting was opened at 7:08PM by Town Moderator, Timothy Goddard at the Charles Forbes Kaye Gymnasium, 55 Russell Street in said Littleton on Wednesday, the first day of November 2023. He stated that there were still a few persons checking and so he would go over the preliminary information while they were doing so. And that we could begin the business of the Town Meeting shortly. Moderator Goddard pointed out the emergency exits and that they were to be used if necessary. He stated that the warrant had been properly posted and served.

The Moderator led us in the Pledge of Allegiance and then called up Mia Clement, a junior from Littleton High School, to sing the National Anthem. Upon completion, Moderator Goddard thanked Miss Clement for another beautiful job.

Next, Town Moderator Goddard went on to talk about the Consent Calendar and how we normally would bundle articles together. He stated that there were a few that he would be putting on the consent calendar, but cautioned that without a unanimous vote, due to the 9/10's necessity to pass we could either remove the articles and revote or take individual articles as stand alone. This procedure has been in place since October 2017. He stated that the list of articles to be placed on the consent agenda were 2, 5, 9, 11, 12, 13, 14, 15, 17. He also asked that everyone be sure that they had a copy of the Town Meeting Amendment Handout.. As well, if voters forgot their Town Meeting Report at home to be sure to grab one at the check-in.

Town Moderator then went on to do a reading of the articles stating if persons wanting to hold or discuss any article simply say hold and if it was a simple question and could be answered easily we would do so otherwise they would be pulled from the "Consent Agenda Articles". Article 2 & 15 were removed from the Consent calendar.

Those articles so declared passed by Consent by the Moderator. The motion was so moved, seconded and so declared passed by the necessary 2/3rds vote: Articles 5, 9, 11, 12, 13, 14, 17.

At approximately 7:35pm there were 304 registered voters in attendance and voting. By 8:38pm there were 338 registered voters in attendance and voting.

ARTICLE 1

Report of the Master Plan Implementation Committee

The Moderator declared it a vote that the Town hear the report of the Master Plan Implementation Committee. Chairman Laura Anne Yates gave the report to the Town Meeting Body.

ARTICLE 2

Bills of Prior Years

[9/10ths vote required]

Declared a unanimous vote by the Town Moderator, satisfying the 9/10ths requirement that the Town will transfer from available funds a sum of \$3,294.57 to pay unpaid bills from prior fiscal years as listed below.

FY	Vendor	Description	Amount	Charge to:
2023	Amazon Capital Services	DPW Safety Supplies	\$ 30.99	01420520-54300

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2023	Amazon Capital Services	DPW Mower Supplies	\$ 489.93	01420520-54300
2023	Amazon Capital Services	Events/Supplies	\$ 1,064.66	21055200-57800-SPEC
2023	Coastal Medical Billing	Ambulance Billing	\$1,708.99	01220520-530000
	Total:		\$3,294.57	

ARTICLE 3
Electronic Voting Equipment

Passes by the necessary majority vote with one person voting in the negative that the Town will appropriate **\$21,035** (Twenty-One Thousand Thirty-Five Dollars) to purchase electronic voting equipment, software, and any related expenses.

ARTICLE 4
Supplemental FY2024 Capital Items
[2/3rds vote required]

Town Moderator declared a 2/3rds vote and so declared passed that the Town appropriate **\$440,000** (Four Hundred Forty Thousand Dollars) to be expended by the departments identified below for capital projects and purchases, as described below; and to fund such appropriation, by a transfer of **\$440,000** (Four Hundred Forty Thousand Dollars) from the Capital Stabilization Fund.

ARTICLE 5
Rescind Unused Borrowing Authorizations

The motion was moved, seconded and so declared passed by the necessary 2/3rds vote on the Consent Calendar that the Town will rescind the borrowing authorizations for the following articles and un-issued amounts:

Town Meeting Vote	Project	Authorization	Amount Issued	Total to be Rescinded
05/04/2015 STM Article 7	Roadway Improvements	\$1,000,000.00	\$0.00	\$1,000,000.00
10/28/2019 STM Article 13	Library Construction	\$13,100,000.00	\$13,091,900.06	\$8,099.94
10/18/2020 STM Article 15	Ambulance Purchase	\$225,000.00	\$0.00	\$225,000.00

ARTICLE 6
Ambulance Vehicle Replacement
[2/3rds vote required]

So declared passed by unanimous vote to appropriate **\$425,000** (Four Hundred Twenty-Five Thousand Dollars) to be expended by the Fire Department for a Type 1 Ambulance, equipment and accessories, and associated costs and any related expenses. Said appropriation to be funded with a transfer of **\$250,000** (Two Hundred Fifty Thousand Dollars) from the Ambulance Receipts Fund, and **\$175,000** (One Hundred Seventy-Five Thousand Dollars) from the Capital Stabilization Fund.

ARTICLE 7

**Supplemental Appropriation
Shaker Lane Elementary School**

Passed by necessary majority so declared a vote by the Town Moderator to transfer from the Fiscal Year 2024 General Fund Budget to the Select Board – Other Expenses (01122520-578000) **\$385,000** (Three Hundred Eighty-Five Thousand Dollars) for the purpose of funding a Feasibility Study, Design, and Construction at the Shaker Lane Elementary School, located at 35 Shaker Lane, Littleton, in addition to the costs approved for the same project under article 23 of the 2022 Annual Town Meeting, including the payment of all costs incidental or related thereto, and for which Littleton may be eligible for a grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended under the direction of [the Shaker Lane School Building Committee]. Littleton acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs Littleton incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of Littleton, and that the amount raised and appropriated pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Littleton and the MSBA.

ARTICLE 8

Overlay Reserve Transfer to Capital Stabilization Fund

Unanimously voted, the motion carries and the Moderator declared it a vote to transfer from the Overlay Reserve Account, **\$4,000,000** (Four Million Dollars) to the Capital Stabilization Fund established by Article 6 of the May 6, 2013 Special Town Meeting, for the purpose of funding any capital-related project, pieces of capital equipment, or debt service payment related thereto.

ARTICLE 9

**Overlay Reserve Transfer
Community Preservation Act Recreation Reserve**

A vote of the Town on the Consent Calendar Articles, the motion was moved, seconded and so declared passed by the Moderator, pursuant to M.G.L. c.44B, §3(b½), to transfer **\$400,000** (Four Hundred Thousand Dollars) from the Overlay Reserve Account to the Community Preservation Act Recreation Reserve.

ARTICLE 10

**Supplemental Appropriations
Amend Fiscal Year 2024 Community Preservation Act Budget**

Town Moderator stated it was a clear 2/3rds vote and so declared it a vote that the Town will amend Article 11 as voted at the Annual Town Meeting on May 1, 2023 and raise and appropriate, transfer from available funds, or borrow an additional **\$792,000** (Seven Hundred Ninety-Two Thousand Dollars) including all incidental or related costs for the following three additional projects:

- Appropriate **\$50,000** (Fifty Thousand Dollars) from the Community Preservation Act Historic Resources Reserve for window painting and rehabilitation at the Houghton Memorial Building.
- Appropriate **\$8,000** (Eight Thousand Dollars) from the Community Preservation Act Historic Resources Reserve for the preservation of Town records.

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- Appropriate **\$734,000** (Seven Hundred Thirty-Four Thousand Dollars) to design and construct tennis courts at Littleton High School for recreation purposes under the Community Preservation Act and to fund such design and construction, that **\$400,000** (Four Hundred Thousand Dollars) be appropriated from Community Preservation Act Fund balance and that **\$334,000** (Three Hundred Thirty-Four Thousand Dollars) be borrowed by the Treasurer, who is authorized with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose, as authorized by General Laws Chapter 44B, § 11, or any other general or special law, for a period not to exceed the maximum number of years authorized by law.

ARTICLE 11

Senior Center Stabilization Fund

So moved, seconded and declared a 2/3rd vote and passed by the necessary 2/3rds vote on the Consent Calendar that the Town voted to appropriate and transfer from the Senior Center Stabilization Fund \$231,949.16 (Two Hundred Thirty-One Thousand, Nine Hundred Forty-Nine Dollars and Sixteen Cents) for the construction and related costs for the Senior Center/Center on Shattuck Street project.

ARTICLE 12

Amend FY2024 Revolving Funds

Parks, Recreation and Community Education Revolving Fund

So moved, seconded and declared passed on the Consent calendar that the Town voted to amend the vote taken at the May 1, 2023 Annual Town Meeting to raise the limit on the total amount that may be spent from the Parks, Recreation and Community Education Revolving Fund to **\$1,300,000** (One Million Three Hundred Thousand Dollars) for Fiscal Year 2024.

ARTICLE 13

Sewer Betterment Program

So moved, seconded and declared passed on the Consent calendar that the Town raise and appropriate from available funds to the Sewer Enterprise Fund Operating Budget **\$82,252** (Eighty-Two Thousand Two Hundred Fifty-Two Dollars) to cover the cost of the Town's Sewer Betterment Program for Fiscal Year 2024.

ARTICLE 14

Elder and Human Services Sampson Fund

So moved, seconded and declared passed on the Consent calendar that the Town support the transfer of **\$6,000** (Six Thousand Dollars) from the Bradford Sampson Relief for Animals Fund to the Elder and Human Services Department for the purpose of supporting the Town's Animal Care Assistance Program.

ARTICLE 15

Right of Way Takings – Foster Street

[2/3rds vote required]

Stephen Jahnle, DPW Director, gave a presentation with regard to the Right of Way Takings and how we

got to this point. Through hand-count with the following information: Total Votes: 301, Yes votes: 209; No votes 92, votes needed to pass for 2/3rds requirement: 201, declared a vote by the Moderator that the Town authorize the Select Board to acquire, by gift, purchase, eminent domain or otherwise, easements in the parcels identified in a plan entitled "Massachusetts Department of Transportation Plan and Profile of Foster Street (Bridge No. L-13-017) in the Town of Littleton, Middlesex County 100% Submission Right of Way" prepared by Fuss & O'Neill dated October 21, 2022, revised June 2, 2023, which plan is available for inspection at the office of the Town Clerk, for the purpose of establishing a secure permanent public right of way that will allow for construction and roadway and sidewalk improvements, including drainage improvements, installation of granite and asphalt berms, signs, retaining walls, guardrails, pedestrian flashing beacons, lighting, grading, erosion control, utility poles, overhead wire, guy wires and related facilities, in connection with the reconstruction of Foster Street.

ARTICLE 16
General Bylaw Amendments

Unanimously voted and so declared a vote by the Moderator that the Town amend the General Bylaws as follows:

- (1) By striking Section 2 of Chapter 3 in its entirety and replacing it with a new Section 2 as shown:

Section 2. The Town Administrator shall report to the Select Board. The Town Administrator shall be appointed as follows:

- 1) The Select Board may appoint a Town Administrator Selection Committee (TASC). The TASC shall consist of 5 members as follows:

- a) Chair, a member of the Select Board, appointed by the Select Board.
- b) A member of the Finance Committee, appointed by the Finance Committee.
- c) A member of the School Committee, appointed by the School Committee.
- d) A member of the Personnel Advisory Committee, appointed by the Personnel Advisory Committee.
- e) A member at large with municipal management experience appointed by the Select Board.

- 2) Alternatively, the Select Board may, by supermajority vote, waive the appointment of a TASC if it is in the best interest of the Town to engage in an alternative method for a recruitment, screening or hiring process.

- (2) By striking the title of Article IV of Chapter 8 and inserting in place thereof: Board of Park and Recreation Commissioners.
- (3) By amending § 8-8 of Article IV of Chapter 8, as shown (additions indicated by underlining):

Pursuant to MGL C. 45, §§ 2 and 14, the Board of Park and Recreation Commissioners shall be an elected five-member Board.
- (4) By striking Article V of Chapter 8 in its entirety.
- (5) By striking Article IV of Chapter 13 in its entirety.

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- (6) By amending Section 2 of Chapter 17, as shown (additions indicated by underlining and deletions indicated by strikethrough):

Section 2. The Director of Finance and Budget (DFB) shall also serve in the capacity of and have all the powers and duties presently vested in one of the following positions, as determined by the Town Administrator, subject to the approval of the Select Board:
Town Accountant, ~~or~~ Treasurer/Collector, or Assistant Town Administrator.

- (7) By striking Chapter 46 in its entirety.

ARTICLE 17
Rescind Acceptance of State Statute
M.G.L. 94 § 236

So moved, seconded and declared passed on the Consent calendar that the Town rescind the vote of Town Meeting to accept the provisions of section 236 of Chapter 94 of the General Laws pertaining to “weighers of hay”.

ARTICLE 18
Amend Zoning Bylaw
Firearms Business Zoning Bylaw
[2/3rds vote required]

Mark Montanari, Chairman of the Planning Board, stated that the Hearing was properly held. Moderator Goddard stated that the article passes by the necessary 2/3rds majority vote to amend the Zoning Bylaw, Section 173-244 “Termination of Special Permit” to read as follows:

§ 173-244 ~~Termination~~ Revocation of Special Permit.

- A. A special permit for a Firearms Business is not transferrable upon a sale, transfer, or assignment of the Firearms Business.
- B. If there is a change in the identity of the manager of the Firearms Business, the SPGA, the Building Commissioner, and the Select Board shall be notified of such change within thirty (30) days. Failure to comply with this provision shall **be cause for revocation of** ~~terminate~~ the special permit **by the SPGA.**
- C. A special permit for a Firearms Business shall be **subject to revocation by the SPGA** ~~terminated~~ for violating M.G.L. c. 140, §§ 122B, 130, or 131N, or similar laws in other states.
- D. Upon expiration or cancellation of the policy of insurance required by § 173-239.D(11), and if no additional insurance is obtained, the special permit shall be **subject to revocation by the SPGA** ~~terminated~~.
- E. **If a special permit is subject to revocation, the SPGA must send written notice to the Firearms Business. The SPGA must hold a public hearing at which the owner of the Firearms Business shall have an opportunity to be heard.**

Section 173-26.A, Use Regulation Schedule, “Firearm Business”

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Uses	Districts					
	R	VC	KC	B	IA	IB
Firearm Business	N	N	N	<u>P</u> <u>N</u>	P	<u>N</u> <u>P</u>

The Town Moderator, Timothy Goddard called a brief recess at 9:15PM for all to stretch and prepare for the last two questions of the evening. The Moderator called Town Meeting back to order at 9:27PM.

ARTICLE 19

Amend Zoning Bylaw

MBTA Communities Zoning Bylaw and Zoning Map Amendment

An amendment made on the Floor to §173-253 to read, with changes in red: C. The maximum building height is **3 stories with a maximum height of 35 feet** within a line parallel to and 300 feet from Foster St and **5 stories with a maximum height of 55 feet** for buildings sited between that line and the property line along Interstate Route 495. This amendment was so approved by Town Meeting and “taken as friendly advisement” by the Planning Board. The main body of the article was then back on the floor for a vote. This was a simple majority vote and we proceeded with a hand-count. Total votes 269; yes votes: 125; no votes 144 total needed to pass 135, the motion to amend Chapter 173, the Zoning Bylaws, failed.

1. Inserting in Section 173-22A(1) immediately below the existing entry for the Residence District (R), a new entry for the Littleton Station MBTA Communities Multi-family District (LSMFD).
2. Adding a new Article XXXIII, entitled Littleton Station MBTA Communities Multi-family District, as follows:

Article XXXIII Littleton Station MBTA Communities Multi-family District

§ 173-247. Purpose.

The purpose of the Littleton Station MBTA Communities Multi-family District (LSMFD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

- A. Encourage the production of a variety of housing sizes and types to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
- B. Locate “missing middle” housing adjacent to the Foster Street Commuter Rail Station to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality;
- C. Encourage connections between the commuter rail station and a community multi-use (pedestrian and bicycle) path;
- D. Increase the municipal tax base through private investment in new residential developments; and

- E. Promote recommendations of the Littleton Master Plan and the Littleton Station Village Vision Plan

§ 173-248. Applicability.

- A. This LSMFD is a district having a land area of approximately 10.75 +/- acres in size and is shown as “Proposed Lot 2” on the plan “Approval Not Required Subdivision Plan, Map R11 Lot 3, 245 Foster Street Littleton, Massachusetts” (Sheet 1 of 1) Prepared for SNS Foster, LLC by WSP USA, Inc. Dated October 2, 2023 and endorsed by the Planning Board on October 12, 2023, and on “Zoning Exhibit 245 Foster Street Littleton, MA” (Exhibit A) dated 10/13/2023. An applicant may develop multi-family housing located within this LSMFD in accordance with the provisions of this Article XXXIII.
- B. The benefits and obligations of the zoning bylaw shall apply only to proposals for development on those parcels located entirely within the boundary of the LSMFD. Except as specifically provided for in this Article, the following sections of this Chapter do not apply to real property located within the LSMFD:
- (1) Article VI Intensity of Use Regulations
 - (2) §173-16 et. seq. Site Plan Review
 - (3) § 173-32 Parking Requirements
 - (4) § 173-43 Screening
 - (5) Article XIX Open Space Development
 - (6) Article XX Shared Residential Driveways
 - (7) Should the provisions of this Article conflict with those found elsewhere in this Chapter, the provisions of this Article shall apply.

§ 173-249. Definitions

For the purposes of this Article XXXIII only, the following definitions apply:

- A. **Access Drive, Principal.** The paved way that allows vehicular access from the public street to building, driveways, and parking areas on the lot. The primary access drive may be constructed on an easement or as a subdivision way.
- B. **Applicant.** A person, business, or organization that applies for a building permit, or Site Plan Review, or Special Permit.
- C. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- D. **Building.** A structure with a roof and walls and used or intended for supporting or sheltering any use or occupancy.
- E. **Development standards.** Provisions of § 173-255. General performance standards and criteria made applicable to projects within the LSMFD.
- F. **Lot.** A continuous parcel of land, in single or joint ownership, with legally definable boundaries. A lot may be accessed by frontage on a public right-of-way, a subdivision way, or access easement. (See Principal Access Drive).

- G. **Impervious Surface.** The percentage of lot area covered by buildings, structures, roofs, and impervious paving.
- H. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
- I. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
- J. **Parking, structured.** A building in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a building; or a vehicle parking area that is not underneath a building, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
- K. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel and/or bike parking designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition and may be permitted by Site Plan approval.
- L. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- M. **Section 3A.** Section 3A of the Zoning Act.
- N. **Site Plan Review Authority.** The Littleton Planning Board shall be the Site Plan Review Authority.
- O. **Special Permit Granting Authority.** The Special Permit Granting Authority shall be the Littleton Planning Board.

§ 173-250. Permitting.

Site plan review by the Planning Board is required for the creation of, addition to, or substantial alteration of any structure or parking in the LSMFD, subject to § 173-255 General performance standards and criteria and § 173-258 Site Plan Review.

§ 173-251. Permitted Uses.

A. Residential

- (1) Multi-family housing
- (2) Uses exempt by statute (MGL C. 40 §3)

B. Accessory Uses

- (1) Roadside stands (agricultural)
- (2) Home occupations
- (3) Parking and parking structures in compliance with § 173-32
- (4) Signs in compliance with Article VIII
- (5) Solar panels installed above one or more parking spaces
- (6) Bike storage

- (7) Other customary accessory uses to multi-family use, including but not limited to associated infrastructure such as wastewater treatment facilities

C. Within the LSMFD, multiple buildings and multiple uses are permitted on a single lot.

§ 173-252. Concurrent review and granting of special permits.

Applications for Special Permits for the Aquifer and Water Resource Districts (§ 173-257) and all other necessary special permits shall be submitted and reviewed concurrently with the site plan review process.

§ 173-253. Dimensional Requirements.

Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the LSMFD are as follows:

- A. The minimum lot area shall be zero.
- B. The minimum lot frontage shall be zero.
- C. The maximum building height is 35 feet or 3 stories within a line parallel to and 300 feet from Foster Street and 55 feet or 5 stories for buildings sited between that line and the property line along Interstate Route 495.
- D. The minimum front setback for a principal building from a Principal Access Drive shall be 10 feet.
- E. The maximum front setback for a principal building from a Principal Access Drive shall be 20 feet.
- F. The minimum setback from a side or rear property line is 30 feet.
- G. The maximum Impervious Surface is 50%.
- H. The minimum lot area per dwelling unit shall be 2,300 SF.
- I. **Exceptions.** The limitation on height of buildings shall not apply to roof-top mechanicals, and chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building. Roof-top mechanicals shall be screened.
- J. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority may waive the height and setbacks in this § 173-253 to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a substantial detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

§ 173-254. Off-Street Parking

Except for the parking requirements below, which are applicable to development in the LSMFD, all other provisions of Article VII Parking Requirements apply.

- A. **Number of parking spaces.** The following **maximum** numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures. Parking may be located on an adjacent lot provided that the parking is within 400 feet and is subject to appropriate easement

language to be recorded at the Registry of Deeds:

Use	Maximum Spaces
Multi-family	1.5 spaces per unit

- B. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	0.25 spaces per unit

- C. **Bicycle storage.** For a multi-family building of 50 units or more, covered parking bicycle parking spaces shall be provided for no less than half the required bicycle spaces for that building.

§ 173-255. General performance standards and criteria.

- A. Development standards in the LSMFD are applicable to all multi-family development within the LSMFD. These standards are components of the Site Plan Review process in § 173-258. Site Plan Review.
- B. Site Design.
- (1) **Connections.** Sidewalks shall provide a direct connection among building entrances, the sidewalk on the principal access drive, bicycle storage, and parking.
 - (2) **Multi-use Path.** The developer shall construct a multi-use path on the Lot subject to the grant of any and all governmental and private property owner consents and approvals. This path shall have a surface that is suitable for pedestrians and bicyclists and width that is no less than 10 feet, subject to the Wetlands Protection Act where applicable. The path shall connect the MBTA property to the proposed multi-use path adjacent to the development property that is to be constructed by the Town. The easement between the Grantor and the Town shall limit the use of the multi-use path to the purposes of walking, hiking, jogging, biking, and nature study. The Grantor of the easement shall have the benefit of the provisions of MGL Chapter 21, Section 17C. Any and all land dedicated to the Multi- Use Path shall continue to be counted towards satisfaction of all dimensional requirements in the LSMFD.
 - (3) **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
 - (4) **Screening for Parking.** Surface parking adjacent to a sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
 - (5) **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.

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- (6) **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- (7) **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- (8) **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened.
- (9) **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- (10) **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, the Littleton Stormwater Management and Erosion Control Regulations, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

C. Buildings: General.

- (1) **Position relative to Principal Access Drive.** The primary building shall have its principal façade and entrance facing the Principal Access Drive.
- (2) **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

D. Structures: Multiple Buildings on a lot.

- (1) Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- (2) A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- (3) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- (4) The building(s) adjacent to the principal access drive shall have a pedestrian entry facing that access drive.
- (5) **Distances between principal buildings.** Principal buildings must be separated at the closest point between buildings based on the Wall Condition, which is defined as follows:

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- **Wall to Wall.** Two walls of buildings face each other, and neither contains a window required by the Massachusetts Building Code applicable at the time of construction (“legally required window”).
- **Wall to Window.** Two walls of buildings face each other, and one contains a legally required window and the other does not.
- **Window to Window.** Two walls of buildings face each other, and both contain a legally required window.
- **Table of distances between buildings.**

Wall Condition	Building Height		
	Up to 35’	45’	55’
Wall to Wall	25’	30’	35’
Wall to Window	35’	40’	45’
Window to Window	45’	50’	55’

(6) To encourage clustering of buildings and preservation of open space, no building may be more than 80 feet from the nearest adjacent building.

E. **Buildings: Shared Outdoor Space.** Multi-family housing shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

F. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.

(1) Surface parking. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the Public Access Drive.

(2) Integrated garages. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.

(3) Parking structures. Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings shall be subordinate in design and placement to the multi-family building(s) on the lot.

G. **Design Guidelines.** The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Guidelines which shall be applicable to all rehabilitation, redevelopment, or new construction within the LSMFD. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

H. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance

Guidelines, the Site Plan Review Authority may waive by majority vote the requirements of this section, § 173-255 in the interests of design flexibility, including topographical changes and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the LSMFD.

§ 173-256. Affordability Requirements.

- A. **Applicability.** The provisions of Article XXIX: Inclusionary Housing shall apply with the exception listed below. Affordable Units must be restricted in accordance with the metrics below.
- B. **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

§ 173-257. Relationship to Aquifer and Water Resource District.

- A. The purpose of this section is to balance environmental constraints in Littleton's Aquifer and Water Resource District with appropriate development near the commuter rail station. The entire LSMFD is located within the Water Resource Zoning Overlay District;
- B. The permitted uses listed in § 173-251 are allowed within the LSMFD, including areas within the Water Resource Zoning Overlay District;
- C. Within the LSMFD, the maximum impervious surface allowed is 60% by special permit. Calculation of Impervious Surface shall not include the Multi-Use path. To grant the Aquifer and Water Resource District special permit for the additional impervious surface, the Applicant must demonstrate that the criteria of § 173-62.B has been met and that the development incorporates current Massachusetts Department of Environmental Protection (MassDEP) best management practices for stormwater management, and the Storm Water Quality Control and Storm Water Quality Practices outlined in the Town of Littleton Low Impact Design / Best Management Practices Manual. Further, for projects that propose an increase in impervious area, 100% of the runoff from the increase in impervious area shall be infiltrated onsite for up to a 10-year storm event, such that the volume and rate of runoff for the proposed project shall not increase from the pre-development condition.

§ 173-258. Site Plan Review

- A. **Applicability.** Site Plan Review is required for all projects in the LSMFD. An application for Site Plan Review shall be reviewed by the Site Plan Review Authority for consistency with the purpose and intent of § 173-247 through § 173-257.
- B. **Submission Requirements.** As part of any application for Site Plan Review for a project within the LSMFD submitted under § 173-251 through § 173-257, the Applicant must submit the following documents to the Site Plan Review Authority:
 - (1) Application and fee for Site Plan Review.
 - (2) Site plans that show the boundaries of the lot(s), existing and proposed topography, position of existing and proposed building(s) on the site, points of vehicular access to and from the site and vehicular circulation on the site and service entries, walkways, stormwater

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management, utilities, park or recreation areas, and landscape treatments, including any screening of adjacent properties.

(3) Elevations of the building(s) showing the architectural design of the building.

(4) All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered

in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Site Plan Review Authority.

(5) Narrative of compliance with the applicable design standards of this Article.

C. **Timeline.** Site Plan Review should begin within 30 days of the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials, and any peer review deemed necessary. In general, site plan review should be completed no more than 6 months after the submission of the application.

D. **Site Plan Review and Approval.** Site Plan approval for uses listed in § 173-251. Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the Applicant has submitted the required fees and information as set forth in Municipality's requirements for a Building Permit and Site Plan Review; and the project as described in the application meets the development standards set forth in § 173-255. General performance standards and criteria. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.

The Planning Board shall approve a site plan only upon its determination of the following:

(1) Internal circulation and egress are such that traffic safety is protected, and access via minor streets servicing single-family homes is minimized.

(2) Visibility of parking areas from public ways and residences is minimized, and lighting of these areas avoids glare on adjoining properties;

(3) Major topographic changes or removal of existing trees is minimized;

(4) Adequate access to each structure for fire and service equipment is provided;

(5) Utilities and drainage in the vicinity either are or will be made adequate.

(6) 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.

E. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of § 173-256 Affordability Requirements.

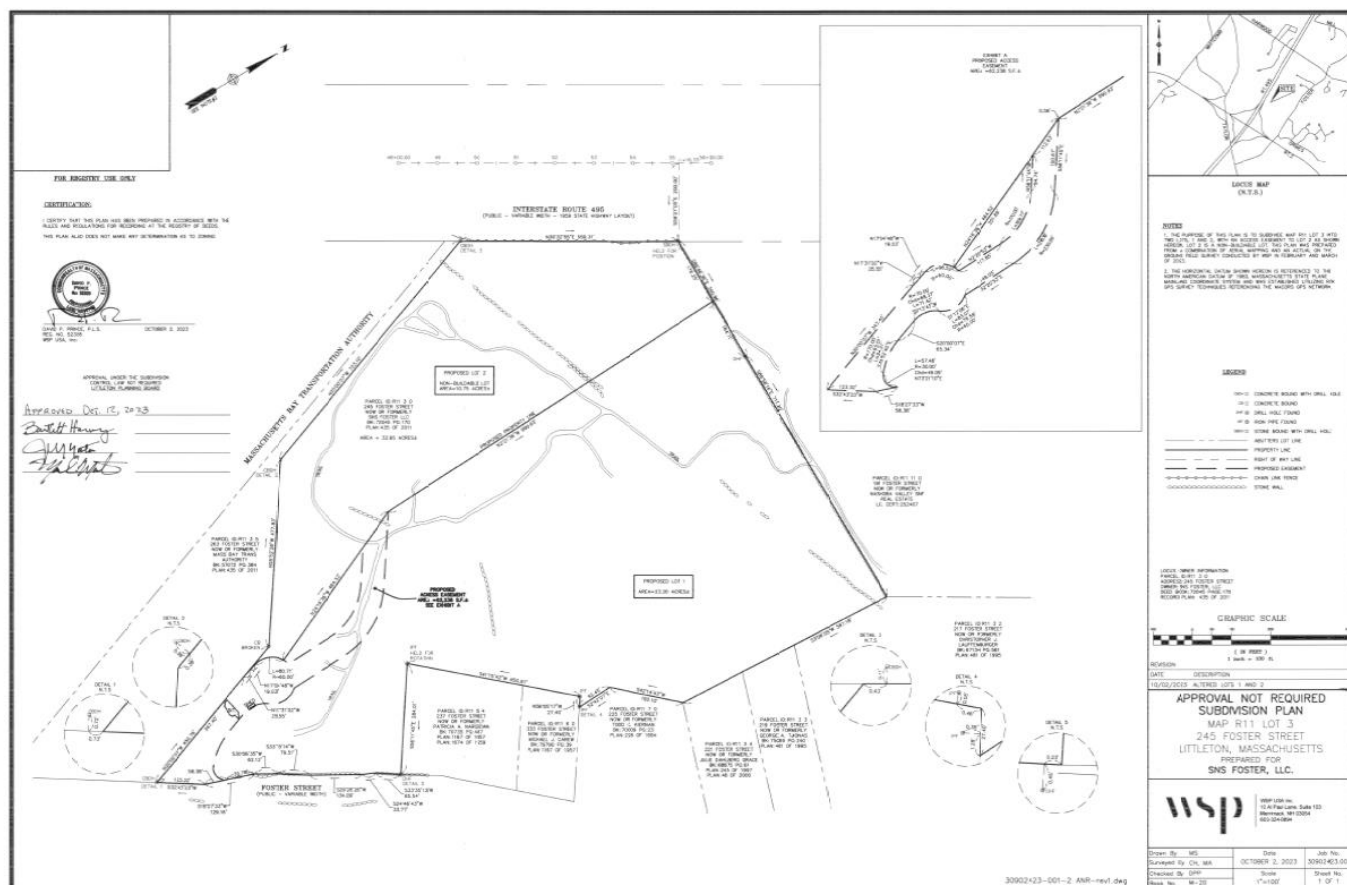
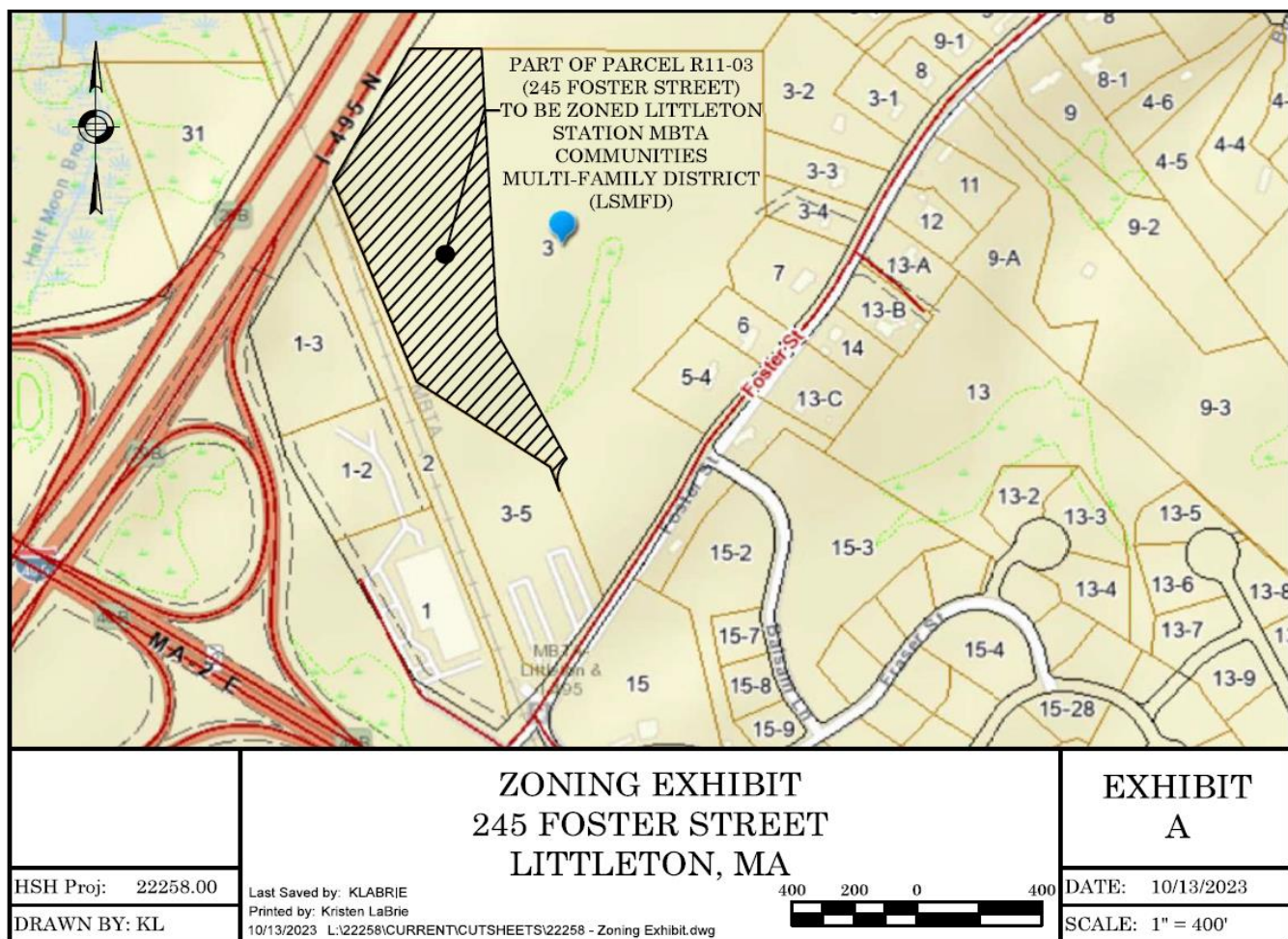
§ 173-259. Severability.

If any provision of this Article XXXIII is found to be invalid by a court of competent jurisdiction, the remainder of Article XXXIII shall not be affected but shall remain in full force. The invalidity of any provision of this Article XXXIII shall not affect the validity of the remainder of the Town of Littleton's Zoning.

3. Re-zoning the parcel shown as "Proposed Lot 2" on the plan of land entitled "Approval Not Required Subdivision Plan, Map R11 Lot 3, 245 Foster Street Littleton, Massachusetts" (Sheet 1 of 1) Prepared for SNS Foster, LLC by WSP USA, Inc. Dated October 2, 2023 and endorsed by the Planning Board on October 12, 2023, and on "Zoning Exhibit 245 Foster Street Littleton, MA" (Exhibit A) dated 10/13/2023, from the Industrial A Zoning District to the Littleton Station MBTA Communities Multi-family District.
4. Amending the Zoning Map to show the parcel shown as "Proposed Lot 2" on the plan of land entitled "Approval Not Required Subdivision Plan, Map R11 Lot 3, 245 Foster Street Littleton, Massachusetts" (Sheet 1 of 1) Prepared for SNS Foster, LLC by WSP USA, Inc. Dated October 2, 2023 and endorsed by the Planning Board on October 12, 2023, and on "Zoning Exhibit 245 Foster Street Littleton, MA" (Exhibit A) dated 10/13/2023, as within the Littleton Station MBTA Communities Multi-family District, and to include said "Zoning Exhibit 245 Foster Street Littleton, MA" (Exhibit A) dated 10/13/2023 as part of the Zoning Map.
5. Amending Article XXXI. King Street Common Zoning District, §173-227, Applicability, by inserting a new Section C to read as follows:
 - C. The provisions of Article XXIX: Inclusionary Housing shall apply with the exception listed below. Affordable Units must be restricted in accordance with the metrics below.
 - (1) **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

and by re-lettering the existing Section C as D to account for said addition provided for above.

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ARTICLE 20

Appropriation & Borrowing Authorization

Purchase of Webster Property

Through hand-count with the following information: Total Votes 284, Yes votes 177; No votes 107; 2/3rds votes needed to pass 189, the motion fails by not reaching the 2/3rd necessary to appropriate the sum of **\$1,400,000** (One Million Four Hundred Thousand Dollars), for the purpose of purchasing the Webster Property, so called, and for cost incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, is hereby authorized to borrow the sum of **\$1,400,000** under and pursuant to Chapter 44, Section 7 of the General Laws, as amended, or any other enabling authority, and to issue bonds or notes of the Town, further, that said appropriation is contingent upon the receipt and acceptance by the Select Board of a Notice of Conversion and Right of First Refusal pursuant to MGL Chapter 61, § 8, and that the Select Board is authorized to enter into a contract or contracts for said purpose.

Before looking for a motion to adjourn the Moderator, Timothy Goddard, thanked all those who helped to make this another successful Town Meeting. At that the Moderator looked for a motion to dissolve, it was so moved, seconded and unanimously voted to dissolve. The Town Meeting was declared dissolved at 1156PM.

A TRUE COPY:

ATTEST: *Diane Crory, Town Clerk*



Town of Littleton
Select Board
P.O. Box 1305
Littleton, MA 01460

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