

**Consolidated Decision
Definitive Subdivision Decision
Stormwater Management Permit Decision
“Strawberry Farms”**

APPLICATIONS:

**Definitive Subdivision Plan
“Strawberry Farms” at 95 Taylor Street
Seal Harbor LLC; which incorporated the following two (2)
applications:**

1. MGL Chapter 41, Section 810 Definitive Subdivision subject to the Code of the Town of Littleton, Chapter 249 Subdivision of Land Regulations.
2. Stormwater Management Permit in accordance with the Code of the Town of Littleton, Chapter 38, Article II Stormwater Management and Erosion Control.

PROPERTY LOCATION:

**95 Taylor Street (Assessor Map & Parcel)
Map U-40, Parcel 68**

DESCRIPTION:

“Strawberry Farms” is a proposed definitive subdivision with 3 residential lots on one parcel of land. The lots, as proposed, comply with the dimensional requirements of the zoning district, including sufficient frontage and lot area. The road is proposed to include a “T” style hammerhead in accordance with 249-43 A (3).

OWNER/APPLICANT:

**Seal Harbor LLC
P.O. Box 2857
Acton, MA 01720**

ENGINEER:

**Stamski and McNary, Inc.
1000 Main Street
Acton, MA 01720**

DATES OF LEGAL NOTICE:

**March 21, 2024, March 28, 2024, April 18, 2024,
April 25, 2024**

DATES OF HEARING:

April 4, 2024; May 2, 2024

MEMBERS PRESENT:

Anna Hueston, Delisa Laterzo, Mark Montanari, Bartlett Harvey, and Jeffrey Yates.

Certificate of Decision – Strawberry Farms

REFERENCE PLANS: Definitive Subdivision Plan, Strawberry Farms, 95 Tayllor Street, Littleton, MA, dated February 20, 2024, last revised May 13, 2024, prepared by Stamski and McNary, Inc., with the following sheets:

| Plan Number | Plan Sheet Index |
|-------------|--|
| Sheet 1 | Title Sheet |
| Sheet 2 | Record Plan |
| Sheet 3 | Existing Conditions Plan |
| Sheet 4 | Site Development Plan |
| Sheet 5 | Plan and Profile |
| Sheet 6 | Construction Details |
| Sheet 7 | Erosion and Sedimentation Control Plan |
| Sheet 8 | Erosion and Sedimentation Control Plan |

All of the listed plans are to be further revised in accordance with the terms and conditions set forth in this decision prior to endorsement by the Planning Board, if necessary.

PUBLIC HEARING: The Littleton Planning Board held a duly advertised public hearing on the above dates to consider the application of Seal Harbor LLC for a Definitive Subdivision Plan according to M.G.L. Chapter 40A, Section 9 and M.G.L. Chapter 41, Section 81P and the Code of the Town of Littleton Zoning, Sections 173-61 through 173-67, Section 249-10 through 249-32 and the Code of Littleton Chapter 38.

The Public Hearing for this application opened on April 4, 2024 and the applicant presented a set of plans showing a 3-Lot Definitive Subdivision and requested the waivers below. The Planning Board expressed their desire for Green International Associates to conduct further peer review of the requested waivers and discussed the merits of the subdivision application. The Public Hearing continued on May 2, 2024 with a full discussion of the waivers requested and potential conditions of approval. The Public Hearing was closed on May 2, 2024.

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

The Board **granted** each of the following waivers from the Subdivision of Land Regulations:

§249-32 D. Site Plans and Profiles. For every street, there shall be a separate plan at 1"=20' and profiles at 1"=4' (Vertical), which is preferred, or plans at 1"=40' and profiles at 1"=8' (Vertical), showing the following data...

Cross Sections cut at 50-foot or closer station intervals and at all critical locations shall be provided with the Site Plans. Cross-sections shall be prepared at 50-foot intervals, showing the existing ground and proposed finished ground and shall depict prominent features in section. They shall be shown at a scale of one-inch equals four feet...

Certificate of Decision – Strawberry Farms

A profile of the proposed road is provided at 1"=20' and 1"=2' (Vertical). Because the proposed road is of relatively short length and a uniform road width is proposed, one cross-section is provided.

§249-43 A (1) The traveled way width, exclusive of curbing, shall be as specified in Figures 1, 2 and 3 and as follows:

(a) Lane, 22feet

The proposed road is 20'-wide. No curbing or sidewalk is proposed.

§249-43 C (1) Street cross sections shall be designed in accordance with the minimum design requirements of the Typical Sections provided in the appendices for the respective street classification. See Figures 1, 2 and 3 in the appendices...

The proposed road is 20'-wide and does not include sidewalks.

§249-43 D (12) The nearest line of any driveway shall not be closer than fifty (50) feet from the intersection of any two (2) streets.

The intersection of the proposed road off of Taylor Street is across the street from one of the driveways serving #96 Taylor Street, therefore the driveway for #96 Taylor Street is within 50' of the proposed intersection.

§249-43 D (14) The vertical alignment of all intersection approaches shall be designed in accordance with Table 43.3 and the associated Figure below.

The minimum length of approach grade for a street with a design speed of 15 mph is 20'. The proposed length of the approach grade is 7.3'.

§249-43 E (3) Trees shall be planted on both sides of the street and shall be spaced at intervals of 40 feet on center, unless waived by the board

A waiver is requested to allow street trees to allow an equivalent number of trees as are required by the regulation at distances greater and less than 40 feet after final grading of the subdivision roadway.

§249-43 E (8) Street trees shall be single-stemmed with a single, straight leader. All tree species must meet American Nursery and Landscape Association (ANLA, formerly American Association of Nurserymen Standards) for the types and sizes specified. These standards shall be included on the detail sheets.

A waiver is requested to allow details of street trees to be determined after final grading with input from the Shade Tree Committee and Planning Board.

§249-43 E (15) Planting operations and requirements for street trees shall be shown on the subdivision plans and be in accordance with the ANLA Standards for Planting;

A waiver is requested to allow planting operations to be determined after final grading with input from the Shade Tree Committee and Planning Board.

§249-51 D A catch-basin-to-manhole system of drainage is required with catch basins located on both sides of the roadway at all low points, sags and near the upstream corners

Certificate of Decision – Strawberry Farms

of the roadway at intersecting streets.... Roads shall be graded so that surface water does not cross the roadway.

The road is proposed to be superelevated so that runoff drains only to the left side of the proposed road. Area drains are proposed off of the side of the road to collect runoff from the roadway.

§249-51 G. Drain pipes shall have a minimum inside diameter of 12 inches and shall be constructed of reinforced concrete pipe or ductile iron pipe.

The proposed drain pipes are ADS N-12 HDPE pipe.

§249-51 H. The pipe inlets discharging into the basin shall be at or above the twenty-five-year storm event ponding elevation... A minimum thirty-foot setback as measured from the top of the inside slope to all property lines shall be required.

Infiltration Basin pipe inlets are below the 25-year storm event ponding elevations. The top of the inside slope of the infiltration basin is proposed 8' from the nearest property line; the 100-year storm elevation within the proposed basin is 11'+ from the nearest lot line.

§259-59 C. Written Approvals. No Definitive Plan will be approved unless the developer submits written certification of approval of the design by all utilities which are to provide services within the subdivision.

A waiver is requested for written certification of approval of the design by all utilities which are to provide services within the subdivision.

FINDINGS:

Number of lots: This development is approved with 3 residential lots. This number is based on the Plan of Land – “Strawberry Farms”, 95 Taylor Street, dated February 20, 2024, last revised May 13, 2024, consisting of 8 sheets.

DECISION CRITERIA – Town Code Section 249-32 G (5) (b)

The Planning Board hereby finds that the following criteria are substantively met for this development proposal:

Criteria for action by the Board in approving or disapproving plans shall be the following:

[1] Completeness and technical adequacy of all submissions;

The Planning Board finds that the submission is substantially complete; technical adequacy has been confirmed [or has not been confirmed] through the detailed peer review process and in consultation with other Town Departments;

[2] Determination that 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;

The Planning Board finds that development at this location [does]/[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.

Certificate of Decision – Strawberry Farms

[3] Conformity with the design standards of Article IV Design Standards (Sections 249-39 through 249-59) and Article V Required Improvements (Sections 249-66 through 249-90) of Town Code Chapter 249 “Subdivision of Land”.

The Planning Board finds that the development substantively conforms with the design standards and required improvements sections of Chapter 249.

[4] Determination, based upon the Development Impact Statement, when submitted, that the subdivision, as designed, will not cause unacceptable or substantial damage to the environment, which damage could be avoided or ameliorated through an alternative development plan;

The Planning Board hereby makes the determination, based upon the Development Impact Statement, when submitted, that the subdivision, 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] Consideration whether the possible benefits of open space development as provided for in the Zoning Chapter of this code has been adequately considered;

The Planning Board finds that there is no benefit of an open space development of this parcel.

[6] Certification that the required approvals (if any are needed) by the Conservation Commission and/or the Zoning Board of Appeals have been obtained.

The Planning Board finds that no approvals are required by the Conservation Commission and/or the Zoning Board of Appeals.

[7] For projects that exceed the MEPA Review Thresholds in accordance with 301 CMR 11.03: Review Thresholds the Applicant must provide proof of compliance with 301 CMR 11.00: MEPA REGULATIONS in the form of a written certificate from the Secretary of Energy and Environmental Affairs that demonstrates that the MEPA review process has been completed prior to the Board taking action on the Definitive Plan Application. For projects which do not exceed the MEPA Review Thresholds in accordance 301 CMR 11.03: Review Thresholds the Applicant or Applicant's duly authorized representative must submit a written certification that the project as proposed does not require MEPA Review in accordance with 301 CMR 11.03: Review Thresholds prior to the Board taking action on the Definitive Plan Application.

This 3-lot single-family residential subdivision does not exceed the MEPA Review Threshold.

VOTE

At the meeting held on May 2, 2024, Mr. Yates made a motion to approve the Definitive Subdivision subject to final conditions of approval to be voted at a future meeting. Laterzo seconded the motion and the Board voted 5 – 0 in favor of this motion.

At the meeting held on June 13, 2024, [NAME HERE] made a motion to **approve the Definitive Subdivision Plan and Stormwater Permit** applications listed above in accordance with the Reference Plans with the above **waivers** and subject to the following **conditions**. The following conditions shall be binding upon the Applicant and its successors and assigns. Failure to adhere to these conditions shall render this Definitive Subdivision and Stormwater Permit null and void, without force and effect, and shall constitute grounds for the revocation of this permit, and of

Certificate of Decision – Strawberry Farms

any building permit issued hereunder. The Town of Littleton may elect to enforce compliance with this Permit using any and all powers available to it under the law. Revocation of this permit would require notice to the applicant and a Public Hearing and other applicable requirements of the law.

General Conditions:

1. There shall be no more than 3 residential lots contained within this subdivision. No further division of any lot – with the exception of separating any parcel(s) to be deeded to the Littleton Water Department - shall be permitted pursuant to M.G.L. c.41, §81P, or otherwise, and a notation to that effect shall be included on the plans presented to the Board for endorsement and recording.
2. All utilities within the subdivision will be underground, unless the approved plans show otherwise. All electrical infrastructure shall be completed in accordance with LED specifications; all materials shall meet LED specifications. Transformers and other appurtenances shall not impede compliance with ADA and AAB requirements.
3. All water infrastructure shall be completed in accordance with Littleton Water Department Specifications; all materials shall meet Littleton Water Department Specifications.
4. Each lot within the subdivision shall have a light at or near the intersection of its driveway and the shared driveway.
5. 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.
6. 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 access roadway and associated infrastructure and provide for them to be kept clear and passable at all times and in all weather conditions. The access roadway is not able to be accepted as a Town owned public way unless and until it is brought up to current subdivision standards and a vote of Town Meeting approves such acceptance.
7. 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 all drainage infrastructure and appurtenances and provide for them to be operated and maintained in accordance with the Stormwater Operation and Maintenance .

Conditions precedent to endorsement and recording of the approved plans:

8. Approval includes a landscape plan with detailed planting plan. The developer is responsible for all of the proposed plantings in accordance with the landscaping plan, and in accordance with ANLA Standards for Planting. Any modifications of the landscape plan shall be submitted to the Planning Board for review and approval.

Certificate of Decision – Strawberry Farms

9. Results of the water/hydrant flow tests shall be reviewed and approved by the Water and Fire Departments.

10. The developer shall furnish guarantees to the Planning Board as provided in M.G.L. c. 41, Section 81U that, Lots shall not 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 security in lieu of completion in a form and amount acceptable to the Planning Board is provided.

Conditions precedent to commencement of any site work and/or construction activity on site:

11. Electronic copies of final plans must be provided pursuant to Section 249-32E of the Subdivision Regulations.

Conditions precedent to the conveyance of any lot and/or issuance of any building permits:

12. A covenant prohibiting the use of water insoluble nitrate fertilizer, in accordance with Condition 6 above, to be effective in perpetuity with respect to all land shown on the plans, and which has been reviewed and approved by Town counsel, has been recorded.

13. The applicant shall obtain the required coverage under the NPDES Construction General Permit issued by the EPA and prepare a Stormwater Pollution Plan (SWPPP). The SWPPP shall be prepared and stamped by a Massachusetts Professional Engineer and submitted to the Town prior to land disturbance of 1 acre or more.

14. Approvals from the Conservation Commission is required prior to issuance of any building permits which require work to be performed within the jurisdiction of the Conservation Commission; no input from the Zoning Board of Appeals is required.

15. The applicant shall file with the Building Inspector and Planning Board a copy of this decision setting forth the recording information of this decision.

16. The applicant shall deliver a construction sequencing plan to the Planning Board and the Building Inspector.

17. The Littleton Board of Health approval of the septic system design is required.

18. The construction and long-term stormwater operations and maintenance plan (O & M Plan) must be signed by the property owner.

19. The developer has provided a draft agreement for implementing and enforcing the O&M Plan; after review by Town Counsel, any reasonable recommended revisions shall be made by the developer.

Conditions applicable during construction:

20. All construction activity shall adhere to the construction traffic management plan submitted with the traffic impact and access study.

Certificate of Decision – Strawberry Farms

21. All construction traffic shall be coordinated considering school bus stop areas and other locations where existing homes could be impacted by construction traffic.
22. Any blasting done on-site must be conducted with oversight from the Littleton Fire Department and only with non-perchlorate-based materials.
23. No burying of wood waste from lot clearing operations is allowed without compliance with 310 CMR 16.000, Site Assignment Regulations.
24. 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”.
25. 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.

Conditions precedent to the issuance of the first certificate of occupancy within the subdivision:

26. A stop sign shall be installed at the end of the shared driveway at the intersection with Taylor Street.

Conditions precedent to the issuance of any subsequent certificates of occupancy for particular lots within the subdivision:

27. Each lot must be served by a sewage disposal system in accordance with Title 5 and the Littleton sewage disposal system requirements.
28. Driveway lights as required by Condition 4 have been installed.

Conditions for project completion and release of subdivision security:

29. Improvements (signage and pavement markings) as shown on the approved plans shall be installed and maintained by the developer until such time it is conveyed to the future homeowners association.
30. 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 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.

Certificate of Decision – Strawberry Farms

31. All street trees shall be located generally as depicted on the Plans, however final tree locations and species shall be determined by the Planning Board following consultation with the Shade Tree Committee and Tree Warden after final grading. Modifications to the Street Tree Planting Plan shall be permitted subject to the reasonable approval of the Tree Warden who is also presently the Operations Manager/Highway Department Superintendent.

Vote:

At the meeting of June 13, 2024, the Board voted X to Y to **approve/deny** the Definitive Subdivision "Strawberry Farms" in accordance with MGL Chapter 41, Section 810 Definitive Subdivision subject to the Code of the Town of Littleton, Chapter 249 Subdivision of Land Regulations; Stormwater Management Permit in accordance with the Code of the Town of Littleton, Chapter 38, Article II Stormwater Management and Erosion Control, all with the above **conditions**.

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.

Signed:

**Bartlett Harvey, Clerk
Littleton Planning Board**

Date Filed with Town Clerk: _____

Town Clerk

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(s) 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 Crory
Littleton, Mass.

Date