

Harley Racer, Esq.
Direct Dial (617) 556-3845
Email: hracer@richmaylaw.com

BY EMAIL

May 7, 2025

Maren A. Toohill, AICP
Town Planner
Town of Littleton
MTtoohill@littletonma.org

RE: 254, 256 & 260 Ayer Road

Dear Ms. Toohill:

This firm represents Energy North Incorporated (“Energy North”) for the comprehensive redevelopment of 254, 256 & 260 Ayer Road in Littleton, MA (collectively, the “Property”). I write in response to your email dated April 15, 2025. As you noted in your email, the Planning Board approved relief for this Property including an Aquifer & Water Resource District Special Permit, Major Commercial Use Special Permit, Site Plan Review and Stormwater Permit, dated June 21, 2023 (collectively, the “Special Permits”). Likewise, as noted, Special Permits remain valid for 24 months pursuant to Littleton Zoning Bylaw Section 173-7(E) unless substantial use or construction has commenced or for good cause. The lawful term of the Special Permits, therefore, is through June 21, 2025, unless those exceptions are met.

However, on November 20, 2024, Governor Maura Healey signed into law the Mass Leads: An Act Relative to Strengthening Massachusetts’ Economic Leadership (the “Act”). Section 280 of the Act provides that “an approval in effect or existence” during the “tolling period”, defined as January 1, 2023 to January 1, 2025 “shall be extended” for a period of 2 years in addition to the lawful term of the approval.”

The Act defines “Approval” broadly as “any permit, certificate, order, excluding enforcement orders, license, certification, determination, exemption, variance, waiver, building permit or other approval or determination of rights from any municipal, regional or state governmental entity, including any agency, department, commission or other instrumentality thereof, concerning the use or development of real property, and any environmental permit, including certificates, licenses, certifications, determinations, exemptions, variances, waivers, building permits or other approvals or determinations of rights issued or made under . . . any local by-law or ordinance.”

Accordingly, the Special Permits automatically and by operation of law have been extended for a period of two years in addition to the lawful term of the Special Permits – to **June 21, 2027**, with no action necessary by Energy North or the Littleton Planning Board.

Please let me know if you or the Planning Board has any further questions regarding the tolling period for the Special Permits.

Very truly yours,

/s/ Harley Racer
Harley C. Racer

cc: Clients