Consolidated Decision
Site Plan Review
Aquifer & Water Resource District Special Permit
Senior Residential Development Special Permit
Inclusionary Housing
“Webber Village”

APPLICATIONS: “Webber Village” Senior Residential Development
King Street Realty Trust and Field Development LLC
BEHIND 80 KING STREET; MAP U42, PARCEL 9-2
which incorporated the following four (4) applications:
1. Site Plan Approval in accordance with Article IV, Sections 173-16 through 173-21;
2. Aquifer and Water Resource District Special Permit in accordance with the Code of the Town of Littleton, Sections 173-61 through 173-64; and
3. Senior Residential Development Special Permit in accordance with the Code of the Town of Littleton, Sections 173-145 through 173-152; and
4. Inclusionary Housing in accordance with Code of the Town of Littleton, Sections 173-196 through 173-205 as outlined in Article 6 Zoning Amendment: Inclusionary Housing passed at the October 30, 2017 Town Meeting.

PROPERTY LOCATION: Approximately 4.4 acres of land located on the northern side of King Street, situated next to and behind 80 King Street
Map U42 Parcel 9-2

OWNERS/APPLICANTS: King Street Realty Trust
Patricia W. Webber, Trustee
2 Jeannette Way
Littleton, MA 01460

Field Development, LLC
Matthew Field and Michael Field
442 King Street
Littleton, MA 01460

ENGINEER: Ducharme & Dillis
Civil Design Group, Inc.
P.O. Box 428
Bolton, MA 01740

DATES OF LEGAL NOTICES: January 18, 2019 and January 25, 2019

DATES OF HEARING: February 7, 2019 (Peter Scott recused).
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REFERENCE PLANS: Special Permit Plan, Littleton, MA, King Street Senior Residential Development, Owner: Patricia Webber, Trustee King Street Realty Trust, dated October 9, 2018, revised January 10, 2019 per peer review comments; and Site Layout Plan, 80 King Street, Littleton, MA, dated October 9, 2018, revised January 10, 2019, to be further revised in accordance with the terms and conditions of this decision prior to endorsement and recording.

PROJECT DESCRIPTION: The proposed development, includes 17 senior cottages (9 single and 8 two-family units), walking paths, community garden areas, gazebo, tennis courts, utilities, stormwater control, and associated site improvements.

BACKGROUND: The property, located next to and behind #80 King Street is located within a Residence R District and located within the Aquifer and Water Resource overlay district. The applicant submitted to the Planning Board the materials listed below (collectively, the “Plans”) which, together with the testimony provided at the referenced public hearings and the review and analysis of these materials provided by Green International Affiliates, Inc., consultants to the Town of Littleton, provide the information required by Section 173-89, 173-62, and 173-17 and are the basis of the board’s determinations and decision:

2. Peer Review Response Letter dated January 10, 2019 from Ducharme & Dillis
5. Site Development Plans prepared by Ducharme & Dillis Civil Design Group, Inc.:

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6. Peer Review Response Letter dated March 7, 2019 from Ducharme & Dillis
7. Stormwater Report for Map U42, Parcel 9-2 Revised March 7, 2019
8. Nitrogen Loading Analysis Webber Village dated March 11, 2019 and
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9. Green International Affiliates, Inc. Peer Review Letter dated March 27, 2019

PUBLIC HEARING: The Littleton Planning Board held a duly advertised public hearing on the above date(s) to consider the application of Patricia Webber, Trustee King Street Realty Trust and Field Development, LLC to construct a 17 unit two-bedroom age-targeted senior residential development pursuant to M.G.L. Chapter 40A, Section 9 and Code of the Town of Littleton Zoning, Sections 173-145 through 173-152 Special Permit Senior Residential Development and Sections 173-61 through 173-64 Special Permit Aquifer and Water Resource District and application form for Inclusionary Housing pursuant to Sections 173-196 through 173-205 of Article 6 Zoning Amendment: Inclusionary Housing passed at the October 30, 2017 Town Meeting

The Public Hearing was closed on February 7, 2019. Deliberations were held on March 7 and April 4, followed by a Board vote on April 4, 2019.

FINDINGS: In accordance with M.G.L. Chapter 40A, Section 9 and the Code of the Town of Littleton Zoning, Section 173-7, Special; Permits the Planning Board finds that the following criteria have been substantially met:

1. Submissions are complete and technically adequate;

2. §173-7(C). As conditioned below, no significant nuisance, hazard or congestion will be created and that there will be no substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaws.

Further, in accordance with Section 173-16 through 173-19 Site Plan Requirements:

3. §173-18. Design Requirements
A. Internal circulation and egress are such that traffic safety is protected, and access via minor streets servicing single-family homes is minimized.
B. Visibility of parking areas from public ways and residences is minimized, and lighting of these areas avoids glare on adjoining properties.
C. Major topographic changes or removal of existing trees is minimized.
D. Adequate access to each structure for fire and service equipment is provided.
E. Utilities and drainage in the vicinity either are or will be made adequate, based on the functional standards of the Planning Board's Subdivision Regulations.

4. The stormwater management system has been designed in accordance with the Massachusetts Stormwater Management Standards and the proposed grading is required to comply with these standards. The Board finds that the proposed site grading has been designed to accommodate the proposed drainage appurtenances including catch basins, manholes, storm drain pipes and the underground infiltration areas.

Further, in accordance with Section 173-61 through 173-64, Aquifer and Water Resource District:
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5. §173-62 (A). The project meets the purposes, requirements, and developments standards of the Code of the Town of Littleton Zoning Article XIV Aquifer and Water Resource District giving consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures were to fail;

6. §173-62 (B). At the boundaries of the premises, the groundwater quality resulting from on-site waste disposal, other on-site operations, natural recharge and background water quality will not fall below the standards established by the Department of Environmental Quality Engineering in Drinking Water Standards of Massachusetts, as most recently revised, or, for parameters where no Department of Environmental Quality Engineering standard exists, below current Environmental Protection Agency criteria as published in the Federal Register or, where no such criteria exists, below standards established by the Board of Health in consultation with the Board of Water Commissioners and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation.

7. §173-61. The project includes a system for the treatment of Nitrogen in the wastewater and has provided nitrogen loading calculations showing that development at this location meets planning guidelines of no more than 10 mg/L of nitrogen at the property lines of the site. Given that the site includes a system for the treatment of Nitrogen in the wastewater, and results of the nitrogen loading calculations, the Board finds that the project meets the intentions of Section 173-61 relative to the wastewater flow provisions.

8. §173-61. The project includes 42% impervious surface, which the Board may allow by special permit in the Aquifer and Water Resource District. A special permit is required where a development proposes rendering impervious more than 15% of lot area or 2500 square feet of any lot or parcel but less than 30% in the Aquifer Protection Overlay District and rendering impervious more than 20% but less than 50% of any lot or parcel in the Water Resource District. The Town of Littleton Low Impact Development Guidelines allow for over 30% impervious surface when 100% onsite infiltration is provided if previously discussed with the Planning Board as per the Low Impact Design/Best Management Practices Manual (latest edition). The project drainage system has been designed using underground infiltration systems which are designed to infiltrate runoff from 100-year storm events. Given all rainwater falling onsite will be infiltrated onsite, the Board finds that the project meets the intentions of Section 173-61 of the Bylaw pertaining the impervious surface.

And Further, in accordance with Article 5 of the October 30, 2017 Town Meeting, Section 173-145 through Section 173-152, Senior Residential Development:

9. §173-152 (A)(1). The proposed Senior Residential Development will not have adverse effects that outweigh its beneficial effects on either the neighborhood or the Town, in view of the characteristics of the site and the proposal in relation to the site, considering each of the following:
   i. social, economic, or community needs which are served by the project;
   ii. traffic flow and safety;
   iii. adequacy of utilities and other public services; and
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iv. qualities of the natural environment.

10. §173-152 (A)(2). The design of building form, building location, egress points, grading, and other elements of the project could not reasonably be altered to:
   i. improve pedestrian, bicycle, or vehicular safety within the site and egressing from it;
   ii. reduce the visual intrusion of parking areas viewed from public ways or abutting premises;
   iii. reduce the volume of cut or fill or reduce erosion;
   iv. reduce the number of removed trees six inch trunk diameter and larger; and
   v. provide safer and more efficient access to each structure for fire and service equipment.

11. §173-152 (A)(3). The project meets the purposes, requirements, and developments standards of the Code of the Town of Littleton Zoning Article XXIII Senior Residential Development;

12. §173-152 (A)(4). The project is consistent with the goals of the Littleton Master Plan by providing housing designed to meet the needs of the changing demographics of Town residents, particularly by providing smaller home sizes and including design elements such as single floor living and zero clearance access which allows older residents the opportunity to continue to live in Littleton if they choose to leave their current place of residence. The project also provides 10% affordable units helping the Town achieve its affordable housing goals. Senior citizens, young adults, and low- or moderate-income families who often have difficulty finding housing they can afford will benefit from the availability of affordable units.

13. The Applicant has generously offered, and the Planning Board has agreed to accept, a donation of $3,000.00 per market rate unit to the Town of Littleton for Affordable Housing purposes, to be paid at the time of closing of the sale of each unit.

VOTE: At the meeting held April 4, 2019, a motion was made by Anna Hueston and seconded by Kristen Guichard to approve the Site Plan Approval, Aquifer and Water Resource District Special Permit, and Senior Residential Development Special Permit and Inclusionary Housing applications listed above in accordance with the application plans with 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 special permit null and void, without force and effect, and shall constitute grounds for the revocation of this special permit, and of any building permit issued hereunder. The Town of Littleton may elect to enforce compliance with this Special Permit using any and all powers available to it under the law.

The Reference Plans shall be revised pursuant to the following conditions prior to endorsement by the Planning Board and recording of said endorsed, revised plans at the Registry of Deeds:

1. The applicant shall relocate the “curve” of the project road to be contained within the lot lines of the property, unless MassDOT permits it to remain, and shall indicate area(s) for snow storage.
2. The applicant shall furnish guarantees to the Planning Board, as would be provided pursuant to M.G.L. c. 41, Section 81U in the case of a subdivision, approved as to form by Town Counsel and recorded with the registry of deeds, that no entity shall apply for and the Town shall not issue any building permit, and no unit shall be conveyed until the work on the ground necessary to service all the proposed structures has been completed in the manner shown on the plans, with the specific conditions listed herein.

3. The applicant shall address any outstanding comments referenced in the letters from Green International Affiliates, Inc. dated January 25, 2019 and March 27, 2019 and incorporate necessary plan changes into the Plans prior to endorsement by the board.

4. The applicant shall provide design standards for the tennis courts that meet ASBA Guidelines and are reasonably acceptable to the Planning Board and Athletic Director of the Littleton Public Schools prior to endorsement by the Board.

5. The applicant shall provide an access easement and agreement reasonably acceptable to the Planning Board and in a form suitable for recording with the registry of deeds for construction and use of tennis court facilities to be shared between this development, the Littleton School Department, and Littleton Park & Recreation.

6. The applicant shall include a plan in the plans set to be endorsed, showing location of the Affordable Units.

Conditions prior to commencement of construction activities onsite:

7. MassDOT approval of the intersection of the project roadway and King Street (Route 2A) shall be obtained prior to the start of construction activities onsite.

8. Any blasting done on-site must be conducted with oversight from the Littleton Fire Department and only with non-perchlorate based materials.

9. Documentation of an agreement between the applicant and adjacent property owner at 80 King Street (Strathmeyer/The Minor Chord) for access, construction, final grading, and landscaping for the proposed new parking area for The Minor Chord.

10. A grading and drainage easement has been added to the plans to replace a retaining wall along the neighboring property to the east; this evidence that this easement has been recorded at the registry of Deeds must be provided prior to commencement of construction activities onsite.

Conditions prior to issuance of building permits:

11. Heating for homes will be energy efficient hybrid heat pumps systems. Homes will be insulated using a combination of spray foam and blown in insulation to meet Mass Stretch Code. Kitchen appliances will be Energy Star Rated.

12. The applicant shall file with the Building Inspector and Planning Board a copy of this decision setting forth the recording information of this decision.
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13. The applicant shall deliver a construction sequencing plan to the Planning Board and the Building Inspector prior issuance of the first building permit for the project.

14. The applicant will undertake the site prep (including rough grading, no additional fill to be provided) on abutting Town High School property if the Town desires to install an additional tennis court on the High School property.

15. The Applicant shall comply with Condition 29, below, by recording a covenant, in perpetuity with respect to all land shown on the plans, and which has been reviewed and approved by Town counsel, that states that fertilizers other than “water-insoluble nitrate fertilizer” (also known as “slow-release fertilizer”) are prohibited for use in any lot, yard, lawn, farm field, or open space associated with this project.

16. Pursuant to Code of the Town of Littleton Zoning Article XXIX, Inclusionary Housing, and application form submitted, a minimum of two of the project units shall be designated as affordable under the Inclusionary Housing Bylaw. A minimum of one Affordable Single-family Senior Cottage and one Affordable duplex cottage unit shall be provided onsite.

17. In no event shall the construction of affordable units be delayed beyond the following schedule:

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<th>Building Permits for Market-Rate Units</th>
<th>Building Permits for Affordable Housing Units</th>
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<td>Up to 8 units</td>
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<td>At 15 units</td>
<td>At least 2</td>
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18. The exterior of the Affordable units shall be constructed to look the same as the market rate units. Affordable units shall be indistinguishable on the exterior from those of market value, and disbursed throughout the site.

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

Conditions prior to any occupancy permits:

20. A stop sign shall be installed at the end of the project roadway at the intersection with King Street.

21. The applicant or its heirs, personal representatives, successors or assigns or any successor homeowner’s association or homeowner’s trust, shall provide for maintenance and repair of the project roadway, tennis courts and other project amenities, and shall record with the Registry of Deeds a homeowner’s association agreement.

22. No certificate of occupancy shall be issued for any affordable unit in this development until an affordable housing deed restriction has been approved by Town counsel. The deed restriction shall be recorded with the Registry of Deeds upon closing of the Affordable unit;

Conditions precedent for the conveyance of condominium units by the applicant:
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23. Applicant shall donate $3,000.00 per market rate unit to the Town of Littleton for Affordable Housing in the Town of Littleton, to be paid at the time of closing of the sale of each market rate unit.

Conditions for project completion – prior to issuance of building permit for final unit:

24. The applicant shall install the following amenities at the project as shown on the Plan:
   a) Two regulation tennis courts to be constructed of asphalt to ASBA Guidelines,
   b) Walking trails as shown on the Plan,
   c) Community gazebo,
   d) Eight or more raised garden beds, at least one of which shall be accessible and accessed via a walking path,
   e) Benches, and
   f) Bike rack.

25. Shade and landscaping trees shall be located as depicted on the landscaping plan. Developer shall use reasonable efforts to minimize disturbance of existing trees at the site with six inch trunk diameter and larger. Modifications to the site plans shall be permitted subject to the reasonable approval of the Tree Warden.

26. All water infrastructure shall be completed in accordance with Littleton Water Department Specifications; all materials shall meet Littleton Water Department Specifications.

27. The Open Space shall be conveyed to the project homeowner’s association or homeowner’s trust and shall be subject to a permanent conservation restriction enforceable by the Town acting through its Board of Selectmen as required by said Section 173-148 (E).

28. All electrical infrastructure shall be completed in accordance with Littleton Electric Department Specifications; all materials shall meet Littleton Electric Department Specifications.

Conditions for ongoing operations and maintenance:

29. Fertilizers other than “water-insoluble nitrate fertilizer” (also known as “slow-release fertilizer”) are prohibited for use in any lot, yard, lawn, farm field, or open space associated with this project.

30. Groundwater quality shall not be degraded below drinking water standards at the property lines due to activity on this property;

31. No sodium deicing chemicals are to be used or stored on site (non-sodium deicing chemicals may be used);

32. There shall be no parking on unpaved surfaces;

33. Operation and Maintenance of the stormwater system shall be conducted in accordance with the Stormwater Operation & Maintenance Manual prepared by Ducharme & Dillis
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Civil Design Group, Inc. prepared for Field Development, LLC and dated January 10, 2019;

Prohibition on Future Expansion/Alteration:

34. There shall be no increase in livable floor area (meaning the heated floor area of the building above finish grade, excluding non-dwelling areas such as attic space or garage) that would increase the total livable floor area of any unit above 1,800 square feet.

35. The approved plans listed above (last revised 3/7/19) shall be revised prior to endorsement and recording to show one (1) outbuilding/accessory structure. This outbuilding/accessory structure may be no larger than 12 feet by 20 feet and shall be for the use of the homeowners association to provide both storage for the association, and to serve as the operations shed for the wastewater treatment facility and/or stormwater maintenance. With the sole exception of the structure just described, there shall be no additional sheds, outbuildings or other accessory structures allowed at this development.

General Conditions:

36. The developer agrees to market the project units exclusively to buyers with at least one resident being 55 or over.

37. The Plan shall be recorded within 6 months of the date of the Planning Board’s endorsement, or this approval shall be automatically rescinded.

38. The validity of this permit is dependent on the applicant recording this decision at the Middlesex Registry of Deeds.

The Board voted 4 to 0 (Peter Scott recused) to approve the 80 King Street applications in accordance with MGL Chapter 40A, Section 9; the Code of the Town of Littleton Zoning Section 173-7 Special Permits; Section 173-16 through 173-19 Site Plan Requirements; Aquifer and Water Resource District Special Permit in accordance with the Code of the Town of Littleton Zoning, Section 173-61 through 173-64; Senior Residential Special Permit in accordance with the Code of the Town of Littleton Zoning, Section 173-145 through 173-152; and Inclusionary Housing, Article 6 approved at the October 30, 2017 Town Meeting, Sections 173-196 through 173-205, all with the above conditions.

The Board members voted as follows:

Mark Montanari  AYE
Ed Mullen  AYE
Anna Hueston  AYE
Peter Scott  (RECUSED)
Kristen Guichard  AYE
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Appeals, if any, shall be made pursuant to MGL Chapter 40A, Section 17, and shall be filed within 20 days after the date this decision is filed with Town Clerk.

Signed:

[Signature]
Anna Hueston, Clerk

Date Filed with Town Clerk: April 25, 2019

[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 the Special Permits and that no appeal concerning said decisions have been filed, or that any appeal that has been filed has been dismissed or denied.

Town Clerk Diane Crory
Littleton, Mass.