

PLANNING BOARD

P.O. Box 1305
Littleton, Massachusetts 01460

April 29, 2016

OPEN SPACE SPECIAL PERMIT DECISION

APPLICATION: **OPEN SPACE SUBDIVISION**
“Wellington Drive”

PROPERTY LOCATION: Off easterly side of Goldsmith Street between #120 and #130
Goldsmith Street
Map U-11 Parcel 61

OWNER/APPLICANT: On The Rail Farm Co., Inc.
390 Goodrich Street
Lunenburg, MA 01462

ENGINEER: Markey & Rubin Civil Engineering
360 Mass Ave, Suite 202
Acton, MA 01720

DATES OF LEGAL NOTICES: December 3, 2015 and January 7, 2016
AND March 31, and April 7, 2016

DATES OF HEARINGS: January 14, February 11, March 3, and April 14, 2016

MEMBERS PRESENT: Richard Crowley, Peter Scott, Ed Mullen, Gerald Portante,
and Mark Montanari

APPLICATION PLANS—PROCUDURAL HISTORY: The Definitive Subdivision application initially presented by the applicant contained a set of plans showing a 6-lot Conventional Subdivision. This development featured a 610-foot cul-de-sac and no open space. Based on review of this plan, the applicant and Board agreed this development site would work well for an Open Space Development.

At the February 11, 2016 Public Hearing, the applicant presented an alternative, 6-lot Open Space Development with conceptual open space areas, a shared residential driveway, frontage for all new lots on Goldsmith Street, and a concept for leaving some open space areas undeveloped. A concern with the number of lots that could be permitted within an open space development was raised, and it was noted that more information would be presented. The applicant and the Planning Board both expressed a desire to proceed with an Open Space development concept consistent with Article XIX of the Zoning Bylaw, and it was mutually resolved that the applicant would proceed with an Open Space plan in lieu of 6-lot Conventional Subdivision plan originally presented to the Board, as discussed above.

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At the March 3, 2016 Public Hearing, the applicant presented a concept plan for development of the “Wellington Drive” development parcel as well as the adjacent “Couper Farm” property. Pursuant to this concept plan, the applicant would sell a portion of its development locus (that is, a portion of the land included within its original 6-lot Conventional Subdivision) to the developer of the adjacent, but completely separate, Couper Farm property. The Board indicated general consensus for the overall Open Space concept presented, with some concerns raised about the disposition of the “open space” property.

Following new notification and posting, at the April 14, 2015 Public Hearing, the applicant presented an alternative 6-lot Open Space Development, including an application for an Open Space Development Special Permit, featuring a 500-foot cul-de-sac, and several Parcels including 8.75 acres of “Open Space” and showing a 7.55 acre Parcel B that was intended to be sold to the Couper Farm developer. During this Public Hearing, the Applicant and Planning Board agreed that the disposition of Parcel B was an important driver in the decision regarding the layout to be approved for this development. If Parcel B is to be included within the applicant’s Open Space development and donated to the Town as open space, then the Wellington Drive development Parcel can support a 6-lot Open Space development based on the required density yield plan. If, however, Parcel B is sold to the developer of the adjacent Couper Farm project, and included within that separate development scheme, this reduces the size of the Wellington Drive development Parcel by 7.55 acres, thereby requiring an adjustment to the permissible density of the applicant’s Open Space development. The applicant presented a density yield plan showing that without Parcel B, the remainder of the Wellington Drive development Parcel can support a 5-lot Open Space development.

The Planning Board voted to approve this either/or subdivision layout—that is, a 6-lot Open Space development that incorporates Parcel B or a 5-lot Open Space development that does not include Parcel B—subject to submittal of a full set of engineered plans from the Applicant and a determination by the Planning Board and its Peer Reviewer that such engineered plans comply with Chapter 249, except as expressly modified herein.

REFERENCE PLANS:

5-lot Open Space Layout: Proposed Site Plan, Littleton Massachusetts
Client: On the Rail Farm Co. Inc.
390 Goodrich Street
Lunenburg, Massachusetts
Prepared by Markey & Rubin Civil Engineering
Dated: 03/24/16
Revised: 4/20/16 with comment “From 6 to 5 Lots”

6-lot Open Space Layout: Definitive Subdivision—Open Space Development
“Wellington Drive” Goldsmith Street Littleton, MA
Client: On the Rail Farm Co. Inc.
390 Goodrich Street
Lunenburg, Massachusetts
Prepared by Markey & Rubin Civil Engineering
Dated: 03/24/2016

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PUBLIC HEARING: The Littleton Planning Board held a duly advertised public hearing on the above dates to consider the application of On the Rail Farm Co., Inc. for a Definitive Open Space Subdivision according to M.G.L. Chapter 40A, Section 9 and M.G.L. Chapter 41, Section 81T and the Code of the Town of Littleton Zoning, Article XIX, Sections 173-93 through 173-118.

The Public Hearing was closed on April 14, 2016.

WAIVERS GRANTED: The Board granted the following waiver from the Town of Littleton 2012 Chapter 249 Subdivision of Land Regulations:

1. From Figure 1 – Typical Section Lane Roads to allow pavement width of 20 feet. This waiver was granted on the condition that the subdivision roadway remains private in perpetuity.

WAIVERS REQUESTED AND NOT GRANTED: No other waivers were requested

OPEN SPACE: This subdivision is being approved as an Open Space Development pursuant to Article XIX of the Zoning Bylaw. The Planning Board found that the open space associated with the Open Space Definitive Subdivision application is consistent with the requirements of that Article.

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

1. As conditioned herein, submissions will be made complete and technically adequate with conditions outlined below;
2. Development at this location will not entail unwarranted hazard to safety or health of future residents of the development or to others because of potential natural disasters, traffic hazard, environmental degradation or other causes;
3. As conditioned herein, the project will adequately conform with the design standards of the Subdivision of Land Regulations;
4. The subdivision, will not cause unacceptable or substantial damage to the environment, which damage could be avoided or ameliorated through an alternative development plan; and
5. The overall benefits of open space development as provided in the Zoning Chapter of the Town Code have been adequately addressed in this Open Space Definitive Subdivision.

SPECIAL PERMIT FINDINGS: In accordance with Zoning Bylaw Article III, Section 173-7 Special Permits and Article XIX, Section 173-93 through 173-118, the Planning Board finds that the following criteria have been met:

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1. 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 Bylaw.
2. The Open Space is no less beneficial to the town than a conventional subdivision of the same property;
3. This **use** is in harmony with the general purpose and intent of the Zoning Bylaw; and
4. The proposal meets the specific provisions set forth under Section 173-100.

VOTE

At the meeting held *Thursday, April 14, 2016*, a motion was made by Mr. Scott and seconded by Mr. Mullen to **approve the Wellington Drive Open Space Special Permit** in accordance with the reference plan with the above **waiver** and with the following **conditions**:

1. The applicant shall, prior to endorsement by the Board, provide a full set of Definitive Subdivision Plans and Open Space Special Permit Site Plan consistent with either the 5-lot Open Space layout shown on Exhibit A or the 6-lot Open Space layout shown on Exhibit B, each of these layouts as described above;
2. The Definitive Open Space Subdivision—including without limitation the subdivision roadway—must comply with Chapter 249 with the exception of the waiver of Figure 1 granted above; full compliance will be assured through a Peer Review, at the applicant's expense. All comments and recommended plan revisions presented by the Peer Reviewer shall be addressed by the Applicant to the Peer Reviewer's satisfaction prior to endorsement of the definitive plan by the Board;
3. Should the applicant present a definitive plan that requires waivers other than the one granted above, the Planning Board will consider this request but must vote on any specific waiver requested;
4. At the conclusion of the process detailed above, the Board will ultimately endorse a definitive plan showing either the 6-lot open space layout or the 5-lot open space layout, but not both; in no event will the Board endorse, pursuant to this decision, multiple definitive plans concerning the same underlying land;
5. In order to facilitate public access to Open Space in this development and in the area, the applicant has offered, and the Planning Board whole-heartedly approves, an access easement across Assessor's Map U-5, Parcel 55.. This access easement shall be shown on the definitive plan submitted for approval in connection with this decision, and the applicant shall provide a suitable instrument conveying the easement to the Town as part of that review process. The width, course, and layout of this access easement shall be subject to the review and approval of the Planning Board, and the instrument of conveyance shall be subject to review and approval by Town Counsel.

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6. The base course of pavement on the roadway shall be completed within 48 months of the Planning Board's endorsement of the Definitive Open Space Subdivision Plan pursuant to G. L. c. 41, Section 81V or an extension of said time frame;
7. Plans shall be recorded within 6 months of the Planning Board's endorsement of the Definitive Open Space Subdivision Plan pursuant to G. L. c. 41, Section 81V;
8. If the roadway has not been released from the security provisions of G. L. c. 41, Section 81U or if the top course of pavement has not been completed within two years from the time that the base course of pavement is installed, the developer shall reclaim and reinstall the 2 inches of base course prior to installing the top course of pavement if the base course is deteriorated so as to be no longer satisfactory in the reasonable opinion of the Operations Manager/Highway Department Superintendent;
9. Plantings on the cul-de-sac island shall be to the reasonable satisfaction of the Tree Warden who presently is also the Operations Manager/Highway Department Superintendent;
10. Screening of the existing homes on Goldsmith Street from the new development shall be installed to the reasonable satisfaction of the Planning Board; such screening could include plantings and/or fencing.
11. Street trees shall be depicted on a Street Tree Planting Plan. 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;
12. A stop sign shall be installed at the end of Wellington Drive at the intersection with Goldsmith Street;
13. Street lights shall be installed at intervals reasonably approved by the Littleton Electric Light Department;
14. 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;
15. Prior to the release of any lot, the deed(s) or Conservation Restriction for the 7.55 acre Open Space Parcel must be granted to such entity or entities satisfactory to the Planning Board;
16. The applicant shall install a street sign for the subdivision road prior to issuance of the first building permit;

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- 17. The applicant and any successor homeowner's association shall maintain the subdivision road and provide for it to be kept clear and passable at all times and in all weather conditions;
- 18. The roadway will remain private in perpetuity unless it is brought to current subdivision roadway standards prior to a vote of Town Meeting to accept the roadway as a Town Way; and
- 19. Prior to the Board's endorsement of its approval of the subdivision on one of the plans, the developer shall furnish guarantees to the Planning Board as provided in M.G.L. c. 41, Section 81U that no lot included in such plan shall be built upon or conveyed until the work on the ground necessary to service all the lots has been completed in the manner specified by the Subdivision Regulations of the Town of Littleton with the specific conditions listed herein, or a cash bond in lieu of completion in a reasonable amount is provided.

The Board voted 4 to 1 (Montanari opposed) to **approve the Wellington Drive Open Space Special Permit** with the above **conditions**.

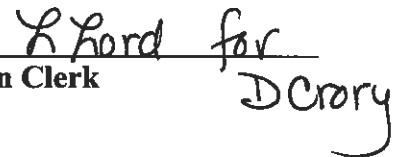
Appeals, if any, shall be made pursuant to Section 81BB of Chapter 41, Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.

Signed:

Date Filed with Town Clerk: 4/29/2016



Ed Mullen, 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 Definitive Subdivision 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