



Town of Littleton, Massachusetts
TOWN MEETING REPORT

VOTER INFORMATION

Please bring this with you to the
FEBRUARY 15, 2023 AT 7:00 PM

Inclement Weather Special Town Meeting Date:

Thursday, February 16, 2023 at 7:00 PM

Look to the Town website for updates:

<https://www.littletonma.org>

SPECIAL TOWN MEETING

Wednesday, February 15, 2023, at 7:00 PM
Charles Forbes Kaye Gymnasium, Littleton Middle School
55 Russell Street, Littleton, MA 01460

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FEBRUARY 15, 2023

SPECIAL TOWN MEETING

SPECIAL TOWN MEETING ARTICLES

1. Bills of Prior Years
2. Change Annual Town Meeting Date and Time
3. Reprogram and Rescind PRCE Enterprise Fund
4. Amend Fiscal Year 2023 Budget – LCTV Receipts Reserved for Appropriation from the Public, Education and Government Access Fund
5. Amend Sewer Enterprise Fiscal Year 2023 Budget - LELWD
6. Amend Fiscal Year 2023 Community Preservation Fund Budget
7. Purchase of Indian Hill Music School (32/36 King Street)
8. Rescind and Reprogram prior Capital Town Meeting Warrant Articles
9. King Street Common Zoning District Expansion
10. Firearms Business Zoning Bylaw

TOWN OF LITTLETON, MASSACHUSETTS

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

Anthony M. Ansaldi, Jr., Town Administrator
Ryan Ferrara, Assistant Town Administrator
Aleesha Nunley Benjamin, Director of Finance & Budget/ Town Accountant

More information is available online at www.littletonma.org

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:

ARTICLE #
Article Sponsor/Inserter
Title of the Article

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. Thanks very much.

– Littleton Select Board
Matthew Nordhaus, Chair
Gary Wilson, Vice Chair
Charles DeCoste, Clerk
Cynthia Napoli
Mark Rambacher

Town Moderator:

Town Meeting Procedures

In our continuing effort to streamline and improve the efficiency of Town Meeting, and after having discussed ways to improve the process with the Select Board, the Town Clerk, and Town Counsel; as Town Moderator I am proposing the following procedures for the November 1st Special Town Meeting:

- **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, no additional time shall be granted. 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.

Town Moderator: “A Call of the Articles”

Additionally, in the interest of time and efficiency we 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 the articles, one by one. Any voter who 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. It is hoped that voters will remove articles from the “Call” only in cases of legitimate concern.

After calling each article on the warrant, the Moderator will ask that all remaining 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 passage of warrant articles which each Town Meeting voter believes 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 at <http://www.littletonma.org/townmeeting>.

Thank you for your cooperation in implementing these procedures and allowing me the privilege of serving as your Moderator.

Timothy D. Goddard, Town Moderator



February 15, 2023

Special Town Meeting

7:00 PM, Charles Forbes Kaye Gymnasium, Littleton Middle School
55 Russell Street, Littleton, MA 01460

Inclement Weather Special Town Meeting Date:

Thursday, February 16, 2023 at 7:00 PM

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ARTICLE 1

Select Board/Finance Committee

Bills of Prior Years

[9/10th majority vote required]

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44, Section 64 to transfer a sum or sums of money from available funds to pay unpaid bills from prior fiscal years, or take any other action related thereto.

[Article 1 would pay any bills from prior fiscal years, which were not received before the books were closed, and for which prior year budget funds had not been encumbered.]

Motion: Moved and seconded by the Select Board that the Town vote to pay prior years bills as follows:

- KP Law, P.C. (FY22 Legal Services bill) \$4,530.50 to be charged to 00011517-530270;
- Middlesex Veterinary Center (FY21 Veterinary services bill) \$98.75 to be charged to 00012927-579000;
- Middlesex Veterinary Center (two FY22 Veterinary services bills) totaling \$549.50, to be charged to 00012927-579000.

The Finance Committee recommendation is forthcoming.

The Select Board supports this article.

ARTICLE 2
Select Board
Change Annual Town Meeting Date and Time
[Majority vote required]

To see if the Town will vote to amend Chapter 41, Section 1 of the General Bylaws by deleting the language in strikethrough and adding the language in bold and underlined, as follows:

§41-1 Dates when held.

The Annual Town Meeting shall be held on a weekday during the week that includes the first Monday in May ~~at 7:00 p.m. on a date and time to be determined by the Select Board, and The Annual Town Election shall be held~~ on the following Saturday immediately following the Annual Town Meeting.

or take any other action related thereto.

[The purpose of Article 2 is to provide the Select Board with the flexibility to determine the date and time of the Annual Town Meeting within the first week of May. Town staff have requested that all Town Meetings preferably take place on a Tuesday, or other day later in the week, to allow for the set up for the meeting to take place during the regular work week. The current bylaw stipulates a Monday Annual Town Meeting date which requires staff to come in over the weekend to layout the room, prepare for the television broadcast and coordinate audio/visual requirements for Town Meeting. The Annual Town Meeting would still be required to take place during the first week of May, however, Article 2 would allow the Select Board set the Town Meeting date and time during the first week of May.]

Motion: Moved and seconded by the Select Board to approve Article 2 as printed in the warrant.

The Select Board supports this article.

ARTICLE 3
Select Board/Finance Committee
Parks, Recreation and Community Education (PRCE)
Reprogram and Rescind PRCE Enterprise Fund
[Majority vote required]

To see if the Town will vote to take the following actions in relation to the Parks, Recreation, and Community Education (PRCE) Enterprise Fund:

- (1) Rescind the vote taken under Article 2 at the November 1, 2022 Special Town Meeting vote to appropriate \$463,000 (FOUR HUNDRED SIXTY THREE THOUSAND DOLLARS) from Free Cash to the PRCE Other Expenses account;

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- (2) Appropriate \$463,000 (FOUR HUNDRED SIXTY THREE THOUSAND DOLLARS) from PRCE Enterprise Fund Retained Earnings for Salaries and Wages and Expenses; and,
- (3) Revoke the provisions of Chapter 44, §53F1/2 of the Massachusetts General Laws, ceasing the PRCE Enterprise Fund, effective June 30, 2023;

or take any other action related thereto.

[The Massachusetts Department of Revenue (DOR) has recommended the Town eliminate the PRCE Enterprise Fund and replace it with a revolving fund. This article will 1) Fund \$463,000 from the PRCE Enterprise Fund to the PRCE's FY23 Salaries and Wages and Expenses; 2) Rescind the November 1, 2022 Special Town Meeting vote under Article #2 to appropriate \$463,000 from the Town's Free Cash Account; and, 3) Rescind the PRCE Enterprise Fund, effective June 30, 2023, per DOR's recommendation.]

Motion: Moved and seconded by the Select Board to approve Article 3 as printed in the warrant.

The Finance Committee recommendation is forthcoming.

The Select Board supports this article.

ARTICLE 4

Littleton Community Television Advisory Committee

Amend FY2023 LCTV Receipts Reserved for Appropriation from the Public, Education and Government Access Fund

[Majority vote required]

To see if the Town will vote to appropriate an additional \$2,297 (TWO THOUSAND TWO HUNDRED NINETY SEVEN DOLLARS) or any other sum or sums of money to the amounts appropriated from LCTV PEG Access Receipts Reserved for Appropriation Fund for the Fiscal Year commencing July 1, 2022, under Article 11 of the Annual Town Meeting of May 2, 2022, for the operation of the Littleton Community Television cable television studio, said additional sum to be used for salaries, or take any other action related thereto.

[Article 4 increases the operating budget by \$2,297 for the Littleton Community Television (LCTV) for FY2023, reflecting the revisions voted on at the November 1, 2022 Special Town Meeting to update the Schedule A Classification and Compensation Plan.]

Motion: Moved and seconded by the Select Board to approve Article 4 as printed in the warrant.

The Finance Committee recommendation is forthcoming.

The Select Board supports this article.

ARTICLE 5
Board of Water Commissioners
Littleton Electric Light and Water Departments (LELWD)
Amend FY 2023 Sewer Enterprise Operating Budget
[Majority vote required]

To see if the Town will vote to amend the Board of Water Commissioners' FY 2023 Sewer Enterprise Fund Operating Budget for the Fiscal Year commencing July 1, 2022, as adopted under Article 7 of the Annual Town Meeting of May 2, 2022, by appropriating \$92,000 (NINETY TWO THOUSAND DOLLARS) from Sewer Enterprise Fund Retained Earnings to pay Bond Anticipation Note interest, or take any other action related thereto.

[Article 5 supplements the LELWD FY 2023 Sewer Enterprise Operating Budget by appropriating a total of \$92,000 from Sewer Enterprise Fund Retained Earnings to pay for Bond Anticipation Note (BAN) interest due on May 17, 2023.]

Motion: Move and seconded by the Water Commissioners to approve Article 5 as printed in the warrant.

The Finance Committee recommendation is forthcoming.
The Select Board supports this article.

ARTICLE 6
Community Preservation Committee
Amend FY2023 Community Preservation Fund Budget
[Majority vote required]

To see if the Town will vote to amend the appropriations approved under Article 10 of the May 2, 2022 Annual Town Meeting and Article 9 of the November 1, 2022 Special Town Meeting by reducing the Community Preservation Fund budget for Fiscal Year 2023 as follows:

	Original Appropriated Amount	New Reduced Amount
Open Space Reserve	\$231,595	\$202,419
Historic Reserve	\$104,218	\$93,178
Community Housing Reserve	\$115,798	\$101,209
Recreation Reserve	\$115,798	\$101,209
General Reserve	\$0.00	\$34,827
Admin	\$11,580	\$8,031
Total	\$578,989	\$540,873

Or take any other action related thereto.

[Article 6 seeks to amend the Community Preservation Fund Budget for Fiscal Year 2023 based on the actual state match. The amounts thus need to be adjusted to reflect the actual state match and the percentages approved at the November 1, 2022 Special Town Meeting.]

Motion: Moved and seconded by the Community Preservation Committee to approve Article 6 as printed in the warrant.

The Community Preservation Committee recommendation is forthcoming.

The Finance Committee recommendation is forthcoming.

The Select Board supports this article.

ARTICLE 7
Select Board
Purchase of Indian Hill Music School (32/36 King Street)
[Two third majority vote required]

To see if the Town will vote to

- (1) Acquire by purchase, gift, or eminent domain or otherwise, on such terms and conditions as the Select Board may determine, all or a portion of the property located at 32 and 36 King Street (Assessor's Map U42 Parcel 2-0 and Assessor's Map U42 Parcel 2-1) for general municipal purposes, and authorize the Select Board to accept the deed to the Town for a fee simple interest or less; and,
- (2) Raise and appropriate, transfer from available funds, or borrow a sum or sums of money, for the acquisition of 32 and 36 King Street;

or take any action related thereto.

[Article 7 proposes to purchase the former Indian Hill Music School, located at 32 and 36 King Street.]

Motion. Moved and seconded by the Select Board that the Town vote to

- (1) acquire by purchase, gift, or eminent domain or otherwise, on such terms and conditions as the Select Board may determine, all or a portion of the property located at 32 and 36 King Street (Assessor's Map U42 Parcel 2-0 and Assessor's Map U42 Parcel 2-1) for general municipal purposes, and authorize the Select Board to accept the deed to the Town for a fee simple interest or less; and
- (2) To authorize the Town Treasurer, with the approval of the Select Board borrow \$3,500,000.00 in accordance with Chapter 44, Section 7(1) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor.

The Finance Committee and Select Board recommendations are forthcoming.

ARTICLE 8
Capital Transfers
Rescind and Reprogram prior Capital Town Meeting Warrant Articles
[Majority vote]

To see if the Town will vote to

(1) transfer \$336,693.88 (THREE HUNDRED THIRTY SIX THOUSAND SIX HUNDRED NINETY THREE DOLLARS AND EIGHTY EIGHT CENTS), or any other sum or sums of money, from the following unspent capital appropriations, which will thereby exhaust all of the available funds from the original appropriation, for the purposes of funding various capital projects for buildings under the care, custody and control of the Select Board; the work may include, but is not limited to feasibility studies, design, and construction:

Town Meeting Date	Transfer From: Capital Project (Town Meeting Article)	Remaining Balance	Transfer Out
June 13, 2020	ART 16 MAJOR EQUIP	20,000.00	20,000.00
May 7, 2018	ATM 8 HWY SIGNAGE	614.40	614.40
May 6, 2019	ATM 8 HWY MAJOR EQUIP	3,497.33	3,497.33
May 6, 2019	ATM 8 HWY SPORTS FLD	1,470.00	1,470.00
October 18, 2020	STM 3 TRAFFIC SIGNAL	125,471.65	125,471.65
June 13, 2020	ATM ART 16 INTL TRUCK	11,955.91	11,955.91
May 6, 2019	ATM 8 HWY REC MOWER	1,424.08	1,424.08
May 16, 2019	ATM 8 AGE-APPROP PLAN	12,000.00	12,000.00
May 16, 2019	ATM 8 FIRE PROTECT CLTHN	5,436.92	5,436.92
May 16, 2019	ATM 8 FIRE HOSE	60.88	60.88
June 13, 2020	ATM 16 FIRE HOSE	7.00	7.00
October 28, 2019	STM 14 CLASS & COMP ST	510.28	510.28
May 6, 2019	ATM 8 POL VEHICLE	601.28	601.28
June 13, 2020	ATM ART 16 PATROL VEHIC	49.70	49.70
May 16, 2019	ATM 8 SCH TELEPHONE SYST	42.09	42.09
June 13, 2021	ATM 9 RS PHONE SYSTEM	308.75	308.75
May 16, 2019	ATM 8 SCH TECH/CHROMEBOO	93.98	93.98
May 6, 2019	ATM 8 SCH RESOURCE MAT	40.21	40.21
June 21, 2021	ATM 9 C.O. PHONE SYSTEM	455.60	455.60
June 12, 2021	ATM 9 SCHOOL VAN	4,645.75	4,645.75
May 6, 2019	ATM 8 SPACE NEEDS STUDY	1,775.50	1,775.50
May 17, 2018	ATM 8 FACILITY IMP PMBC	71,008.20	71,008.20
June 13, 2020	ATM ART 16 TH RECONFIG	25,000.00	25,000.00
June 13, 2020	ATMART16 SWITCH REPLA	995.00	995.00
May 6, 2019	ATM 8 FACILITY IMP PMBC	47,889.41	47,889.41
October 30, 2017	STM 12 MASTER PLAN IMP	1,339.96	1,339.96

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(2) rescind the unspent balance of \$22,600 (TWENTY TWO THOUSAND SIX HUNDRED DOLLARS) or any other sum or sums of money, from the May 7, 2018 Article 8.C, Town Offices Meeting Room 307 Upgrades capital project, said funds to be returned to the LCTV PEG Access and Cable Related Fund; and

rescind the unspent balance of \$68,550.00 (SIXTY EIGHT THOUSAND FIRE HUNDRED AND FIFTY DOLLARS) from the May 1, 2017 Article 8.VII.E, Mill Pond Dredging capital project and the unspent balance of \$20,000.00 (TWENTY THOUSAND DOLLARS) from the May 6, 2019 Article 8.VII.E. Lake Matawanakee Improvements, for a total of \$88,550.00 (EIGHTY EIGHT THOUSAND FIVE HUNDRED AND FIFTY DOLLARS) or any other sum or sums of money, said funds to be returned to the Water Enterprise Fund.

Or take any other action related thereto.

[Article 8 authorizes the expenditure of \$336,693.88, from the remaining unused balances in old capital articles that are no longer needed for funding various capital projects for buildings under the care, custody and control of the Select Board; the work may include, but is not limited to feasibility studies, design, and construction. The article also seeks to rescind the remaining unspent capital funds (\$88,550.00) from the Mill Pond Dredging Project and Lake Matawanakee Improvements capital projects and return those funds to the Water Enterprise Fund, and rescind the remaining unspent capital funds (\$22,600) from the Town Offices Meeting Room 307 Upgrades project and return the funds to the PEG Access and Cable Related Fund.]

Motion: Moved and seconded by the Select Board that the Town vote to approve Article 7 as printed in the Warrant.

**The Finance Committee recommendation is forthcoming.
The Select Board supports this article.**

ARTICLE 9
Planning Board
King Street Common Zoning District Expansion
Zoning Bylaw Amendment
[Two third majority vote required]

To see if the Town will vote to

(1) Amend Article XXXI. King Street Common Zoning, which was approved by Town Meeting at its October 21, 2021 Special Town Meeting (Article 11), by:

a. Inserting into Section 173-227.A the language in bold and underline:

The King Street Common zoning district includes 550 King Street (Assessors' Map U08-Parcel 10-0), **410 Great Road (Assessors' Map U09, Parcel 28-0), 486 King**

Street (Assessors' Map U09, Parcel 27-0), 476 King Street (Assessors' Map U09, Parcel 26-0), 470 King Street (Assessors' Map U09, Parcel 25-0), 450 King Street (Assessors' Map U09, Parcel 23-0) and 584 King Street (Assessors' Map U08, Parcel 17-A. 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 King Street Common Zoning District.

- b. Striking the number 5 from the first sentence in Section 173-229.B and inserting, in place thereof, the number 4, so that said sentence reads as follows: "All projects involving 4 acres or more within the King Street Common Zoning District shall require a Master Planned Development special permit under § 173-89, including for Mixed Use and Multifamily Residential Development projects."
- c. Strike Section 173-233.E in its entirety and insert, in place thereof, a new Section 173-233.E as follows:

E. Maximum Density

- a. Maximum density for multifamily residential units shall be 20 units per acre.
- b. For Master Planned Development projects, density shall be calculated using the total area of the Master Plan.
- c. Notwithstanding Section 173-233.E.a., for development proposed on parcels within the King Street Common Zoning District located southwesterly of Great Road, maximum density for multifamily residential units shall be determined by the ability to meet the parking requirements of § 173-224.A.

- d. Strike Section 173-233.I.a in its entirety and insert, in place thereof, a new Section 173-233.I.a, as follows:
 - a. **Maximum Building Height.** The maximum height of a Residential Use building shall be 6-stories or 75 feet, whichever is less, and the maximum height of a Commercial, Industrial, Institutional or Recreational Use building shall be 4-stories or 60 feet, whichever is less; provided, however, for development proposed on parcels within the King Street Common Zoning District located southwesterly of Great Road, buildings (or portions thereof) with residential use or mixed use within 40 feet of the Great Road right-of-way shall have a maximum height of 4-stories or 50 feet, whichever is less, and buildings (or portions thereof) located greater than 40 feet from Great Road right-of-way shall have a maximum height of 6-stories or 75 feet, whichever is less.

(2) Amend its Zoning Map by removing the following parcels from the Village Common (VC) Zoning District and adding them to the King Street Common Zoning District, which was approved at the same Town Meeting under the same Article 11:

- 410 Great Road (Map U09 Parcel 28-0);
- 486 King Street (Map U09 Parcel 27-0);
- 476 King Street (Map U09 Parcel 26-0);
- 470 King Street (Map U09 Parcel 25-0);
- 450 King Street (Map U09 Parcel 23-0); and

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- 584 King Street (Map U08 Parcel 17-A).

or to take any action related thereto.

[This article would rezone the existing parcels at 410 Great Road, 486 King Street, 476 King Street, 470 King Street, 450 King Street and 584 King Street from Village Common (VC) District to King Street Common Zoning District and amend the King Street Common Zoning District as described herein. It will expand the current King Street Common Zoning District to provide greater consistency surrounding the King Street Commons project and serve to revitalize the Littleton Common area. The Planning Board held a public hearing on this article on January 5, 2023.]



Motion: Moved and seconded by the Planning Board that the Town vote to approve Article 9, as printed in the Warrant.

**The Planning Board voted 5 to 0 to support this article.
The Select Board's recommendation is forthcoming.**

ARTICLE 10
Planning Board
Firearms Business Zoning Bylaw
Zoning Bylaw Amendment
[2/3 Majority vote required]

To see if the Town will vote to amend the Zoning Bylaw by:

- (1) Adding a new Article XXXII, entitled Firearms Business, as follows

ARTICLE XXXII Firearms Business

§ 173-235 Purpose.

The purpose of this article is to regulate the location, siting, design, placement, security, safety, monitoring, and modifications of Firearms Businesses within the Town of Littleton to minimize the adverse impacts of Firearms Businesses on adjacent properties, residential neighborhoods, schools and other places where children congregate, and to protect and promote the quality of the Town of Littleton's neighborhoods, commercial and business districts, and the general welfare, health and safety of the citizens of Littleton.

§ 173-236 Compatibility with State and Federal Laws and Regulations.

The provisions of this article are not intended to supersede federal or state laws or regulations except to the extent that any such laws or regulations allow a community to adopt standards more stringent than the minimum standards provided in such laws and regulations.

§ 173-237 Applicability.

- A. No Firearms Business use shall commence unless permitted by the issuance of a special permit as authorized by this Article.
- B. No Firearms Business use shall commence until all necessary Federal, State and other required local approvals and licenses are obtained.
- C. No special permit for a Firearms Business use shall be issued unless the use is located in the Industrial A or Industrial B Zoning Districts. Firearms Businesses are not allowed in the Town of Littleton other than in the locations designated within the Zoning Bylaw specifically authorizing Firearms Business use.
- D. The establishment and operation of Firearms Businesses shall be subject to continued compliance with all special permits, including any conditions thereof, the provisions of this Article, any other applicable requirements of the Zoning Bylaw, and all applicable Federal, State, and local laws and regulations.

§ 173-238 Location requirements.

- A. No special permit for a Firearms Business shall be granted where such use would be located within 500 feet of a:
 - 1) Residential use, residential zoning district, or mixed-use districts within which residential uses are allowed;
 - 2) Public or private elementary school, middle school, or high school;

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- 3) Child Care Facility, including family childcare homes, childcare centers, and/or nursery schools;
- 4) Any establishment catering to or providing services primarily intended for minors, including, but not limited to establishments such as activity centers or commercial recreation centers (e.g. rock climbing gym, The Little Gym of Littleton);
- 5) Church or other religious use;
- 6) Public park intended for passive or active recreation; or
- 7) Playground.

B. The 500-foot distance shall be measured in a straight line from the nearest point of the structure within which the Firearms Business would operate (from the nearest point of the exterior of the tenant space if the Firearms Business is located in a structure occupied by multiple tenant spaces), to the nearest boundary line of a residential zoning district, a mixed-use district within which residential uses are allowed, or the nearest point of any property on which a public or private elementary school, middle school, or high school is located, or to the nearest point of any structure containing or associated with other uses listed in Section A above, provided, however, that if no structure is on the property the distance shall be measured to the property line of such use.

C. The commencement of one or more of the uses listed in Section A above within 500 feet of a proposed Firearms Business location during the review of a special permit application for a Firearms Business (beginning on the date of submittal), following the issuance of a special permit, or following the commencement of the Firearms Business use shall not invalidate the Firearms Business uses, the special permit issued therefor, or the ability to renew any unexpired or unrevoked special permit.

D. No Firearms Business shall be located inside a building containing residential dwelling units, including transient housing, group housing, hotels, motels, lodging houses, and/or dormitories.

E. No Firearms Business shall be located within 500 feet of another Firearms Business. The 500-foot distance shall be measured in a straight line from the nearest point of the structure within which the Firearms Business would operate (from the nearest point of the exterior of the tenant space if the Firearms Business is located in a structure occupied by multiple tenant spaces) to the nearest point of the structure within which a Firearms Business is already operating.

§ 173-239 Administration and procedure.

- A. A Firearms Business may be allowed in locations set forth in § 173-26 Use Regulations Schedule by special permit from the Planning Board (the “SPGA”) in accordance with M.G.L. c. 40A, § 9, only subject to the procedures, regulations, requirements, conditions and limitations set forth herein. The SPA may deny or grant with conditions all such applications. Only an applicant holding a valid, current State license issued pursuant to M.G.L. c. 140, § 122, as applicable, and all required Federal and local licenses is eligible to apply for a special permit pursuant to this Article.
- B. Prior to the application for a special permit pursuant to this Article, all Firearms Business uses shall submit an operations and management plan including, but not limited to, a security plan to the Littleton Police Department for review and approval.

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- C. Applicants for a special permit pursuant to this Article are strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed application for a new Firearms Business and to discuss in general terms the proposed Firearms Business prior to the formal submission of an application.
- D. The application for a special permit for a Firearms Business shall comply with the rules for such applications adopted by the Planning Board and filed with the Town Clerk. In addition, the application for such special permit for a Firearms Business must include the following information:
 - 1) Name, residential address, business address, and telephone numbers of the legal owner or owners of the proposed Firearms Business;
 - 2) Name, residential address, business address, and telephone number of the manager of the proposed Firearms Business;
 - 3) Name, residential address, business address, and telephone numbers of all persons having any equity, including beneficiaries or other interest in such Firearms Business, including but not limited to security interest, liens, mortgages, or other interest. In the event that a corporation, partnership, trust, or other entity is listed, the name, residential address, business address, and telephone number of every person who is an officer, director, shareholder, or trustee of the entity must be listed, in order that the SPGA may know who are the persons who actually own and control that Firearms Business.
 - 4) A sworn statement that neither the applicant, the manager, nor any person having any equity or other interest in the Firearms Business has been convicted of violating the provisions of M.G.L. c. 140, §§ 122B, 130, 131N, or similar laws in other states.
 - 5) The total number of employees;
 - 6) Proposed security precautions;
 - 7) Evidence that the applicant has site control and the right to use the proposed site as a Firearms Business. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.
 - 8) The physical layout of the premises including the interior of the structure in which the Firearms Business will be located; and
 - 9) A full description of the intended nature of the business; and
 - 10) Copies of all State, Federal, and local firearms licenses and permits issued to the applicant.
 - 11) Proof of a policy of insurance executed by an insurance company insuring the applicant against liability for damage to property and for injury to, or death of, any person as a result of the theft, sale, lease or transfer or offering for sale, lease or transfer of a firearm or ammunition, or any other operations of the Firearms Business. The limits of liability shall not be less than \$1,000,000.00 for each incident of damage to property or incident of injury or death to a person; provided, however, that increased limits of liability may be required by the SPGA in its discretion. The policy of insurance must contain an endorsement providing that the policy shall not be cancelled until written notice has been given to the SPGA at least 30 days prior to the effective date of the cancellation.
- E. Upon the filing of the special permit application with the SPGA, the applicant shall simultaneously deliver copies of the full application to the Select Board, the Building Commissioner, the Board of Health, the Police Department, and the Fire Department.

§ 173-240 Signage.

- A. All signs associated with Firearms Businesses shall comply with Article VIII Signs of the Zoning Bylaw.

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- B. All special permit applications for Firearms Businesses shall include a proposed exterior sign package, which may be included as a condition of issuance of the special permit.
- C. Temporary Signs, as defined in § 173-37 are prohibited.
- D. No graphics, symbols, or images of Firearms, Ammunition, or Firearm Accessories shall be displayed or clearly visible from the exterior of a Firearms Business. No exterior display of Firearms Business product or services is allowed.

§ 173-241 Security.

- A. Firearms Businesses shall provide the Littleton Police Department, Building Commissioner, and the SPGA with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment; this information shall be updated when staff of the Firearms Business changes.
- B. All Firearms Businesses shall submit a security plan to the Littleton Police Department for review and approval prior to submitting an application for a special permit in accordance with §173-239.B. The plan must include, but is not limited to, the following:
 - 1) Proposed provisions for security;
 - 2) The physical layout of the interior delineating all areas, including but not limited to employee only access areas, storage, administrative, and public access areas;
 - 3) After hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks; and
 - 4) The number of employees.
- C. No operator and/or employee of a Firearms Business shall have been convicted of any felony under state or federal law.
- D. Trash dumpsters shall be locked and enclosed by a screening enclosure so as not to be accessible to the public.
- E. The exterior grounds, including the parking lot and landscaped areas, shall be lighted in such a manner that all areas are clearly visible at all times during business hours; all light fixtures shall have full cut off shields.
- F. The Firearms Business shall be equipped with, and the operators of such Firearms Business shall maintain in working order at all times, burglary/robbery alarms.
- G. A video surveillance system shall be installed and maintained which shall monitor all parking lot areas, main building entrances and exits, storage areas, and any and all transaction areas for the sale of merchandise.
 - 1) Firearms Businesses shall videotape the point-of-sale of all firearms transactions and maintain videos for six months to deter illegal purchases and monitor employees.

§ 173-242 Procedures and Findings.

- A. Procedure. In addition to the procedures established in § 173-7, special permits issued for Firearms Businesses shall be:

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- 1) Limited to the current applicant and shall lapse if the permit holder ceases or transfers ownership of the operation of the Firearms Business; and
- 2) Renewed annually.

B. Findings. In addition to determining compliance with the requirements and conditions of this Article and all other applicable Sections of the Zoning Bylaw, the SPGA in its review of any special permit application for a Firearms Business shall find that the proposed Firearms Business:

- 1) Meets all other applicable requirements of the Zoning Bylaw and the permitting requirements of all applicable agencies of the Commonwealth of Massachusetts and the Town, and will otherwise comply with all applicable state and local laws and regulations;
- 2) Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- 3) Provides adequate security measures to ensure that no individual participants will pose a threat to the health or safety of other individuals. In making this determination the SPGA shall consider input from the Littleton Police Department, if any; and
- 4) Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking, and queuing, especially during peak periods at the Firearms Business.

§ 173-243 Special Permit Conditions.

- A. A Firearms Business use shall be located in, and conduct all operations and transactions within, an enclosed building; this shall not prohibit operations involving the delivery or receiving of permitted goods and products, which may involve transfer to or from a motor-vehicle outside of an associated building.
- B. All publicly accessible entrances shall be visible from a public way. The SPGA may impose conditions requiring that fencing or plantings be installed along rear and side lot lines to screen the premises from adjoining properties.
- C. Drive-through windows and/or any interactions or sales to customers within vehicles are prohibited.
- D. The hours of operation of a Firearms Business shall be set by the SPGA, but in no event shall a Firearms Business be open to the public, performing deliveries, and/or otherwise operating before 8:00 AM and after 9:00 PM. There shall be no exemptions to the prohibited hours of operation for emergencies.
- E. No person under the age of eighteen (18) shall be permitted on the premises of the Firearms Business unless they are accompanied by a parent or legal guardian.
- F. All Firearms Business uses shall conduct criminal background checks for all employees in accordance with state law.
- G. A Firearms Business shall not sub-lease space from a tenant of any building or structure and is prohibited from sub-leasing the Firearms Business use space to another Firearms Business.

§ 173-244 Termination 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 terminate the special permit.
- C. A special permit for a Firearms Business shall be 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 terminated.

§ 173-245 No accessory use Firearms Businesses.

Use of property as a Firearms Business shall necessarily be deemed a principal use for purposes of the Zoning Bylaw, and shall be permitted exclusively in accordance with this Article XXXII. No Firearms Business may be allowed within the Town on the basis that such use qualifies as a permissible accessory use.

§ 173-246 Severability.

The provisions of this Article are severable. If any provision, paragraph, sentence, or clause of this Article, or the application thereof to any person, establishment, or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of this Article or the Zoning Bylaw.

- (2) Inserting into alphabetical order in Section 173-2 the following terms;

Ammunition – As defined or amended by State statute or regulations, cartridges or cartridge cases, primers (igniters), bullets, tear gas cartridges, or propellant powder designed for use in any Firearm. For the purposes of this definition, “Firearm” is to have the meaning prescribed in this By-Law, and shall include, but not be limited to: firearms (as that term is defined in M.G.L. c. 140, § 121), rifles or shotguns.

Firearm – Any device designed or modified to be used as a weapon capable of firing a projectile using an explosive charge as a propellant, including but not limited to: guns, pistols, shotguns, rifles.

Firearm Accessory – Any device designed, modified or adapted to be inserted into or affixed onto any Firearm to enable, alter or improve the functioning or capabilities of the Firearm or to enable the wearing or carrying about one’s person of a Firearm.

Firearm Business – Any of the following uses:

- a. **Firearm Dealer:** A retail or wholesale operation involving the purchase or sale of any Weapon, Machine Gun, Firearm, Ammunition, or Stun Gun, as such terms are defined in M.G.L. c. 140, § 121, and/or Firearm Accessories.
- b. **Gunsmith:** Any retail operation involving the repairing, altering, cleaning, polishing, engraving, blueing or performing of any mechanical operation of any Firearm.

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and

(3) Inserting a new principal use of “Firearms Business” into Section 173-26.A, Use Regulation Schedule, after the line for “Adult Use Establishment”, as follows:

Uses	Districts					
	R	VC	KC	B	IA	IB
Firearm Business	N	N	N	P	P	N

Or take any other action related thereto.

[The purpose of Article 10 is to establish a new zoning bylaw to regulate firearms businesses in the Town of Littleton.]

Motion: Moved and seconded by the Planning Board that the Town vote to approve Article 10, as printed in the Warrant.

**The Planning Board voted 5 to 0 to support this article.
The Select Board's recommendation is forthcoming.**



Town of Littleton
Select Board
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