



Memorandum

To: James Garrefffi, Agent, Littleton Board of Health
Littleton Board of Health

From: Bruce Ringwall, Pres.

Date: November 7, 2019

Subject: Healy Corner Board of Health comments

Copy: Littleton Planning Board
Glavey family Trust

The memo of 10/30/2019 from James Garrefffi to Maren Toohill regarding Healy Corner states the Board approves the subdivision with the following conditions. The memo as you know lists conditions 1 to 8. Condition #8 asks a question of the Planning Board whether the proposed Healy Corner will meet the Title 5 (310 CMR 15.00) definition of a cluster development as listed below.

15.002: Definitions

Cluster Development – A cluster development as allowed by local zoning ordinances or by-laws in accordance with M.G.L. c. 40 A § 9. Where no local cluster development zoning ordinances or by-laws have been enacted in accordance with M.G.L. c. 40 A, § 9, a cluster development means a residential development design that preserves a minimum of 50% open space which may include wetlands. For these latter developments, the percentage of open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions as shown on a plan, but in no case may the wetland portion of the required open space exceed 50% of the open space. The open space shall be subject to a deed restriction that provides for a common area and limits its use to passive recreation.

Our office was asked to respond to the question.

Chapter 173 – Littleton Zoning Bylaw Article XIX Open Space Development is a cluster by law. In §173-93 Purpose states, ..."to encourage the preservation of significant parcels of agricultural land and open space, while at the same time accommodating the need for housing in Littleton... while preserving the current overall density and rural character of the Town." The Open Space Development is approved by the Planning Board as the Special Permit Granting Authority as outlined in §173-94 in accordance with MGL Ch 40A §9. This meets the requirements of the first sentence of the Title 5 cluster definition.