

**WARRANT FOR
MONDAY, NOVEMBER 4, 2013 at 7:00 PM
SPECIAL TOWN MEETING
TOWN OF LITTLETON**

**Commonwealth of Massachusetts
Middlesex, ss.**

To any Constable of the Town of Littleton in the County of Middlesex,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Littleton qualified to vote in the elections and Town affairs, to meet in the **Charles Forbes Kaye Gymnasium, Littleton Middle School, 55 Russell Street in said Town of Littleton on Monday, the Fourth day of November, 2013 at 7:00 o'clock in the evening** by posting a printed copy of this warrant, by you attested, at eight meeting houses, at the Town Office Building on Shattuck Street, at the Post Office at Littleton Common, at the Post Office at Littleton Depot, at the Baptist Church, at the Unitarian Church, at the Catholic Church, at the Congregational Church, and at the Mormon Church, in said Town, fourteen days at least before the Fourth day of November, 2013 then and there to act on the following Articles:

**ARTICLE 1
Board of Selectmen
Bills of Prior Years
*[9/10ths vote required]***

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to pay unpaid bills from prior fiscal years, or to take any other action in relation thereto.

**ARTICLE 2
Board of Selectmen
Fund Collective Bargaining Agreement**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money for the purpose of funding any new collective bargaining agreements between the Town and its employee unions, or to take any other action in relation thereto.

**ARTICLE 3
Board of Selectmen
FY 2014 Budget Amendments**

To see if the Town will vote to amend the FY 2014 Operating Budget, as adopted pursuant to Article 4 of the May 6, 2013 Annual Town Meeting, by adjusting budget line items, or to take any other action in relation thereto.

**ARTICLE 4
Board of Selectmen
FY 2014 Capital Items from Available Funds**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to be expended by the respective Departments or Officers indicated, for the

capital projects and purchases itemized and described, or to take any other action in relation thereto.

1. LCTV equipment upgrades - \$65,000 from the PEG funds account to be expended by the LCTV Advisory Committee for LCTV equipment upgrades.

2. Public safety radio upgrades - \$120,000 to be expended by the Police and Fire Chiefs to upgrade to a microwave radio system for the public safety departments.

ARTICLE 5
Board of Selectmen
Littleton 300th

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to be expended by the Tercentennial General Planning Committee to fund the 300th anniversary celebration of the Town of Littleton in 2014, or to take any other action in relation thereto.

ARTICLE 6
Board of Selectmen / Boards of Electric Light & Water Commissioners
Revenue Sharing: Solar, Peak Generator at Town Landfill; Cell Towers at Water
[2/3rds vote required]

To see if the Town will vote as follows:

Whereas the Littleton Electric Light Department (the "Light Department") wishes to reduce the cost of peak rate electricity to the rate payers by installing a peak shaving generator; and

Whereas the Light Department wishes to reduce the cost of electricity to the rate payers by installing a photovoltaic system; and

Whereas the Light Department wishes to construct the peak shaving generator and the photovoltaic system at the Town's Landfill located on Spectacle Pond Road; and

Whereas the Board of Selectmen (the "Selectmen") is the custodian of the Landfill; and
Whereas the Selectmen wish to be compensated for electricity generated at the Landfill; and

Whereas the Littleton Water Commissioners have constructed cell towers at their property at Oak Hill and at Newtown Hill; and

Whereas the revenues from the cell towers are deposited in the conservation fund and Conservation Commission land acquisition accounts to be used to purchase land or an interest in land; and

Whereas the Selectmen, the Light Commissioners and the Water Commissioners all wish to retain future, unencumbered revenues generated on property under their respective control; and

Whereas the Selectmen supports transferring future, unencumbered revenues generated on Water Department property to the Water Department in exchange for receiving revenues generated by the Light Department at the Landfill, so long as the amount of revenue the Town receives from the Light Department is equal to or greater than cell tower revenues retained by the Water Department; and

Whereas the Selectmen intend to deposit into the Community Preservation Fund all or a portion of the proceeds the Town receives from the Light Department, but no less than an amount equal to the amount that would have been placed into the conservation fund and

Conservation Commission land acquisition accounts that is not already encumbered for debt service on previous land purchases; the Selectmen's intention to direct these funds to the Community Preservation Fund is contingent upon successful passage of an amendment to the Town's acceptance of the Community Preservation Act contained in Article 13 of this Warrant and at the May 2014 Annual Town Election; and

Whereas the Town has directed, by its votes under Articles 37 and 45 of the May 5, 1997 Annual Town Meeting, Article 1 of the June 15, 2000 Special Town Meeting, Article 6 of May 6, 2002 Special Town Meeting, and Article 8 of the November 14, 2012 Special Town Meeting, that funds from the proceeds of cell tower leases at the Water Department's standpipes at Oak Hill and Newtown Hill be deposited in the conservation fund and Conservation Commission land acquisition accounts; and

Whereas the Town has directed, by its votes under Article 5 of the September 22, 2003 Special Town Meeting and Article 5 of the November 12, 2002 Special Town Meeting, that it intends to use the funds from the proceeds of cell tower leases at the Water Department's standpipes at Oak Hill and Newtown Hill to pay the annual debt payments incurred by the interests acquired in the Prouty Property and the Hartwell Property; and

Whereas the Town also voted under Article 8 of the November 14, 2012 Special Town Meeting that the proceeds from co-locator sites at Well #2 shall be "deposited directly into the Water Department Water Surplus Fund."

Therefore, shall the Town vote to authorize the Selectmen to lease to the Littleton Electric Light Department, on such terms as it determines to be in the best interest of the Town, approximately five acres of land located at the Town's Landfill, Spectacle Pond Road, for the purpose of installing and operating thereon photovoltaic systems and a peak shaving generator for electric power generation and distribution for a term of years equal to the useful life of said photovoltaic systems or peak shaving generator, whichever is longer, and to authorize the Selectmen to grant to the Littleton Electric Light Department such temporary easements in, on, under, across or over any adjacent Town-owned property and adjacent roadways, for utility and access purposes, as reasonably necessary and appropriate for the installation and operation of such photovoltaic systems and a peak shaving generator, for a term of years equal to the useful life of said photovoltaic systems or peak shaving generator, whichever is longer, and further, notwithstanding any previous Town Meeting vote to the contrary, to deposit into the Water Department Water Surplus Fund, the following sums: (1) all unencumbered revenues derived from leasing telecommunications co-locator sites located at Oak Hill; and (2) all unencumbered revenues derived from leasing telecommunications co-locator sites located at Newtown Hill, and to allow the Water Department to use said revenues for capital improvements, or to take any other action in relation thereto.

ARTICLE 7

Board of Selectmen

Russell Street Sidewalk Easement

[2/3rds vote required]

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain an easement and/or rights in a portion of the parcel of land shown on Assessor's Map R18 as Parcel 2-1 for the purposes of making certain sidewalk improvements on Russell Street, said portion being shown as "Proposed Permanent Easement for Sidewalk Purposes Area = 75 S.F. ±" on the plan of land entitled "Plan of Land, Town of Littleton, Permanent Easement

Russell Street at Great Road” prepared by Green International Affiliates, Inc., dated January 21, 2013, or to take any other action in relation thereto.

ARTICLE 8
Board of Selectmen
Russell Street Aerial Utility Line & Pole Easement
[2/3rds vote required]

To see if the Town will vote to authorize the Littleton Electric Light Department to acquire by purchase or gift, an easement and/or rights in a portion of the parcel of land shown on Assessor’s Map R18 as Parcel 2-1 for the purposes of relocating certain overhead utility lines and poles on Russell Street, said portion being shown as “Parcel UT-1 Permanent Aerial Utility Line and Pole Easement Area = 150 ± S.F” on the plan of land entitled “Town of Littleton, Aerial Utility Line and Pole Easement, Russell Street at Great Road” prepared by Green International Affiliates, Inc., dated June 14, 2013, or to take any other action in relation thereto.

ARTICLE 9
Cemetery Commissioners
Transfer of Land to Conservation
[2/3rds vote required]

To see if the Town will vote to to authorize the Cemetery Commission to convey, for no consideration, to the Conservation Commission, for conservation purposes, a parcel of land described as "Conservation Restriction Area" in a certain plan of land entitled "Plan of Land in Littleton, Massachusetts (Middlesex County), For: Westlawn Cemetery" prepared by Stamski and McNary, Inc., dated August 10, 2011, said parcel containing of approximately 7.2004 acres of land containing a vernal pool and associated upland habitat, or to take any action in relation thereto.

ARTICLE 10
Planning Board
Zoning By-law Amendment: Motor Vehicle / Vehicular Retail Sales
[2/3rds vote required]

To see if the Town will vote to amend the Zoning By-law of the Town of Littleton as follows:

1. Amend §173-2 by deleting from the definition of MOTOR VEHICLE SERVICE STATION “and/or sales or storage of motor vehicles.”
2. Amend §173-2 by inserting, in alphabetical order, a definition for VEHICULAR RETAIL SALES, as follows:

VEHICULAR RETAIL SALES: Any use involving the sale or lease of new or used motor vehicles (which shall include without limitation all varieties of automobiles, motorcycles, mopeds, off road sporting vehicles, snowmobiles, jet skis and boats), parts or accessories, or the commercial display or storage of any motor vehicles, parts or accessories.

3. Amend the Use Regulations Schedule set forth in §173-26.A by inserting, immediately below the row labeled “Motel, hotel, conference center” a new row as follows:

	<u>R</u>	<u>VC</u>	<u>B</u>	<u>IA</u>	<u>IB</u>
Vehicular Retail Sales	N	N	A10	A10	A10

4. Amend the Use Regulations Schedule set forth in §173-26.A by changing the row labeled “Motor vehicle service station” to read as follows:

	<u>R</u>	<u>VC</u>	<u>B</u>	<u>IA</u>	<u>IB</u>
Motor vehicle service station	N	N	A10	A10	A10

5. Amend the Notes that follow the Use Regulations Schedule set forth in §173-26 by adding new Note 10, as follows:

10 Except that vehicular retail sales and motor vehicle service stations shall be an excluded/prohibited use (N) within the Littleton Village Overlay District West—Beaver Brook Area District.

6. Amend the use regulations schedule set forth in §173-61 by changing the row labeled “Motor vehicle service or washing station” to read as follows:

	<u>Aquifer (A)</u>	<u>Water Resource (W.R.)</u>
Motor vehicle service or washing station	N	P1

and adding a new Note 1 to follow the use regulations schedule as follows:

1 Except that motor vehicle service or washing stations shall be an excluded/prohibited use (N) within the Littleton Village Overlay District West—Beaver Brook Area District.

7. Amend the use regulations schedule set forth in §173-61 by inserting, immediately below the row labeled “Motor vehicle service or washing station” a new row as follows:

	<u>Aquifer (A)</u>	<u>Water Resource (W.R.)</u>
Vehicular Retail Sales	N	N

8. Amend §173-171.B to by deleting the existing section in its entirety and inserting in its place a new section, as follows: “The following uses, granted by Special Permit in the underlying Industrial Zones, shall not be allowed in any project submitted as a Master Planned Development: Adult Use Establishments and Mobile Homes. Motor Vehicle Service Stations and Vehicular Retail Sales shall not be allowed by Special Permit as part of a Master Planned Development pursuant to this bylaw.”
or take any other action in relation thereto.

ARTICLE 11

Board of Selectmen / Park & Recreation Commission Establish Park, Recreation & Community Education Enterprise Fund

To see if the Town will vote to accept the provisions of Chapter 44, § 53F½ of the Massachusetts General Laws to establish Littleton’s Park, Recreation, and Community Education Department as an enterprise fund, effective fiscal year 2015, or to take any other action in relation thereto.

ARTICLE 12

Board of Selectmen Other Post Employment Benefit Liability Trust Fund

To see if the Town will vote to accept the provisions of Chapter 32B, Section 20 of the General Laws to establish a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, and to transfer thereto the balance of the Other Post Employment Benefits Liability Fund established under Article 9 of the May 3, 2010 Special Town Meeting; or to take any other action in relation thereto.

ARTICLE 13
Board of Selectmen
Community Preservation Act Amendment

To see if the Town will vote as follows:

Whereas, the Town of Littleton has accepted Section 3 to 7, inclusive, of Chapter 44B of the General Laws, (the Community Preservation Act) by its ballot votes on May 12, 2007 and May 11, 2013; and

Whereas, said votes impose a 1 per cent surcharge on all classes of property, with exemptions for the first \$100,000 of value of class one residential, class three commercial property and class four industrial property as defined in section 2A of Chapter 59 of the Massachusetts General Laws, and for property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act; and

Whereas, the Town desires to accept the provisions of the Community Preservation Act as amended by Chapter 139, sections 69 to 83 of the Acts of 2012 in order to have the 1 per cent surcharge remain in place while making an additional commitment of funds from other sources of municipal revenue, said additional commitment from other sources being equal to the equivalent of 2 per cent of the real estate tax levy against real property, in order to increase the base for state matching funds;

Therefore, shall the Town vote to reauthorize the surcharge of 1 per cent previously approved under section 3 of Chapter 44B of the General Laws (the Community Preservation Act) and approve appropriation to the Community Preservation Fund of additional municipal revenues pursuant to Section 3(b1/2) of Chapter 44B up to 2 per cent of the taxes assessed annually on real property, effective for fiscal years beginning on or after July 1, 2014, or to take any other action in relation thereto.

ARTICLE 14
Board of Selectmen
By-law Amendment: Manner of Authorizing Indebtedness

To see if the Town will vote to amend Chapter 18, Section 6 of the Town Code, "Manner of authorizing indebtedness," so that said section will read as follows:

Whenever a two-thirds vote is required by law to authorize the Town to incur indebtedness, the manner of voting shall be by ballot, and a checklist of the voters of the Town shall be used; *provided, however, that, by unanimous vote, the Town Meeting may dispense with the requirement for use of the ballot and checklist, and the vote to incur indebtedness may be conducted in such manner as the Moderator determines.*

or to take any other action in relation thereto.

ARTICLE 15
Board of Selectmen
By-law Amendment: Fees

To see if the Town will vote, pursuant to the acceptance Chapter 40, §22F of the Massachusetts General Laws by Article 15 of the May 5, 2003 Annual Town Meeting, to amend the Town Code as follows:

(1) by deleting Chapter 115, Junk Dealer, §115-3, Fee, and inserting in its place the following:

For any license so granted, there shall be paid to the Town Treasurer a fee that shall be set by Board of Selectmen pursuant to M.G.L. c.40, §22F.

(2) by deleting Chapter 171, Wetlands Protection, §171-3. Fee/charges, Section B. Fees, and inserting in its place the following:

B. Fees shall be as set by the Conservation Commission with the approval of the Board of Selectmen pursuant to M.G.L. c.40, §22F.

or to take any other action in relation thereto.

ARTICLE 16
Board of Selectmen
Home Rule Petition – Subsidized Housing Inventory

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set below for the purpose of ensuring that low or moderate income housing authorized by the Town to be built or created under G.L. chapters 40A, 40B, or 40R shall be included for purposes of G.L. c.40B, §20 on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development as “affordable housing”; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto.

SECTION 1. Notwithstanding the provisions of sections 20 through 23 of chapter 40B of the General Laws, or of any other general or special law or Massachusetts regulation to the contrary, the determination of whether the Town of Littleton has low or moderate income housing in excess of ten per cent of the total housing units reported in the latest federal decennial census for the Town of Littleton for purposes of section 20 of said Chapter 40B, which determination is reflected in a list known as the Subsidized Housing Inventory (“SHI”) as maintained by the Massachusetts Department of Housing and Community Development or by a successor department regardless of its name, shall be calculated as follows. As of the date an approval decision is filed with the Littleton Town Clerk and through and including the expiration date of the decision as provided by applicable statute or regulation and any extension of such decision granted by action of the Town or the General Court, the SHI shall include all of the following:

1. Any affordable housing unit approved under any local zoning provision under G.L. c.40A, including a so-called Local Initiative Program project, provided that the affordable unit shall be required to have a permanent deed restriction to restrict occupancy or ownership of the unit to an “Income Eligible Household” as presently defined under the Department’s regulations at 760 CMR 56.02;
2. Any affordable housing unit in a homeownership project approved under G.L. c.40B or G.L. c.40R; and
3. Any rental housing unit in a rental project approved under G.L. c.40B or G.L. c.40R. Provided further that if any such approval decision is appealed, the unit or units at issue shall continue to be listed on the SHI unless and until the approval decision is finally overturned by a court of competent jurisdiction.

SECTION 2. This act shall apply to all housing units meeting the requirements of section 1 wherein the relevant approval decision was filed with the Littleton Town Clerk on or after

TOWN OF LITTLETON, MASSACHUSETTS

January 1, 2000.

SECTION 3. This act shall take effect upon its passage.

Hereof fail not and make due return of the Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

SELECTMEN OF LITTLETON

Chairman

Clerk

Member

Member

Member

A TRUE COPY ATTEST:

John M. Kelly, Constable, Town of Littleton

CONSTABLE'S CERTIFICATION

I hereby certify under the pains and penalties of perjury that I posted an attested copy of this Warrant at the Town Office Building on Shattuck Street, at the Post Office at Littleton Common, at the Post Office at Littleton Depot, at the Baptist Church, at the Unitarian Church, at the Catholic Church, at the Congregational Church, and at the Mormon Church, in said Town, on the date attested. I further certify that this Warrant was posted in accordance with the Code of the Town of Littleton and the provisions of M.G.L. c.39, §10.

Attest: _____

Constable

Date: _____