



## PLANNING BOARD

P.O. Box 1305  
Littleton, Massachusetts 01460

December 8, 2020

### Consolidated Decision

#### Site Plan Review

#### Aquifer & Water Resource District Special Permit

#### Senior Residential Development Special Permit

#### Inclusionary Housing

#### “Hager Homestead”

**APPLICATIONS:** “Hager Homestead” Senior Residential Development  
Massachusetts Cohousing, LLC  
336 & 338 King Street, Littleton; MAP U19, PARCELS 38-0 & 38-1  
which incorporated the following four (4) applications:

1. Site Plan Approval in accordance with Article IV, Sections 173-16 through 173-21; and
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, as amended by Article 12 of the Warrant for the October 29, 2018 Special Town Meeting; and
4. Inclusionary Housing in accordance with Code of the Town of Littleton, Sections 173-196 through 173-205, as amended by Article 6 of the October 30, 2017 Special Town Meeting.

**PROPERTY LOCATION:** Approximately 15.17 +/- acres of land located at 336 & 338 King Street  
Map U19 Parcels 38-0 & 38-1

**APPLICANT:** Massachusetts Cohousing, LLC  
c/o Blackham Management, LLC  
200 Summit Drive, Suite 210  
Burlington, MA 01803

**OWNER:** Painless Realty Trust  
Craig C. and Heidi Platt Gruskowski, Trustees  
336 King Street  
Littleton, MA 01460

**ENGINEER:** Goldsmith, Prest & Ringwall, Inc.  
39 Main Street, Suite 301  
Ayer, MA 01432

**DATES OF LEGAL NOTICES:** April 17, 2020 and April 24, 2020

## **Certificate of Decision – Hager Homestead – Senior Residential Development**

**DATES OF HEARING:** May 7, 2020, June 4, 2020, July 9, 2020, August 6, 2020, September 10, 2020, and October 1, 2020

**MEMBERS PRESENT:** Mark Montanari, Anna Hueston, Jeffrey Yates, Delisa Laterzo and Gerald F. Portante.

**REFERENCE PLANS:** Senior Residential Development, Hager Homestead, 336 & 338 King St, Littleton, MA, Prepared for: Massachusetts Cohousing, LLC, Hager Homestead, dated April 2020, revised through November 2, 2020, and, if necessary, 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 twenty-four (24) units of senior residential housing in three (3) distinct styles consisting of two-family dwelling units, townhouse dwelling units and independent living units including a common house for cooking and dining together, shared activities, walking paths, gathering nodes, utilities, stormwater control, and associated site improvements.

**BACKGROUND:** The property, located at 336 & 338 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, provided the information required by Sections 173-89, 173-62, and 173-17 and are the basis of the Board’s determinations and decision, along with other application and revision materials, comments and peer reviews that are part of the full record for this application:

1. **Application Letter** dated April 8, 2020 RE: Hager Homestead; 336 and 338 King Street, Littleton, MA Special Permit Applications, which includes requisite application forms: Application for Site Plan Approval, Special Permit Application Form, Aquifer & Water Resource District Special Permit Form 1A, Inclusionary Housing Form, and Senior Residential Development Special Permit form for Map U19, Parcels 38-0 & 38-1; and associated application materials.
2. **Stormwater Management Report** Hager Homestead 336 King Street Littleton, MA dated April, 2020; revised on June 2020 and July 2020 By Goldsmith, Prest & Ringwall, Inc.
3. **Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan** Hager Homestead 336 King Street Littleton, MA dated April, 2020; By Goldsmith, Prest & Ringwall, Inc.
4. **Site Development Plans** prepared by Goldsmith, Prest & Ringwall, Inc.:

<b>SHEET NAME</b>	<b>SHEET NO.</b>	<b>DATE ISSUED</b>	<b>LAST REVISED</b>
Title Sheet	C1.1	4/2020	11/2/20
Existing Conditions Plan	C2.1	4/2020	11/2/20
Demolition and Erosion & Sediment Control Plan	C2.2	4/2020	11/2/20
Erosion and Sediment Control Details	C2.3	4/2020	11/2/20

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Site Layout and Utilities Plan	C3.1	4/2020	11/2/20
Site Layout and Access Plan	C3.2	4/2020	11/2/20
Grading, Drainage and Paving Plan	C4.1	4/2020	11/2/20
Construction Details	C5.1	4/2020	11/2/20
Construction Details	C5.2	4/2020	11/2/20
Construction Details	C5.3	4/2020	11/2/20

5. Peer Review letters and comments from Green International Affiliates dated 5/21/2020; 7/2/2020; email of July 29, 2020; and comments from 10/29/2020.
6. Response to Peer Review Comments from GPR dated 6/18/2020 through 11/2/2020; and subsequent updates to the development proposal;
7. Open Space Exhibit Plan dated April 2020, July 2020, and revised August 2020;
8. Architectural Plans, last revised September 24, 2020 – rendering, detail of layout and architecture, revisions to site plan.

**PUBLIC HEARING:** The Littleton Planning Board held a duly advertised public hearing on the above date(s) to consider the application of Massachusetts Cohousing, LLC to construct a twenty-four (24) unit 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, as amended October 2018 Fall TM and Sections 173-61 through 173-64 Special Permit Aquifer and Water Resource.

The Public Hearing was closed on October 1, 2020. Deliberations were held and followed by a Board vote on October 1, 2020.

**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.
  - F. Methods of stormwater control and treatment as outlined in the Town of Littleton Low Impact Design/Best Management Practices Manual (latest edition) are utilized to the maximum extent practicable.

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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 drainpipes and the underground infiltration areas.

Further, in accordance with Section 173-61 through 173-64, Aquifer and Water Resource District:

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 7.4% impervious surface, however, the Project proposes more than 2500 sq. ft. of impervious surfaces 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 Section 173-145 through Section 173-152, Senior Residential Development, as amended by Article 12 of the Warrant for the October 29, 2018 Special Town Meeting:

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

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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
- 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:

- v. improve pedestrian, bicycle, or vehicular safety within the site and egressing from it;
- vi. reduce the visual intrusion of parking areas viewed from public ways or abutting premises;
- vii. reduce the volume of cut or fill or reduce erosion;
- viii. reduce the number of removed trees six inch trunk diameter and larger; and
- ix. 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; and

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 approximately 8 affordable units and two market rates units sold at 150% of AMI helping the Town achieve its affordable housing goals. Senior households who often have difficulty finding age-appropriate housing they can afford will benefit from the availability of affordable units.

**VOTE:** At the meeting held October 1, 2020, a motion was made by Mr. Montanari, seconded by Ms. Laterzo to **Approve the Aquifer and Water Resource District Special Permit, and the Senior Residential Development Special Permit** 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 may render these Special Permits null and void, without force and effect, and may constitute grounds for the revocation of these Special Permits, and of any building permit issued hereunder. The Town of Littleton may elect to enforce compliance with these Special Permits using any and all powers available to it under the law.

### **Conditions that must be satisfied prior to issuance of building permits:**

1. The Reference Plans shall be revised, if necessary, pursuant to the following conditions and any plan changes necessitated by any other required permits, and submitted to the Planning Board for review and approval prior to endorsement by the Planning Board and recording of said endorsed, revised plans at the Registry of Deeds.

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2. The applicant shall file with the Planning Board evidence that it has satisfied the following conditions, which were recommended in the Peer Review Comment Form from Green International Affiliates, Inc. dated May 21, 2020, updated July 2, 2020, and further updated October 29, 2020 (listed below):  
Green International proposed conditions:
  - a. Obtain any required Mass DOT Access Permits for King Street
  - b. Obtain approval by the Littleton Conservation Commission of a Notice of Intent filed for the Project.
  - c. Obtain confirmation that the Littleton Fire Department and Water Department have reviewed and approved the proposed fire protection systems.
  - d. Obtain confirmation that the Littleton Fire Department has reviewed and approved the adequacy of the proposed travel way within the Project for access and egress by emergency vehicles.
  - e. Obtained the review and approval of the Building Department of engineered plans for all stone armoring in excess of 4-feet.
3. 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 a public trail across a portion of the site as identified on the plan prepared by Goldsmith, Prest & Ringwall, Inc. entitled Exhibit Plan Open Space, July 2020, and last revised 8/31/20.
4. The Applicant shall provide a draft Conservation Restriction in favor of the Town of Littleton for purposes of Open Space Protection on a portion of the site being a certain 12.45 acres identified on the plan prepared by Goldsmith, Prest & Ringwall, Inc. entitled Exhibit Plan Conservation Restriction Hager Homestead and dated October 2020.
5. The Applicant shall obtain final approval by the Littleton Board of Health for a septic system meeting the treatment of Nitrogen in the wastewater and 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. Alternatively, the Applicant shall have obtained all necessary permissions and approvals from the Town of Littleton to connect to the municipal sewer system, to the extent that municipal sewer is available to service this site, in the Town's sole discretion.
6. The Applicant shall file with the Building Inspector and Planning Board a copy of this decision setting forth the recording information of this decision.
7. The Applicant shall deliver a construction sequencing plan to the Building Inspector prior issuance of the first building permit for the Project.
8. A plan showing proposed locations of non-market-rate units shall provided to the Planning Board for review and approval that these units are reasonably disbursed throughout the development.

### **Conditions that must be satisfied prior to issuance of occupancy permits:**

9. Age Restriction: Consistent with Article XXIII "Senior Residential Development" of the Town of Littleton Zoning Bylaw, each of the dwelling units within the development are subject to the restriction that they shall be occupied by at least one

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person age fifty-five (55) or older. The requirement that each dwelling unit shall be occupied by at least one person aged fifty-five (55) years or older shall be included in the Declaration of Covenants and Restrictions to be recorded in the chain of title of the property prior to the issuance of an occupancy and such restrictions such that it may be enforced by the Homeowners' Association for the development.

10. At a minimum, the Applicant will provide eight (8) dwelling units that will be sold to qualifying households earning between 60-120% of the area median income limits as follows:

1. One Bedroom Unit to buyer at 60% of AMI at the time of sale.
2. One Bedroom Unit to buyer at 80% of AMI at the time of sale.
3. One Bedroom Unit to buyer at 100% of AMI at the time of sale.
4. Two Bedroom Unit to buyer at 100% of AMI at the time of sale.
5. One Bedroom Unit to buyer at 120% of AMI at the time of sale.
6. One Bedroom Unit to buyer at 120% of AMI at the time of sale.
7. Two Bedroom Unit to buyer at 120% of AMI at the time of sale.
8. Two Bedroom Unit to buyer at 120% of AMI at the time of sale.

The eight (8) dwelling units set forth above shall be subject to an affordability restriction in perpetuity such that they may only be sold to a qualifying household meeting the same affordability limits.

The affordable units sold to households qualifying at 60% and 80% of AMI shall be sold through a fair housing lottery process, and shall be subject to a local preference consistent with federal Fair Housing laws.

The affordable units sold to households qualifying at 100% and 120% of AMI shall be sold by conventional means, subject to a local preference consistent with federal Fair Housing laws, provided that the buyers are income verified by a third party agent. No asset limitations shall apply to the affordable units sold to households qualifying at 100% and 120% of AMI.

Additionally, two (2) one bedroom units shall be sold by conventional means to households qualifying at 150% of AMI. No asset limitations shall apply to the affordable units sold to households qualifying at 150% of AMI. The affordability restriction pertaining to these units shall be limited to a period not to exceed five (5) years.

No certificate of occupancy shall issue for any affordable unit listed above until the Applicant has properly arranged for the unit to be restricted as provided for above, and provided evidence of same to the Planning Board.

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

Building Permits for Market-Rate Units	Building Permits for AMI Price Restricted Units
Up to 7 units	At least 1
Up to 15 units	At least 8
Up to 22 units	At least 9
At 24 units	10

11. At a minimum, the two affordable units within the development, outlined in Condition #10 as the affordable units sold to households qualifying at 60% and 80% of AMI, shall be dwelling units that are affordable to and occupied by a low or moderate income household and meets the requirements for inclusion on the Massachusetts Department of Housing and Community Development (DHCD) Chapter 40B Subsidized Housing Inventory. Affordable units shall remain as affordable units in perpetuity or for the maximum period allowed by law. The affordable units shall have the same external appearance as various types of market units and should be reasonably interspersed throughout the development. A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. The selection of qualified purchasers or qualified renters shall be carried out under an affirmative fair housing marketing plan approved by the Department of Housing and Community Development (DHCD) prior to the sale or rental of any units in the development. An affordable housing restriction shall run with the land on units in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law, which shall be recorded prior to or concurrently with the sale or occupancy of each of the affordable units.
12. The units within the development outlined in Condition #10 as the affordable units sold to qualifying households at 100% and 120% of AMI, shall remain as affordable units in perpetuity or for the maximum period allowed by law. The affordable units shall have the same external appearance as various types of market units and should be reasonably interspersed throughout the development. A contract, mortgage agreement, deed restriction or other legal instrument, acceptable in form and substance to the Town, that effectively restricts occupancy of an affordable housing unit to a qualified purchaser or renter, and which provides for administration, monitoring, and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land on units in perpetuity or for the maximum period allowed by law, and be entered into and enforceable under the provisions of G.L. c. 184, §§ 31-33 or other equivalent state law, which shall be recorded prior to or concurrently with the sale or occupancy of each of the affordable units.

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### **Conditions prior to issuance of building permit for final unit:**

13. All shade and landscaping trees shall be fully installed 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.
14. All water infrastructure shall be completed in accordance with Littleton Water Department Specifications; all materials shall meet Littleton Water Department Specifications.
15. All electrical infrastructure shall be completed in accordance with Littleton Electric Department Specifications; all materials shall meet Littleton Electric Department Specifications.

### **Conditions prior to issuance of certificate of occupancy for 20<sup>th</sup> unit:**

16. The developer shall have obtained the approval from the Secretary of Environmental Affairs of the Commonwealth of Massachusetts for the Conservation Restriction provided for in Condition 4 above, which shall provide that all open space areas shall be maintained in their natural state in perpetuity subject to certain reserved rights included in the Conservation Restriction, and shall have recorded the Conservation Restriction with the Middlesex South District Registry of Deeds. The Conservation Restriction shall be substantially in accordance with the draft Conservation Restriction submitted by the Applicant, subject to the review and approval by Town Counsel, the holder of the CR, and any changes that may be necessary to secure the approval of the Secretary of Environmental Affairs.
17. The walking trail easement shall be recorded and shall be open to the general public.

### **Conditions for ongoing operations and maintenance:**

18. Fertilizers other than “water-insoluble nitrate fertilizer” (also known as “slow-release fertilizer”) are prohibited for use in any lot, yard, lawn, field, or open space associated with this project.
19. Groundwater quality shall not be degraded below drinking water standards at the property lines due to activity on this property.
20. No sodium deicing chemicals are to be used or stored on site (non-sodium deicing chemicals may be used).
21. There shall be no parking on unpaved surfaces.
22. Operation and Maintenance of the stormwater system shall be conducted in accordance with the Stormwater Operation & Maintenance Manual prepared by Goldsmith, Prest & Ringwall Inc. dated April, 2020

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## **General Conditions:**

23. 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.
24. The validity of this Consolidated Decision is dependent on the Applicant recording this decision at the applicable Middlesex Registry of Deeds.

The Board voted 4 to 1 to **approve** the 336 & 338 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, all with the above **conditions**.

The Board members voted as follows:

Mark Montanari	AYE
Anna Hueston	NAY
Jeffrey Yates	AYE
Delisa Laterzo	AYE
Gerald F. Portante	AYE

**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:**

**Date Filed with Town Clerk:** , 2020

  
\_\_\_\_\_  
Jeffrey Yates, 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 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.

Date: \_\_\_\_\_