

J. Raymond Miyares
Thomas J. Harrington
Christopher H. Heep

Jennie M. Merrill
Marguerite D. Reynolds
Jonathan E. Simpson

December 12, 2013

Sherrill Gould, Chair
Littleton Zoning Board of Appeals
P.O. Box 1305
37 Shattuck Street
Littleton, MA 01460

Dear Sherrill:

As the Board members are aware, the 190-units associated with the original “Village Green” project have been added to the Subsidized Housing Inventory (“SHI”). The inclusion of these units on the SHI has caused the Town to exceed the crucial “10%” affordable housing threshold, and has, for the time being, shielded it from further 40B developments.

760 CMR 56.03(2)(c) provides, however, that “[i]f more than one year elapses between the date of issuance of the Comprehensive Permit....as that date is defined in 760 CMR 56.03(2)(b)1, and issuance of a building permit, the units will become ineligible for the SHI until the date that the building permit is issued.” 760 CMR 56.03(2)(c). Given that the Comprehensive Permit was filed with the Town Clerk on February 21, 2013, the applicant must pull building permits by February 21, 2014 in order for its units to remain on the SHI.

Working backwards from this milestone, the Building Commissioner cannot issue building permits until the Board has issued a revised comprehensive permit decision and the 20-day period for appealing that revised decision has run. Accordingly, in order for the applicant to be in a position to pull building permits by February 21, 2014, the Board will need to file a revised comprehensive permit decision with the Town Clerk no later than January 31, 2014.

This timetable, along with the relevant milestones, is set forth below:

December 12, 2013—The ZBA opens its public hearing.

(Before January 31, 2014)—The ZBA closes its public hearing.

(Before January 31, 2014)—The ZBA deliberates on the proposed revisions and produces a final written decision.

Sherill Gould, Chair
December 12, 2013
Page 2 of 2

January 31, 2014—Final day for the Board to file a revised comprehensive permit with the Town Clerk (in order to allow 20-day appeal period to run prior to issuance of building permits).

February 21, 2014—Final day that “Village Green” units will remain on the SHI without building permits.

When the Board reviewed the original application, it proved useful to have a decision-writing subcommittee working in parallel with the full Board throughout the late stages of the public hearing. Accordingly, and in light of the short timetable, the Board may wish to consider establishing such a subcommittee to work on the revised decision and make recommendations to the full Board during a session of its public hearing and/or deliberations.

In addition, to put the current timetable in context, the original decision-writing subcommittee last met on November 8, 2012, the Board closed its public hearing on the application on January 17, 2013, and then deliberated and voted on the comprehensive permit decision on February 14.

Sincerely,



Thomas J. Harrington

cc: K. Bergman