

D HAUSLER@LTHLAW.COM

*Littleton Planning Board
SEP 06 2022
Received*

September 6, 2022

BY HAND

Town of Littleton Planning Board
37 Shattuck Street, Room 303
Littleton, MA 01460

RE: Special Permit – Accessory Farm Use Section 173-57
Springdell Farm 571 Great Road, Littleton, MA

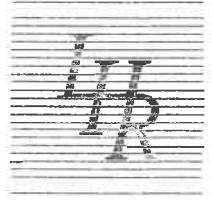
Members of the Board:

Several weeks ago, John Durkin and Jamie Cruz appeared before the Planning Board on an informal basis to discuss the expansion of the accessory uses at Springdell Farm to allow for it to reclaim a significant portion of the Farm's land area by moving the existing compost area and adding stump grinding, mulch and topsoil in a designated portion of the Farm's property.

Simultaneously herewith, the Springdell Farm Trust is submitting its formal application pursuant to Section 173-57 of the Town's Zoning Bylaws to obtain a special permit for accessory business uses at active farms at this site. See Exhibit A hereto. The Farm site contains approximately 59 acres, more or less, and has several hundred of linear feet of frontage along Great Road. The Farm has a mailing address of 571 Great Road. See deed, Exhibit B hereto.

The Applicant submits some Plans identifying the precise areas where the accessory uses will be relocated. See Exhibit C hereto. The current compost and manure location is depicted on the attached plans as well as the current stump dump locations and a current mulch location. The Farm seeks to relocate those uses to the rear portion of the Farm as shown on the Plans. It is anticipated that the Farm will create an earthen berm around the proposed new location to assist in the efforts to minimize any noise or sound impacts near that location. As the Plan shows, the closest residence is approximately 550 feet away from the proposed location. Access to this new location for these activities will take place entirely on site through an existing path

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Page Two



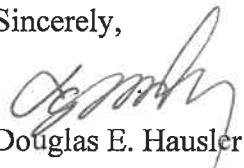
leading from Great Road towards the rear of the property. The Plan also identifies seven (7) larger tracts of land that will be reclaimed for farm uses over the years as these activities generate sufficient funding for such reclamation processes. It is anticipated that the seven (7) reclaimed areas will more than double the existing farming area where crops are actively grown on sit.

Most importantly, the relocation of these uses will allow for the discontinued use of the present mulch and compost/manure locations and will result in having those activities moved further away from any abutters.

The application for the special permit should be granted because it is entirely consistent with the intention and goals of the zoning bylaws relating to active farms. The applicant has taken into consideration visual, noise and traffic impacts. The special permit will sustain the existing farm which has made significant improvements to the location including a entirely new farmstand and parking improvements. Because the proposal will only be composting its own on-site generated waste materials, the Farm will not need to register with the Massachusetts Dept. of Agriculture. The special permit will address the farmland needs and goals of the Commonwealth by increasing farmland conservation, addressing farmland access, providing a source of food stability and long-term economic and environmental benefits.

On behalf of the Applicants, we ask that the Board grant the special permit.

Sincerely,



Douglas E. Hausler

Enclosures

EXHIBIT A



**TOWN OF LITTLETON
PLANNING BOARD
FORM 1 APPLICATION
ADOPTED FEB. 2, 2022**

received
K. P. Nell

Littleton Town Offices
37 Shattuck Street
Room 303
Littleton, MA 01460
(978) 540-2425

Filing Date: 9-6-22
Planning Board: K. P. Nell
Town Clerk: K. P. Nell
Filing Fee: 215
 Abutters List Attached

PART I. BASIC APPLICATION

Project Summary & Applicant Information

Project Name: Springdell Farm

Location (Street Address): 571 Great Road Littleton MA

Assessor's Map/Parcel (s): R 19-7-0

Applicant: John Durtin and Jamie Cruz

Address: c/o Onyx Corp. 18 Wetherbee St., Acton, MA 01720

Telephone: 508-922-6858 Email: j.durtin@onyxcorporation.net

Property Owner: Springdell Farm Trust

Address: 571 Great Road Littleton, MA

Telephone: 978-501-3968 Email: jamie@springdellfarms.com

Registry: Middlesex South Book: 52/11 Page: 63

Site Information

Total Area (Acres): 59 acres +/- Lot Frontage (Lin. Ft): greater than 400 ft.

Zoning District(s):

- Residence
- Village Common
- Business
- King Street Common
- Industrial-A
- Industrial-B

All or a portion of the Site is also located in one or more overlay districts:

- Wetlands
- Floodplains
- Aquifer District
- Adult Use Marijuana District
- Water Resource District
- Littleton Village Overlay District
- West—Beaver Brook Area

PART II. SPECIAL PERMIT(S) REQUESTED (check all that apply)

Site Plan Review
 Accessory Business Uses at Active Farms (§173-57)
 Adult Uses (§173-140 - §173-142)
 Aquifer and Water Resource District (§173-61 - §173-64) *Attach Form 1A.*
 Commercial Solar Photovoltaic Installations (§173-180 - §173-184) *Attach Form 1D.*
 Conversion of Municipal Building (§173-69)
 Inclusionary Housing (§ 173-196 - § 173-205) *Attach Form 1F.*
 Littleton Village Overlay District West-Beaver Brook Area (§173-167 - §173-179)
 Major Commercial or Industrial Use (§173-86 - §173-88)
 Master Planned Development (§173-89)
 Mixed Use in Village Common FBC District (§173-166) *Attach form 1H.*
 Open Space Development (§173-93 - §173-118)
 Senior Residential Development (§173-145 - §173-152) *Attach Form 1E.*
 Shared Residential Driveways (§173-125 - §173-127)
 Vehicular Retail Sales (§173-26)
 Wireless Telecommunications Towers and Facilities (§173-128 - §173-133); *Attach Form 1B.*
 Registered Marijuana Dispensary (§ 173-85 – § 173-92) *Attach Form 1C.*
 Adult Use Marijuana Establishment (§ 173-194 – § 173-202) *Attach Form 1G.*
 Sidewalk Curb Cut (§173-224) *Attach Form 1H.*
 VC District + AWRD Lot Coverage (§173-224) *Attach Form 1H.*

PART III. APPLICANT AND OWNER CERTIFICATIONS

The undersigned hereby certifies that they have read and examined this Application, including all attachments hereto, and that the proposed project is accurately represented in the statements made in this Application. The undersigned also certifies that this application has been filed both with the Planning Board and Town Clerk, and that all submission requirements in the Planning Board's Rules and Regulations have been met.

Property Owner

I/we hereby acknowledge that the Applicant is authorized to act on my/our behalf and that any and all representations made by the Applicant will be binding on me/us as Owners of the property.

Signature:  Date: August 31, 2022

Print: Jamie Cruz Date:

Signature: Date:

Print: Date:

Applicant

Signature:  Date: August 31, 2022

Print: John Durkin Date:

Signature:  Date: August 31, 2022

Print: Douglas E. Haasler Date:

Applicant is: Owner Agent/Attorney Purchaser

§ 173-53 Accessory uses.

Customary access uses are permitted as specified in § 173-26B. Uses shall not be considered accessory if they occupy more than 30% of the floor area or more than 50% of the land area of any lot.

§ 173-54 Home occupations.

Customary home occupations, office of professional persons residing on the premises, handicrafts, hobbies or activities of a similar nature are allowed, provided that such activities are carried on by residents of the dwelling, plus not more than one additional employee, and that accessory buildings used for such purposes shall not be placed forward of the rear line of the building.

§ 173-55 Accessory scientific uses.

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the special permit granting authority, provided that the special permit granting authority finds that the proposed accessory use does not substantially derogate from the public good.

§ 173-56 Mobile homes.

[Added 1988 ATM, Art. 15]

- A. A special permit may be granted for use of a mobile home as a residence during the construction, reconstruction or extensive remodeling of a dwelling on the same lot, subject to the following conditions:
 - (1) The permanent septic system and water supply must be in place and usable, and the mobile home must be connected to them.
 - (2) The permit shall be limited to a reasonable time for completion of the work and shall not be renewed unless a valid, unavoidable reason for delay of the work can be demonstrated.
- B. A special permit may be granted for use of a mobile home as an accessory dwelling on the same lot as an existing dwelling, subject to the following conditions:
 - (1) All the requirements of Article XIII, Accessory Dwellings, shall apply.
 - (2) The occupant, due to physical handicap, requires special provisions in the dwelling which are impractical to provide otherwise, due to financial hardship or other reasons.
 - (3) The mobile home shall be connected to an approved water supply and septic system, which may be that of the primary dwelling.

§ 173-57 Accessory business uses at active farms.

[Added 2011 ATM, Art. 18]

- A. The Town of Littleton finds that in order to protect and preserve the agricultural, horticultural, viticultural or floricultural lands (hereafter "agricultural uses"), to protect and preserve natural resources, and to maintain land in active agricultural uses, it is necessary to enable the owners of said lands that are in active agricultural use to conduct, in addition to any primary or accessory use subject to the protection of M.G.L. c.40A, § 3, par. 1, certain other appropriate accessory business uses to supplement the income from said agricultural uses.

The Planning Board, by special permit, may grant approval for the following accessory business uses at active farms on contiguous farmland parcels in excess of five acres:

- Veterinarians' office.
- Agricultural equipment and supply dealers.

- Custom farm providers.
- Feed milling and delivery.
- Facilities for hosting or staging of revenue-generating events, tours, weddings, and functions which are appropriate in scale to the premises and any surrounding residential area, including the preparation and serving of food and beverages for such events, provided that the facilities are primarily outside or under an open shelter and shall be operated seasonally.
- Small-scale abattoir/meat processing facilities.
- Facilities for the production and sale of farm-related products, such as but not limited to cider, baked goods, butter, wine, cheeses, or ice cream, whether or not the farm is the main source of the raw materials used in the farm products, provided that the facilities and associated parking shall not occupy more than 10% of the total farm area.
- Farm stand restaurants designed and used for the sale of farm crops and livestock grown on farms in the local agricultural area; provided that the facilities and parking for the farm stand restaurant, and the associated farm stand, shall not occupy more than 10% of the total farm area.
- Animal boarding facilities for the boarding of up to 50 animals other than those stabled, raised, or kept onsite in connection with the primary agricultural use.
- Farm implement and similar heavy machinery repair services, such as a welding operation, blacksmith shop, etc. that the farm operator would normally undertake in maintenance of machinery for his/her own farm.
- Subsurface disposal of septic effluent from nearby or adjacent residential or commercial facilities, or municipal waste water treatment facility, provided that the surface of any such area shall be placed under a conservation or agricultural preservation restriction.

B. The Planning Board may set conditions such as hours of operation, number of employees, or other conditions that they deem appropriate when granting a special permit pursuant to this section. In order to maintain agriculture as the primary use for the property, the uses provided for herein (excluding those uses for which a specific maximum is provided above), and any associated parking, shall occupy no more than 5% of the land area of the farm parcel(s). The Planning Board may require that the special permit, including all conditions, be recorded at the Registry of Deeds. The special permit shall recite the circumstances under which the special permit is being granted (e.g. the amount of land area in active agricultural use, the nature of the primary agricultural use, etc.) and shall include a condition requiring that the given circumstances continue to exist.

C. Decision Criteria: Special Permits for accessory business uses at active farms shall be granted only if the Planning Board determines that the criteria of Section 173-7C are met, after consideration of the following:

- (1) Roads, water and drainage facilities are existing, or as committed by the applicant to be improved, and their ability to serve this proposal adequately and safely without material deterioration in service to other locations.
- (2) Degree of assurance that no planned process or unplanned contingency will result in undue hazard or contamination of air, land, or water resources.
- (3) Visual compatibility with the vicinity, including consideration of site arrangement, consistency in architectural scale (or reasonability of departure), retention of existing site features, especially trees, and architectural character.
- (4) Degree of threat to environmental resources, including loss of valuable trees and other vegetation, disturbance to habitats, and soil loss through erosion.
- (5) Buffering and screening from any nearby uses of different character.
- (6) Retaining prime or important agricultural soils in active production.

Specific uses that are prohibited on residentially zoned agricultural lands include:

- Gas stations or retail or wholesale fuel storage or delivery.
- Retail Stores such as drug, department, hardware, and clothing stores.
- Manufacture of non-agricultural products.

D. This section does not preclude a landowner from applying for other permits for Extensive Recreational uses of the agricultural lands that are not incompatible with the seasonal agricultural uses of the agricultural lands.

E. This section is not intended to, and does not, impact the ability of the landowner to undertake any use or construct any structure allowed by right under local zoning, M.G.L. c.40A, § 3, first par. and/or state definitions related to agriculture.

EXHIBIT B

✓

2009 00008963
Bk: 52111 Pg: 63 Doc: DEED
Page: 1 of 2 01/21/2009 02:39 PM

Property Address: 571 Great Road, Littleton, Middlesex County, Massachusetts

QUITCLAIM DEED

WE, JAMIE CRUZ and MARY PAULA BETH ROBINSON

in consideration of LESS THAN ONE HUNDRED AND 00/100 DOLLARS (\$100.00)

grant to JAMIE CRUZ AND MARY PAULA BETH ROBINSON as TRUSTEES OF THE THEODOROS FAMILY TRUST, UNDER A DECLARATION OF TRUST DATED JANUARY 16, 2009, A CERTIFICATE OF WHICH IS RECORDED HEREWITH.

With Quitclaim Covenants

A certain parcel of land with the buildings thereon, on the northerly side of Great Road, known as 571 Great Road, Littleton, Middlesex County, Massachusetts, shown on the attached "Exhibit A".

Specifically reserving unto the Grantors the Declaration of Homesteads recorded at Book ,
Page .


JAMIE CRUZ


MARY PAULA BETH ROBINSON

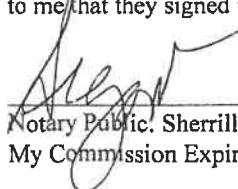
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

DATE: January 16, 2009

On day, before me, the undersigned notary public, personally appeared JAMIE CRUZ and MARY PAULA BETH ROBINSON, proved to me through satisfactory evidence of identification which was a valid driver's license, to be the person whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose,




Notary Public, Sherrill R. Gould
My Commission Expires: 5/17/13

GOULD LAW OFFICES
P.O. BOX 752
311 GREAT ROAD
LITTLETON, MA 01460

EXHIBIT A

BEGINNING AT A STAKE and stones on the Easterly side of the Great Road at the Northerly corner of land formerly used as a school house yard; thence Northwesterly on said Road to land of Elizabeth P. Stone, now or formerly; thence Easterly as the wall now stands on the land of said Stone to a large rock with a stake and stones; thence Northerly on land of said Stone to a spring at the foot of the ledge; thence Easterly on land of said Stone to a walnut tree; thence in the same direction on land of said Stone to a stake and stones at land formerly of Barnabee Dodge; thence Southerly by land former of said Dodge to land formerly of William Dodge; thence Westerly on land formerly of William Dodge to land formerly of the Town of Littleton; thence Westerly on land formerly of the Town of Littleton to the point of beginning; containing about fifty-nine (59) acres forty (40) rods more or less.

Being the same premises conveyed to us by the deed dated January 25, 1975 recorded Middlesex South District Deeds, Book 12754, Page 438.

Subject to all encumbrances of records.

Subject to an easement conveyed to New England Power Company by grantors by deed dated Jan. 17, 1973, recorded in this Registry of Deeds (See Book 12372, Page 354). See also, conveyance by grantors to Commonwealth of Massachusetts of a small parcel of land 2240 sq. feet and recorded with this Registry. (See Order of Taking recorded in said Registry of Deeds on November 25, 1966)

Property: 571 Great Road, Littleton, MA 01460

REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST:

Eugene C. Brune
REGISTER

EXHIBIT C



General Notes

No	Revision/Issue	Date

Firm Name and Address

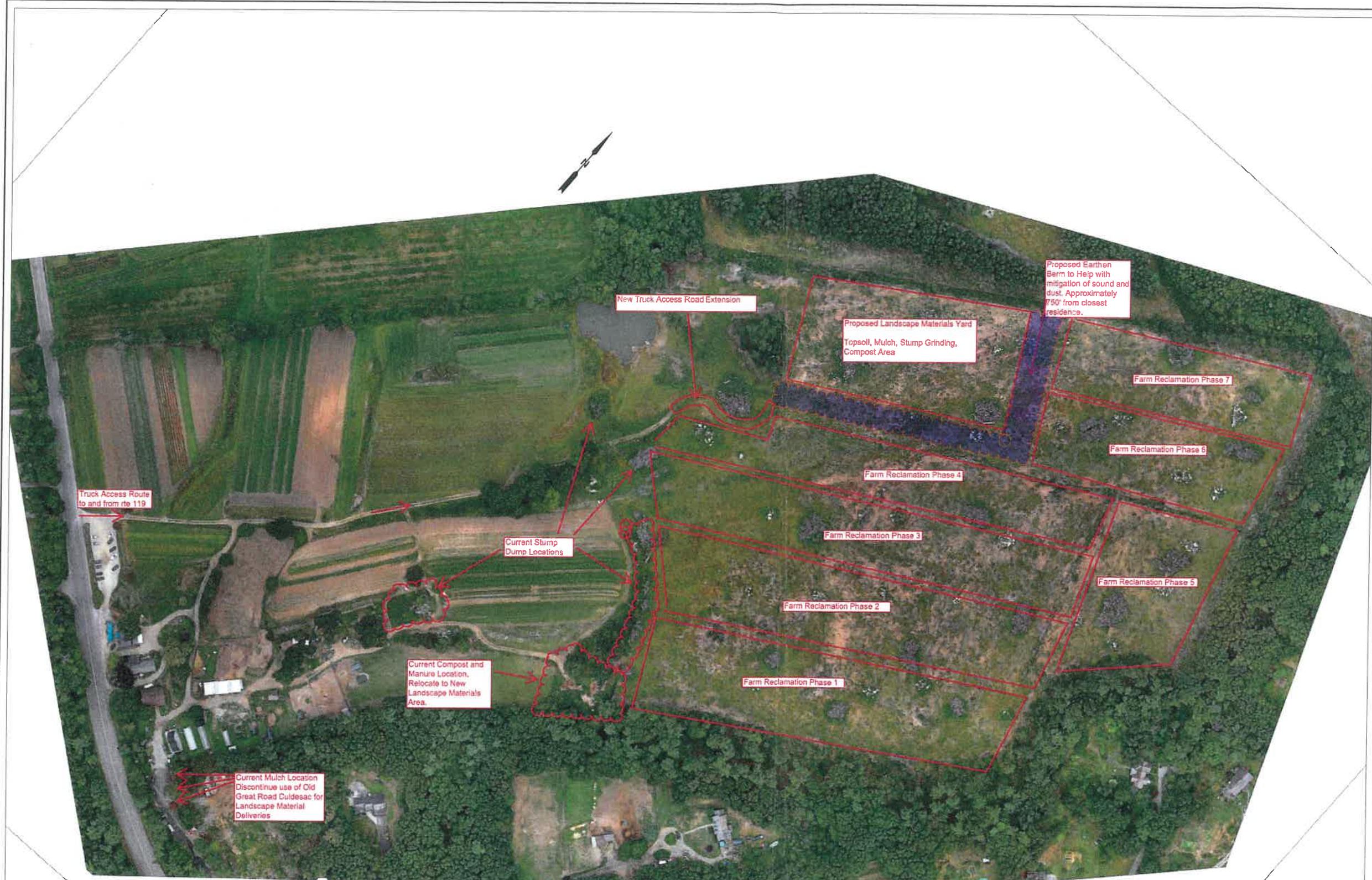


Onyx Corporation | 18 Wetherbee St. Acton, MA 01720

Project Name and Address

Springdell Farm
571 Great Rd
Littleton, MA 01460

Project	Sheet
As-Built	
Date	
08/31/2020	1 of 1
Scale	
1in=100ft	



General Notes

No	Revision/Issue	Date

Firm Name and Address

ONYX
corporation

Onyx Corporation | 18 Webster St. Acton, MA 01720

Project Name and Address

Springdell Farm
571 Great Rd
Littleton, MA 01460

Project As-Built	Sheet
Date 08/31/2020	
Scale 1in=100ft	
	1 of 1