

**CERTIFICATE OF VOTE  
Special Town Meeting  
November 8, 2005**

I, Linda A. Knupp, Clerk of the Town of Littleton, hereby certify that pursuant to Article 4 of the Warrant for the Special Town Meeting, duly called and held on November 8, 2005, at which the required number of qualified voters were present and voting, the following was approved by the Attorney General:

**ARTICLE 4: Over-55 Housing Zoning Change**

Voted by the necessary two-thirds, 134 in favor 28 opposed, to amend Chapter 173 of the Code of the Town of Littleton, "Zoning", by adding the following new article:

**Article XXIII Over 55 Housing Developments**

**§173-145 Definitions:**

Affordable Dwelling Unit – A dwelling unit, the value of which is determined by the Department of Housing and Community Development (DHCD) to be affordable by a moderate income family and thus to be included in DHCD's Subsidized Housing Inventory of moderate income housing Dwelling Units for the purpose of compliance with the provisions of Massachusetts General Laws Chapter 40B, Sections 20 through 23.

Low-Income Dwelling Unit – A dwelling unit, the value of which is determined by the Department of Housing and Community Development (DHCD) to be affordable by a low-income family and thus to be included in DHCD's Subsidized Housing Inventory of moderate income housing Dwelling Units for the purpose of compliance with the provisions of Massachusetts General Laws Chapter 40B, Sections 20 through 23.

Moderate Income – Household income not exceeding eighty (80) percent of the median income, with adjustments for household size, as reported by the most recent information from the DHCD.

Low-Income – Household income not exceeding fifty (50) percent of the median income, with adjustments for household size, as reported by the most recent information from the DHCD.

**§173-146 Purpose:**

The purpose of this article is to accommodate the need for market rate, affordable, and low income housing in Littleton for those age 55 and older.

§ 173-147 Special permit:

A. The Littleton Planning Board is hereby designated the Special Permit Granting Authority (SPGA) to grant Special Permits for development under the provisions of this Article.

B. The SPGA may grant a Special Permit for development of a qualified parcel of land in a unified manner as an Over-55 Development.

C. The SPGA may grant a special permit for an over 55 housing development only upon finding that such use is in harmony with the general purpose and intent of the Zoning Bylaw and the proposal meets the specific provisions set forth under this bylaw. In granting the special permit, the SPGA may also adopt conditions, safeguards, and limitations concerning the use of the property associated therewith, including limitations on open space use.

§173-148 Applicability:

A. Uses – Structures within an Over-55 Development shall contain residential dwelling units, at least one occupant of which is fifty-five (55) years of age or older (“Senior Resident”). All units shall be subject to Restrictive Covenants mandating said restriction, approved as to form by Town Counsel, recorded within the chain of title, which shall be enforceable by a Homeowners Association comprised of the owners of the units within the development. Said restriction shall also be enforceable by the Town as a condition for compliance with this zoning bylaw.

B. Occupancy – Each Dwelling Unit in an Over-55 Development shall be occupied by at least one person age fifty-five (55) or older. Children under the age of eighteen (18) may not reside in a dwelling unit of an Over-55 Development for more than six (6) months in any nine (9) month period.

C. All residential projects involving the development of five (5) acres or more of land may submit an application for over-55 housing development that conforms to the requirements of this section.

D. The Planning Board will either approve the over 55 housing development concept or permit the applicant to withdraw the application in order to investigate other development concepts allowed under the zoning bylaw.

§ 173-149 Approval:

Approval of an over 55 housing development shall be contingent upon satisfying additional criteria as follows:

**Density:** The parcel being proposed for development can have no more than three (3) times the number of units than could be constructed with a conventional subdivision or ANR lot(s) in accordance with the Zoning Bylaws with 75% being market rate and 25% being affordable or no more than four (4) times the number of units that could be constructed with a conventional subdivision in accordance with the Zoning Bylaw with 75% being market rate, 15% being affordable, and 10% being low income.

**Unit Size:** All units will be two bedrooms or less. Total floor area for each unit excluding basement, garage, and deck shall not exceed 1500 square feet per unit. No change in the original footprint of the living space is permitted.

**Unit Layout:** Living space (i.e., kitchen, living and/or dining room) and one bedroom must be on the ground floor.

**Dwelling units:** The units can be single-family detached or two-family. All two-family units shall have a single-family appearance. The maximum percentage of duplexes in a development shall not exceed 50%.

A Homeowners' Association or a Management Company must be formed which would have the legal responsibility for the management and maintenance of the development. The responsibility would include but is not limited to exterior maintenance of buildings, maintenance of driveways and/or parking lots, landscaping maintenance and maintenance of common utilities. In addition, the Homeowners' Association or Management Company would accept responsibility for the maintenance of any Open Space if the Open Space is conveyed to a corporation or trust either of which is composed of the unit owners.

**Development Layout:** Developers are encouraged to present creative layouts that address the town's need for open space.

§ 173-150 Procedure:

Applications for an over 55 housing development Special Permit shall be submitted in accordance with the submission requirements specified below.

**A. Pre-application Review:** Before submitting a formal application for a Special Permit under this Article, the applicant is encouraged to meet with the Planning Board, Board of Health, Conservation Commission, Housing Committee and Board of

Selectmen to present the general concept of the development, and hear the concerns of the town officials that should be considered in the design of the development.

B. Site Plan Review: An application for Over 55 Special Permit shall be subject to site plan review under §173-16.

C. Request for Determination: A Request for Determination shall be submitted to the Littleton Conservation Commission prior to or concurrent with the submittal of the Special Permit Application to the SPGA.

D. Special Permit Submission: The Applicant shall provide the SPGA with ten (10) sets of a completed application, meeting the submissions requirements of this section. The SPGA shall submit such application to the Board of Health, Conservation Commission, Board of Selectmen, Fire Department, Police Department, Tree Warden, and Highway Department for review and comment. Each board shall have thirty-five (35) days after receipt of the applications to complete such review and submit written comments.

#### §173-151 Submission Requirements:

A. A development statement describing the development program, including number of units, types of units, floor area, tabulation of floor area, number of bedrooms, ground coverage, number of low-income units, areas of residential development and common open space as percentages of the total open space area.

B. A preliminary environmental analysis as defined by the Planning Board Subdivision Rules and Regulations for a Preliminary Subdivision.

C. Development plans including the following:

1. Conventional Subdivision Plan with sufficient detail, as determined by the Planning Board, to determine the number of dwellings that could be constructed using conventional subdivision layout and in accordance with the Zoning Bylaws.
2. Overall site plan prepared by a registered professional engineer showing locus, existing and proposed topography, all structures to be built or retained. All principal drives, driveways, parking areas, paths and trails, utilities, drainage system, stone wall, sidewalks, property lines, landscaping, community facilities serving the development, and common open spaces, as well as any other information that would be useful to illustrate the proposal.
3. Drawings illustrating the design of buildings and clusters of buildings, and special features of the development.

4. Perspective drawings illustrating views from existing public roads abutting the site after the completion of development.
5. Typical elevation of proposed structures at a scale of 1/8 inch equals one foot.
6. Typical floor plans at a scale of one-fourth (1/4) inch equal one foot.
7. Detailed plans, at a scale of one inch equal forty (40) feet, of all vehicular entrances to the site, all parking areas and access lanes, and community center sites.
8. Conceptual plans for treatment and disposal of sanitary sewage including locations of and sizes of leaching fields, and reports of subsurface investigations of groundwater and soil conditions in proposed leaching areas.
9. General analysis of the effect of the development on surface water flow to offsite or nearby wetlands.
10. Plans for water supply and distribution sufficient to show the source of water, location and size of storage and distribution facilities, and provisions for fire protection.
11. Landscape plan indicating the number and type of vegetation being utilized to buffer the disturbed portion of the development.

D. Planned use of and access to any open space.

E. All roadway and utility design, layout, length, and construction must conform to the Subdivision regulations. One building per lot is allowed.

F. Marketing Program including anticipated price schedule of units, target market sectors, and anticipated timing of development and sales. Market studies prepared by outside consultants are strongly recommended, but not required.

G. Construction schedule, including staging program if applicable, with estimated start and finish dates of each stage, anticipated completion date of community facilities serving the development, and planned completion date of the entire development.

H. Management program outlining the community organization, if any, and the transition procedure from developer management to community association management, if applicable.

I. Development team qualification, including names, addresses and resumes of the development company, development managers, architects, engineers, landscape architects, land planners, other consultants and participants, and all general partners. Resumes must include lists of all developments in progress or completed within five years by each participant.

J. Financial program, including names and addresses of participating financial institutions, a description of the type of sources of equity funding, and bank references for the developers and general partners.

K. A list of all property owners of the over 55 housing development tract, and proof of site control by the developer. Proof of site control may include deeds, option agreements, purchase and sale agreements, development partnership agreements, or other documents that establish the right of the developer to plan and develop the property if granted a Special Permit.

§173-152 Design Criteria:

A. In an over 55 housing development, dwellings and accessory buildings should be arranged in groups that do not detract from the ecological and visual qualities of the environment, and are harmonious with the existing neighborhood. The review shall consider whether the size of the planned open space is such that preservation of desirable open space of the vicinity is maximized.

B. In the event that there is open space in this development, prior to the granting of a Special Permit under this Article, the developer shall execute and deliver to the SPGA a binding agreement, which may state that it is contingent on the granting of the permit to convey and restrict the open space in accordance with the terms of the Special Permit.

§173-153 Design requirements:

The Planning Board may approve a site plan that meets the Littleton Subdivision Regulations and applicable Zoning Bylaws. All waivers from the Subdivision Regulations must be requested in writing at the time of submission.

Dimensional Requirements:

Minimum Tract of Land Area to be developed	5 acres
Minimum Frontage of Lot	20 feet
Lot Area	No Minimum Required
Minimum Side and Rear yards	No Minimum Required
Minimum separation between buildings and/or structures	20 feet
Lot Shape Ratio	No Minimum Required
Minimum setback of buildings, pavement areas other than street and walkways from all boundaries of the tract of land	25 feet
Maximum height of Principal and Accessory structures	32 feet
Height	The Height at any point shall not be more than one-half of the horizontal

	distance from any boundary of the open space of any pre-existing public way
Maximum Density – all Affordable Units	3 Dwelling Units per one residential unit allowed under a conventional subdivision, with 75% market rate and 25% affordable
Maximum Density – Affordable Units plus Low-Income Units	4 Dwelling Units per one residential unit allowed under a conventional subdivision, with 75% market rate, 15% affordable, and 10% low income
Maximum dwelling units per building	2 for no more than 50%
Building Setback from pre-existing Public Way	35 feet
Maximum Total impervious area	30 percent
Maximum number of dwelling units to be constructed from <b>all</b> over-55 developments in one year	40 dwelling units

#### §173-154 Ownership.

An over 55 housing development tract may include contiguous parcels of land separately owned by different persons or entities who have agreed that the entire tract shall be subject to all of the provisions and stipulations of the Special Permit as if it were a single development.

#### §173-155 Open Space.

If applicable, provisions shall be made in the open space trust arrangements to allow and encourage the use of open space for active agriculture, forestry, or passive recreation.

#### §173-156 Allowed Uses.

- A. Community recreation facilities serving the development.
- B. Offices and maintenance facilities for the community association and its management organization.
- C. Construction offices and sales offices until the last approved unit is initially sold or rented.
- D. Normally acceptable accessory uses and facilities incidental to the principal uses.

§173-157 Peer review:

The Planning Board may determine that independent review of the plans, legal documentation and/or construction is required. The Board will obtain a quotation for the work required from an engineer and/or attorney of its choice, and the developer shall deposit funds equal to the amount of the quotation with the Treasurer of the Town of Littleton to pay for this work, in accordance with applicable General Laws, prior to the start of the review.

§173-158 Decision Criteria:

In an over 55 housing development, dwellings and accessory buildings should not detract from the ecological and visual qualities of the environment, and should be harmonious with the existing neighborhood.

§173-159 Compliance with Town Regulations:

Planning Board may approve or approve with conditions, a Special Permit for an over 55 housing development, provided that the Board determines that the plan complies with all relevant requirements of the Zoning Bylaws and is on balance no less beneficial to the Town than the development likely without such approval, taking into consideration the following, among other concerns.

1. Preservation of natural resources, especially in relatively large-scale contiguous areas.
2. Location of development on sites best suited for such and avoiding environmentally fragile locations.
3. Contribution to meeting housing need.
4. Protection of water resources through careful location of potential sources of contamination.
5. Suitability of the development tract to support such a development.

§173-160 Limitations on Further Division:

Land shown on a plan for which a permit is granted under this Article may not be further divided and a notation to this effect shall be shown on the plan and shall be a condition of any approvals granted.

§173-161 Affordable Units:

A. As part of the Special Permit/Site Plan review, the total number of dwelling units shall be restricted for perpetuity. The restriction shall be approved as to form by legal

counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Town of Littleton, Board of Selectmen, for a period not less than 120 days after notice thereof. In the event that an affordable unit becomes a market unit, the profit in excess of the affordable unit shall go to the Town of Littleton. Low-income units, if any, shall be integrated into the overall development so as to prevent the physical segregation of such units.

B. The applicant shall be encouraged to seek designation of all the units as affordable and low-income units which qualify as part of the subsidized housing inventory as approved and compiled by the Department of Housing and Community Development (DHCD).

C. All affordable housing units shall contain a use restriction that meets all requirements under 760 CMR §45.03(5). The owner must additionally agree to be subject to all other requirements under 760 CMR §45.03 including monthly rent limitations under 760 CMR §45.03(3) or initial purchase or resale price limitations under §45.03(4), annual reporting requirements under §45.03(6), and non-discrimination in tenant and buyer selection requirements under §45.03(7). Use restrictions must remain for thirty (30) years for perpetuity or the maximum amount allowed by law for newly constructed units.

D. The Planning Board may require that the Applicant affirmatively take steps to utilize the Littleton Housing Authority, a public agency, a nonprofit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Program Petition or other similar mechanism or program, cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units proposed as affordable and/or low-income units qualifying as part of the subsidized housing inventory. The Planning Board may require submission of application, forms and appropriate information to the DHCD as a condition of approval.

#### §173-162 Limit on Units:

The total number of units allowed under this bylaw, on an annual basis, shall be no more than 40 dwelling units in the Town. The phasing of the development shall be to the satisfaction of the Planning Board.

#### §173-163

#### §173-164 Lottery Process for Affordable Units:

The selection of buyers for all affordable units in the development will be done by lottery. It is proposed that seventy percent (70%) of the affordable units will be sold to

individuals meeting not only the applicable DHCD guidelines and the requirements of this bylaw but also local preferences. The local preferences will be:

1. Current residents of Littleton
2. Immediate family members of Littleton residents
3. Municipal employees of the Town of Littleton

To enter the lottery, applicants must submit an application form. In the application they will be required to document their income and age eligibility and preference category (if applicable). Once received, the applications will be screened for initial eligibility. Because a large number of applicants are anticipated no further verification of applicant's statements are planned before the lottery.

The Developer in conjunction with the Littleton Housing Authority (LHA) will conduct the lottery in a public place at an advertised date and time. All applicants will be provided an opportunity to inspect an example of the affordable units to be sold.

The lottery will be a multiple pool lottery to address the local preferences to be employed (two pools: local preference and open pool). As such applicants will also be given the opportunity to identify themselves as minorities. After the application deadline has passed, the Developer and LHA will determine the number of local resident minority applicants and the percentage of minority applicants in the local preference pool. If the percentage of minorities in the local preference pool is less than 17.5% the local preference pool will be adjusted accordingly by holding a preliminary lottery to rank all minority applicants. Minority applicants will then be added to the local preference pool in accordance with the ranking established under the preliminary lottery until the percentage of minority applicants in the local preference pool reaches 17.5%.

All applicants will be given registration numbers to allow public monitoring of lottery activities without compromising applicant privacy. Cards with the registration numbers will be placed in all lottery pools for which an applicant can be ranked. The available units will then be assigned to the applicants based on their ranking in each pool. Pending final review and verification of application information of the winning applicants the units will be sold accordingly. In the event an applicant is found to be unqualified or chooses not to purchase the unit, the unit will be assigned to the next applicant in the ranking.

**And to amend Littleton Zoning Bylaws, Chapter 173-26, Use Regulation Schedule.**

**A. Principal Uses, Residential, by adding the following to Residential Uses:**

	<b>R</b>	<b>B</b>	<b>IA</b>	<b>IB</b>
Over 55 Housing Development	P	N	N	N

Attest a True Copy:

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LINDA A. KNUPP, Town Clerk

**CERTIFICATE OF VOTE**  
**Special Town Meeting**  
**November 8, 2005**

I, Linda A. Knupp, Clerk of the Town of Littleton, hereby certify that pursuant Article 5 of the Warrant for the Special Town Meeting, duly called and held on November 8, 2005, at which the required number of qualified voters were present and voting it was voted as follows and approved by the Attorney General:

**ARTICLE 5: Zoning Change – Parking and Loading Requirements**

Unanimously voted to amend Chapter 173 of the Code of the Town of Littleton, Zoning Bylaw, Article VII, Parking and Loading Requirements, Section 173-32 Parking Requirements as follows:

Delete Paragraph B of Section 173-32 in its entirety, and replace with the following:

- B. Schedule of parking area requirements. In applying for a building permit or certificate of use and occupancy, the applicant must demonstrate that the following minimums will be met, unless, in performing site plan review (see § 173-16), the Planning Board determines that special circumstances render a lesser provision adequate for all parking needs. If such lesser provision is allowed, the Planning Board may impose such conditions as it deems necessary. Applicant is encouraged to consider shared parking as a possible means of reducing total parking area, subject to Planning Board approval.
  - (1) Dwellings: two (2) spaces per dwelling unit.
  - (2) Motels, hotels, lodging houses: one (1) space per guest unit, plus one (1) space per employee.
  - (3) Retail stores: one (1) space per one hundred fifty (150) square feet of leasable floor area.
  - (4) Offices: one (1) space per two hundred fifty (250) square feet of gross floor area, or, if the Planning Board determines that the occupancy can adequately be predicted and controlled, one (1) space per one and twenty-five hundredths (1.25) employees on the largest shift.
  - (5) Industrial, wholesale: one (1) space per one and twenty-five hundredths (1.25) employees on the largest shift.

- (6) Restaurants: one (1) space per four (4) seats, plus one (1) space per employee on the larger shift.
- (7) Places of assembly: one (1) space per four (4) seats.
- (8) Hospitals: three (3) spaces per bed.
- (9) Nursing homes: one (1) space per four (4) beds.
- (10) Bowling alleys: four (4) spaces per lane.
- (11) All others: one (1) space per two hundred fifty (250) square feet of gross leasable area.
- (12) Motor Vehicle Service Stations: one (1) space per pump plus one (1) space per employee, plus three (3) spaces per service bay.
- (13) Motor Vehicle Service Station with Retail Store: one (1) space per pump, plus one (1) space per employee, plus three (3) spaces per service bay, plus one (1) space per 50 square feet of gross floor area.
- (14) Self-storage facilities: two (2) spaces per 10,0000 square feet of gross floor area.

Add the following to Paragraph C of Section 173-32 regarding parking area design:

- (6) To reduce stormwater discharge and improve the attenuation of pollutants, applicants are required to use stormwater control Best Management Practices (BMPs) and Low Impact Development (LID) techniques in parking lot design (i.e., interior landscaping, vegetated/grassy swales, infiltration planters, permeable pavement, rain gardens, etc.).

Attest a True Copy:

LINDA A. KNUPP, Town Clerk

**CERTIFICATE OF VOTE**  
**Special Town Meeting**  
**November 8, 2005**

I, Linda A. Knupp, Clerk of the Town of Littleton, hereby certify that pursuant Article 13 of the Warrant for the Special Town Meeting, duly called and held on November 8, 2005, at which the required number of qualified voters were present and voting it was voted as follows and approved by the Attorney General:

**ARTICLE 13:**      **Amend Wetlands Protection**

Unanimously voted to amend Section 3 of Chapter 171 of the Code of the Town of Littleton, Wetlands Protection, to allow reimbursement for town counsel services by the following:

To change the first line in § 171-3 (C) to read: In addition to any filing fee imposed by this Bylaw, the applicant shall reimburse the reasonable costs and expenses borne by the Commission for specific expert engineering, consulting, and town counsel services deemed necessary by the Commission in order to issue a decision on the application.

To change the first line of § 171-3 (D) to read: The Commission may require services of a consultant and/or an engineer or town counsel at any point in its deliberations prior to a final decision.

To changes section § 171-3 (E) 3.5 by adding a last clause to read as follows: “including reimbursement to the Town for town counsel services.”

Attest a True Copy:

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LINDA A. KNUPP, Town Clerk