

ARTICLE XXXI. LITTLETON SMART GROWTH OVERLAY DISTRICTS

§ 173-230 Purposes

A. The purposes of this Section are:

- (1) To provide for the establishment of Smart Growth Overlay Districts that promote the goals and policies of the Littleton Master Plan in the manner set forth in G.L. c. 40R;
- (2) To encourage residential and mixed-use development in close proximity to public transportation facilities and services in order to reduce auto dependence and increase access to regional employment centers;
- (3) To increase housing choices in Littleton, including affordable housing and a variety of housing types;
- (4) To provide goods and services within villages and neighborhoods.

§ 173-231 Definitions

As used in this Article XXXI and in sections associated with any district created under this Article, the following terms shall have the meanings provided below. Additional terms and definitions in Article II of the Zoning Bylaw that apply to this Article and any sections associated with any district created under this Article shall have the meanings ascribed to them by the definitions below.

ACCESSORY USE – A use subordinate to a Principal Use in the District and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the Development Lot, site or structure to a use not otherwise permitted in the District.

ADMINISTERING AGENCY – The Town of Littleton or entity designated by the Town to monitor and to enforce compliance with the provisions of this Section XXXI related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the District.

AFFORDABLE UNIT – An Affordable Rental Unit or an Affordable Homeownership Unit that is affordable to and occupied by an Eligible Household and is approved by the Department of Housing and Community Development for inclusion in the Town of Littleton’s Chapter 40B Subsidized Housing Inventory.

AFFORDABLE HOUSING RESTRICTION – A deed restriction of one or more Affordable Units, in perpetuity or the maximum period allowed by law, meeting statutory requirements in G.L. c. 184 Section 31 and the requirements of §173-238 of this section.

APPLICANT – The individual or entity that submits a Project for Plan Approval.

APPLICATION – A petition for Plan Approval filed with the Approving Authority by an Applicant and inclusive of all required documentation as specified in administrative rules adopted pursuant to § 173-235, Plan Review Process.

APPROVING AUTHORITY – The Planning Board of the Town of Littleton.

AS-OF-RIGHT DEVELOPMENT – A Development Project allowable under this section without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this section shall be considered an As-of-Right Development.

DEPARTMENT or DHCD – The Massachusetts Department of Housing and Community Development or any successor agency.

DESIGN GUIDELINES – Provisions of §173-237 of this section made applicable to Projects within a Smart Growth Overlay District that are subject to the Plan Approval process and comply with the limitations established for Design Guidelines in the statute and regulations.

DEVELOPABLE LAND - All land within the District that can be feasibly developed into Development Projects. Developable Land shall not include: the rights-of-way of existing public streets and ways; or areas that are: (1) protected wetland resources (including buffer zones) under federal, state, or local laws; (2) land unsuitable for development because of topographic features or for environmental reasons; or (3) rare species habitat designated under federal or state law. The foregoing definition shall be for purposes of calculating density under this Section XXXI and shall not limit development activities in such excluded areas if otherwise allowed by applicable law.

DEVELOPMENT PROJECT – A development comprising any permitted uses provided for hereunder undertaken under this section. A Development Project shall be identified on a Plan which is submitted to the Approving Authority for Plan Review.

DISTRICT – A Smart Growth Overlay District, adopted under G.L. c. 40R in accordance with the procedures for zoning adoption and amendment under G.L. c. 40A and approved by the Department of Housing and Community Development under G.L. c. 40R and 760 CMR 59.00.

DWELLING UNIT – A room, group of rooms, or dwelling forming a habitable unit for living, sleeping, food storage and/or preparation and eating, and which is directly accessible from the outside or through a common hall without passing through any other dwelling unit. The term shall not include a hotel, motel, bed-and-breakfast, rooming house, hospital, or other accommodation used for transient lodging.

ELIGIBLE HOUSEHOLD – An individual or household whose annual income is at or below 80 percent of the area median income (AMI) as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

GOVERNING LAWS - G.L. Chapter 40R and 760 CMR 59.00.

MONITORING AGENT – The entity designated to monitor and enforce the Affordable Housing Restriction.

MULTI-FAMILY DWELLING UNITS – A residential building containing four or more Dwelling Units.

PROJECT or DEVELOPMENT PROJECT – A development comprising any permitted uses provided for in a Smart Growth Overlay District. The Project shall be identified on a Plan which is submitted to the Approving Authority for Plan Review.

PLAN APPROVAL – The Approving Authority’s authorization for a proposed Development Project based on a finding of compliance with this Article XXXI and Design Guidelines after the conduct of Plan Review.

UNDERLYING ZONING – The zoning requirements adopted pursuant to G.L. 40A that otherwise apply to the geographic area in which the District is located.

UNDULY RESTRICT – A provision of the District or a Design Guidelines adopted pursuant to G.L. c. 40R and 760 CMR 59.00 that adds unreasonable costs or unreasonably impairs the economic feasibility of a proposed Development Project in the District.

UNRESTRICTED UNIT – A Dwelling Unit that is not restricted as to rent, price, or eligibility of occupants.

ZONING BYLAW or BYLAW – The Zoning Bylaw of the Town of Littleton.

§ 173-232 Establishment and Delineation of Districts

The districts established under this Article XXXI shall be overlay districts superimposed over the underlying zoning districts. The boundaries of the districts are delineated on the Town of Littleton Zoning Map in accordance with Section 173-22.

The following are districts established under this Article:

B. Littleton Station Smart Growth Overlay District, set forth in Article XXXII

C. Taylor Street Smart Growth Overlay District, set forth in Article XXXIII

§ 173-233 Authority and Applicability

The Smart Growth Overlay Districts established under this Article XXXI are created and administered in accordance with G.L. c. 40R and 760 CMR 59.00. Development of land in a Smart Growth Overlay District may be undertaken subject to the zoning in this Article XXXI or by meeting all applicable requirements of the underlying zoning.

Development Projects that proceed under this Article XXXI shall be governed solely by the provisions of this Article. Neither the standards nor procedures of the underlying zoning shall apply. Except as otherwise specifically provided for in this Article XXXI, Development Projects in a Smart Growth Overlay District shall not be subject to any other provisions of the Zoning Bylaw. Where other provisions of the Zoning Bylaw are specifically identified as applying to Development Projects in a Smart Growth Overlay District, they shall be administered as established as of the date of adoption of this Article XXXI unless amendments are subsequently approved by DHCD.

§ 173-234 Plan Review Regulations

The Approving Authority shall adopt and file with the Town Clerk administrative rules (PAA Regulations) for Plan Approval Application submission requirements. The administrative rules and any amendments thereto shall be approved by DHCD before they are applied to an Application for Plan Approval.

§ 173-235 Plan Approval Process

- A. The Approving Authority shall adopt and file with the Town Clerk administrative rules (PAA Regulations) for Plan Approval Application submission requirements. Such administrative rules and any amendment thereto must be approved by DHCD before they become effective and applicable to Plan Approval Applications. The Plan Approval process encompasses the following:
 - B. Pre-Application Review. The Applicant is encouraged to participate in a pre-Application review at a regular meeting of the Approving Authority. The purpose of the pre-Application review is to minimize the Applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Approving Authority prior to filing the Application. At the pre-Application review, the Applicant shall outline the proposal and seek preliminary feedback from the Approving Authority, other municipal review entities, and members of the public. The Applicant is also encouraged to request a site visit by the Approving Authority and/or its designee in order to facilitate pre-Application review.
 - C. Application Procedures:
 - (1) The Applicant shall file an original of the Application with the Town Clerk for certification of the date and time of filing. Said filing shall include any required forms provided by the Approving Authority. A copy of the Application, including the date and time of filing certified by the Town Clerk, as well as the required number of copies of the Application, shall be filed forthwith by the Applicant with the Approving Authority and Building Inspector. As part of any Application for Plan Approval for a Development Project, the Applicant must submit the following documents to the Approving Authority and, as applicable, the Monitoring Agent:
 - (a) evidence that the Development Project complies with the cost and eligibility requirements of Subsection F.

- (b) Development Project plans that demonstrate compliance with the design and construction standards of this Article or the District in which the Development Project is located; and
- (c) a form of Affordable Housing Restriction that satisfies the requirements of § 173-221.

These documents in combination, to be submitted with an Application for Plan Approval, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

- (2) Upon receipt by the Approving Authority, Applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Board of Health, Conservation Commission, the Town Administrator, the Select Board, and the Water Department. Any reports from these parties shall be submitted to the Approving Authority within thirty (30) days of filing of the Application; and
- (3) Within thirty (30) days of filing of an Application with the Approving Authority, the Approving Authority or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the Applicant certifying the completeness of the Application. The Approving Authority or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.

D. Public Hearing. The Approving Authority shall hold a public hearing for which notice has been given as provided in G.L. c. 40A, Section 11, and review all Applications in accordance with G.L. Ch. 40R, Section 11, and 760 CMR 59.00.

E. Plan Approval decision.

- (1) The Approving Authority shall make a decision on the Plan Approval Application, and shall file said decision with the Town Clerk, within 120 days of the date the Application was received by the Town Clerk. The time limit for public hearings and taking of action by the Approving Authority may be extended by written agreement between the Applicant and the Approving Authority. A copy of such agreement shall be filed with the Town Clerk;
- (2) Failure of the Approving Authority to take action within 120 days or extended time, if applicable, shall be deemed to be an approval of the Application;
- (3) An Applicant who seeks approval because of the Approving Authority's failure to act on an Application within 120 days or extended time, if applicable, must notify the Town Clerk in writing of such approval, within 14 days from the expiration of said time limit for a decision, and that a copy of that notice has been sent by the Applicant to the

parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to G.L. c. 40R and shall be filed within 20 days after the date the Town Clerk received such written notice from the Applicant that the Approving Authority failed to act within the time prescribed;

- (4) The Approving Authority's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the Application for Plan Approval. The written decision shall contain the name and address of the Applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Approving Authority;
- (5) The decision of the Approving Authority, together with detailed reasons for it, shall be filed with the Town Clerk, the Planning Board, and the Building Inspector. A certified copy of the decision shall be mailed to the owner and to the Applicant, if other than the owner. A notice of the decision shall be sent to the parties in interest and to persons who requested a notice at the public hearing; and
- (6) Effective date. If 20 days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the Application is approved by reason of the failure of the Approving Authority to timely act, the Town Clerk shall make such certification on a copy of the notice of Application. A copy of the decision or notice of Application shall be recorded with the title of the land in question in the Middlesex County South Registry of Deeds, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the Applicant.

F. Criteria for approval. The Approving Authority shall approve the Development Project upon the following findings:

- (1) The Applicant has submitted the required fees and information as set forth in applicable regulations; and
- (2) The proposed Development Project as described in the Application meets all of the requirements and standards set forth in this Article XXXI and applicable Design Guidelines.
- (3) For a Development Project subject to the Affordability requirements of 173-238, the application shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. Prior to the granting of Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable

to the Town of Littleton.

- G. Criteria for conditional approval. The Approving Authority may impose conditions on a Development Project as necessary to ensure compliance with the District requirements of this Section XXXI and applicable Design Guidelines, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of G.L. Ch. 40R and applicable regulations and do not Unduly Restrict opportunities for development.
- H. Criteria for denial. The Approving Authority may deny an Application for Plan Approval pursuant to this Section XXXI of the Bylaw only if the Approving Authority finds one or more of the following:
 - (1) The Development Project does not meet the requirements and standards set forth in this Section XXXI and applicable Design Guidelines, or that a requested waiver therefrom has not been granted; or
 - (2) The Applicant failed to submit information and fees required by this Section XXXI and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts.
- I. Time limit. A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.
- J. Appeals. Pursuant to G.L. c. 40R § 11, any person aggrieved by a decision of the Approving Authority may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within 20 days after the Plan Approval decision has been filed in the office of the Town Clerk.

If 20 days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision or notice of Application shall be recorded with the title of the land in question in the Middlesex County South Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the Applicant.

- K. Waivers. The Approving Authority may waive the bulk and dimensional, parking, and other provisions required by any district created pursuant to this Section and may waive specific requirements or recommendations of applicable Design Guidelines upon a finding that such waiver will allow the Development Project to achieve the density, affordability, mix of

uses, and/or physical character allowable under this Section or the specific district.

- L. Project Phasing. The Approving Authority, as a condition of Plan Approval, may allow a Development Project to be constructed in one or more phases.

§ 173-236 Change in Plans After Approval by the Approving Authority

- A. Minor Change. After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall build out or building envelope (i.e., general massing, height and bulk) of the site, or provision of open space, number of housing units, or housing need or affordability features. A change of 5 percent or less in the number of housing units in a Development Project shall constitute a minor change. Such minor changes must be submitted to the Approving Authority on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Approving Authority. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.
- B. Major Change. Those changes deemed by the Approving Authority to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Approving Authority as a new Application for Site Plan Approval pursuant to this Section.

§ 173-237 Design Guidelines

To ensure that new development shall be of high quality and consistent with the Town's expectations in adopting this Article and any districts established under this Article, the Approving Authority shall adopt the Design Guidelines governing the issuance of Plan Approvals for Development Projects within the districts established under this Article and shall file a copy with the Town Clerk. Such Design Guidelines shall not extend beyond the scope of the elements explicitly permitted under 760 CMR 59.04(1)(f). Design Guidelines shall be limited to the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. In addition to the standards set forth in this Bylaw, the physical character of Development Projects within the districts shall comply with the Design Guidelines unless waived hereunder. In the event of any conflict between this Bylaw and the Design Guidelines, this Bylaw shall govern and prevail.

§ 173-238 Housing and Housing Affordability

- A. All Development Projects within a Smart Growth Overlay District shall comply with applicable federal, state and local fair housing laws.
- B. Number of Affordable Units. Twenty-five percent (25%) of all Dwelling Units constructed in a Development Project shall be maintained as Affordable Units. Fractions shall be rounded up to the next whole number.
- C. General Requirements. Affordable Units shall comply with the following requirements:
 - (1) The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by DHCD shall apply;
 - (2) For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one; and
 - (3) Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

§ 173-239 Design and Construction

- A. Design. Affordable Units must be reasonably dispersed throughout any phase of a Development Project containing Dwelling Units and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities available to Unrestricted Units. Affordable Units shall be finished housing units; and
- B. Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units and, for Development Projects that are constructed in phases, Affordable Units must be constructed and occupied during the initial lease-up period, insofar as is practicable, in proportion to the number of Dwelling Units in each residential phase of the Development Project.
- C. Unit Mix
 - The total number of bedrooms in the Affordable Units shall, insofar as practicable, be in the same proportion to the total number of bedrooms in the Unrestricted Units.
- D. Affordable Housing Restriction

All Affordable Units shall be subject to an Affordable Housing Restriction which is recorded with the Middlesex County South Registry of Deeds or the Land Court. The Affordable Housing Restriction shall provide for the implementation of the requirements of this Section. All Affordable Housing Restrictions must include, at minimum, the following:

- (1) Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied;
- (2) A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Development Project containing Dwelling Units or portion of a Development Project containing Dwelling Units which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Development Project containing Dwelling Units or the rental portion of a Development Project containing Dwelling Units without specific unit identification.
- (3) The term of the Affordable Housing Restriction shall be the longest period customarily allowed by law but shall be no less than thirty (30) years.
- (4) The name and address of an Administering Agency with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- (5) Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan shall provide for local preferences in resident selection to the maximum extent permitted under applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size;
- (6) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- (7) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
- (8) A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit to another Eligible Household shall be given to the Administering Agency;
- (9) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency;

- (10) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town of Littleton, in a form approved by town counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- (11) Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Development Project containing Dwelling Units shall run with the rental Development Project containing Dwelling Units or rental portion of a Development Project containing Dwelling Units and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- (12) Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency, certifying compliance with the provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;
- (13) A requirement that residents in Affordable Units provide such information as the Administering Agency may reasonably request in order to ensure affordability; and
- (14) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

C. Administration. The Administering Agency shall ensure the following:

- (1) Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- (2) Income eligibility of households applying for Affordable Units is properly and reliably determined;
- (3) The housing marketing and resident selection plan conforms to all requirements and is properly administered;
- (4) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- (5) Affordable Housing Restrictions meeting the requirements of this section are recorded with the Middlesex County South Registry of Deeds or the Land Court.
- (6) Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.
- (7) Failure of the Administering Agency. In the case where the Administering Agency

cannot adequately carry out its administrative duties, upon certification of this fact by the Select Board or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Select Board or, in the absence of such designation, by an entity designated by the Department of Housing and Community Development.

(8) **Annual Update.** On or before July 31 of each year, the Select Board shall cause to be filed an Annual Update with the DHCD in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to G.L. c. 40S and accompanying regulations. The Town Clerk of the Town of Littleton shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

D. Notification of Issuance of Building Permits

Upon issuance of a residential building permit within the districts established herein, the Building Inspector of the Town of Littleton shall cause to be filed an application to the DHCD, in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to Mass. Gen. Laws Ch. 40R. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to Mass. Gen. Laws Ch. 40S and accompanying regulations. The Town Clerk of the Town of Littleton shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

E. Effective Date

The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of G.L. c. 40A Section 5 and G.L. c. 40R; provided, however, that an Applicant may not proceed with construction pursuant to this Bylaw prior to the receipt of final approval of this Bylaw and accompanying Zoning Map by both the DHCD and the Office of the Massachusetts Attorney General.

F. Severability

If any provision of this Section and/or any provision associated with a specific district created under this Section is found to be invalid by a court of competent jurisdiction, the remaining provisions shall not be affected but shall remain in full force, and such invalidity shall not affect the validity of the remainder of the Zoning Bylaws of the Town of Littleton.

ARTICLE XXXII. LITTLETON STATION SMART GROWTH OVERLAY DISTRICT

§ 173-240 Purpose

The purposes of this Section are:

1. To establish a District pursuant to the provisions of Article XXXI, Smart Growth Overlay Districts;
2. To establish the Littleton Station Smart Growth Overlay District to promote housing and accessory services within walking distance of the Littleton MBTA Station in a form that meets the objectives of “smart growth” within the purposes of G.L. c. 40R;
3. To provide for a range of housing types to meet the needs of Littleton’s existing and future residents of the Town, in concert with the Littleton Master Plan and the Littleton Station Village Vision Plan;
4. To benefit from the financial incentives provided by G.L. c. 40R, while providing for balanced growth.

§ 173-241 Establishment and Delineation of District

This District, to be known as the Littleton Station Smart Growth Overlay District is established pursuant to and subject to Article XXXI, Smart Growth Overlay Districts. The Littleton Station Smart Growth Overlay District is an overlay district having a land area of approximately NN acres¹ in size that is superimposed over the underlying zoning district. The boundaries of the Littleton Station Smart Growth Overlay District are delineated as the “Littleton Station Smart Growth Overlay District” on the Town of Littleton Zoning Map.

§ 173-242 Permitted Uses

- A. The following Principal Uses, either alone or in any combination thereof, as well as any Accessory Uses to the following Principal Uses, shall be permitted upon Site Plan Approval pursuant to the provisions of this Article XXXII and Article XXXI, Littleton Smart Growth Overlay Districts. All uses not expressly allowed are prohibited.
 - (1) Townhouse Dwellings;
 - (2) Multifamily Dwellings;
 - (3) Retail Store

¹ The actual acreage of the district needs to be determined based on the amount of Chapter 40R density the Town wants to allow.

- (4) Restaurants, excluding drive-through windows or service;
- (5) Assisted Living Residence;
- (6) Offices;
- (7) Banks;
- (8) Conservation Uses;
- (9) Recreational Uses; and
- (10) Parking accessory to any of the above Principal Uses.

§ 173-243 Dimensional and Other Requirements. Development in the Littleton Station Overlay District shall be subject to the following requirements:

- A. Density. Development of the following uses shall be limited, as follows:²
 - (1) Townhouse Dwellings: no more than NNN total Dwelling Units or 12 units per acre based on the entire sub-area designated for Townhouse Dwellings, whichever is greater;
 - (2) Multi-family dwellings: no more than NNN total Dwelling Units or 20 units per acre based on the entire sub-area designated for Multifamily Dwellings, whichever is greater;
 - (3) Retail Store: not to exceed 1,500 gross square feet per retail tenant nor a total of 10,000 gross square feet for all retail uses;
 - (4) Offices, Banks, and other Nonresidential Buildings: not to exceed a total of 15,000 gross square feet.

B. Minimum Area

There shall be no minimum area of a Development Lot within the Littleton Station Overlay District.

C. Setbacks

There shall be no minimum setback or yard requirements within the Littleton Station Overlay District, except for a minimum buffer of NNN feet³ from abutting residential properties located outside the District. No buildings or pavement shall be allowed within this minimum buffer except for pedestrian paths and sidewalks; landscaping, including plantings or fences; emergency access and egress if required by the Town of Littleton; drainage; utilities and associated easements; and signage and lighting approved by the

² The maximum gross floor area limits here are simply a guide. The Town will need to decide how many nonresidential uses it wants to allow in the district.

³ Policy decision.

Approving Authority.

D. Height

The maximum height of buildings and structures shall be four stories and 50 feet.

B. Number of Buildings on a Development Lot

In the Littleton Station Overlay District, more than one principal building may be erected on a Development Lot. Buildings may also be erected across Development Lot lines.

C. Parking

Parking provided in the Littleton Station Overlay District, including structured parking, shall comply with these provisions and shall not be subject to any other parking provisions of this Bylaw. The following requirements shall apply:

- (1) Townhouse Dwellings: maximum of 2 spaces per unit
- (2) Multifamily Dwellings: maximum of 1.5 spaces per unit
- (3) Retail Store: maximum of 1 space per 300 square feet
- (4) Restaurants: maximum of 1 space per 3 seats
- (5) Assisted Living Residence: maximum of 1 space per 2 units
- (6) Offices: maximum of 1 space per 300 square feet
- (7) Banks: maximum of 1 space per 300 square feet

Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act.

E. Signage

All new signage in the Littleton Station Overlay District shall be approved by the Approving Authority in conjunction with the Site Plan Approval of a Development Project. The Applicant shall submit, as part of its Site Plan Review filing, a master signage plan for approval by the Approving Authority. The master signage plan, as may be updated and revised with the approval of the Approving Authority, shall specify all applicable sign types, dimensions, materials, quantities and other standards for review by the Approving Authority in the course of Site Plan Approval. Upon approval by the Approving Authority, the master signage plan shall become the sole governing source of standards and requirements for all new signage within the Littleton Station Overlay District. Sign permits for any sign meeting these established standards may be issued by the Building Inspector in accordance with the approved master signage plan.

The Approving Authority shall adopt the Design Guidelines governing the issuance of Plan Approvals for Development Projects within Littleton Station Overlay District and shall file a copy with the Town Clerk. Such Design Guidelines shall not extend beyond the scope of the elements explicitly permitted under 760 CMR 59.04(1)(f). Design Guidelines shall be limited to the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. In addition to the standards set forth in this Bylaw, the physical character of Development Projects within the districts shall comply with the Design Guidelines unless waived hereunder. In the event of any conflict between this Bylaw and the Design Guidelines, this Bylaw shall govern and prevail.

ARTICLE XXXII. TAYLOR STREET SMART GROWTH OVERLAY DISTRICT

§ 173-245 Purpose

The purposes of this Section are:

1. To establish a District pursuant to the provisions of Article XXXI, Smart Growth Overlay Districts;
2. To establish the Taylor Street Smart Growth Overlay District to promote housing and accessory services in the Littleton Station Village Area in a form that meets the objectives of “smart growth” within the purposes of G.L. c. 40R;
3. To provide for a range of housing types to meet the needs of Littleton’s existing and future residents of the Town, in concert with the Littleton Master Plan and the Littleton Station Village Vision Plan;
4. To benefit from the financial incentives provided by G.L. c. 40R, while providing for balanced growth.

§ 173-246 Establishment and Delineation of District

This District, to be known as the Taylor Street Smart Growth Overlay District is established pursuant to and subject to Article XXXI, Smart Growth Overlay Districts. The Taylor Street Smart Growth Overlay District is an overlay district having a land area of approximately NN acres⁴ in size that is superimposed over the underlying zoning district. The boundaries of the Taylor Street Smart Growth Overlay District are delineated as the “Taylor Street Smart Growth Overlay District” on the Town of Littleton Zoning Map.

§ 173-247 Permitted Uses

- A. The following Principal Uses,⁵ either alone or in any combination thereof, as well as any Accessory Uses to the following Principal Uses, shall be permitted upon Site Plan Approval pursuant to the provisions of Article XXXI and this Article XXXII, Taylor Street Growth Overlay Districts. All uses not expressly allowed are prohibited.
 - (1) Townhouse Dwellings;
 - (2) Multifamily Dwellings;
 - (3) Offices;
 - (4) Co-work Facility;

⁴ The actual acreage of the district needs to be determined based on the amount of Chapter 40R density the Town wants to allow.

⁵ Based on assumptions derived from the planning process. Town needs to confirm desired uses.

- (5) Coffee Shop or similar small-scale food establishment, not exceeding 1,000 gross square feet
- (6) Conservation Uses;
- (7) Recreational Uses; and
- (8) Parking accessory to any of the above Principal Uses.

§ 173-248 Dimensional and Other Requirements.

Development in the Taylor Street Overlay District shall be subject to the following requirements:

A. Density. Development of the following uses shall be limited, as follows:⁶

- (1) Townhouse Dwellings: no more than NNN total Dwelling Units or 12 units per acre based on the entire sub-area designated for Townhouse Dwellings, whichever is greater;
- (2) Multi-family dwellings: no more than NNN total Dwelling Units or 20 units per acre based on the entire sub-area designated for Multifamily Dwellings, whichever is greater;
- (3) Offices, Banks, and other Nonresidential Buildings: not to exceed a total of 15,000 gross square feet;
- (4) Co-work Facility: not to exceed 10,000 gross square feet

B. Minimum Area

There shall be no minimum area of a Development Lot within the Taylor Street Overlay District.

C. Setbacks

There shall be no minimum setback or yard requirements within the Taylor Street Overlay District, except for a minimum buffer of NNN feet⁷ from abutting residential properties located outside the District. No buildings or pavement shall be allowed within this minimum buffer except for pedestrian paths and sidewalks; landscaping, including plantings or fences; emergency access and egress if required by the Town of Littleton; drainage; utilities and associated easements; and signage and lighting approved by the Approving Authority.

D. Height

⁶ The maximum gross floor area limits here are simply a guide. The Town will need to decide how many nonresidential uses it wants to allow in the district.

⁷ Policy decision.

The maximum height of buildings and structures shall be five stories and 60 feet.⁸

E. Number of Buildings on a Development Lot

In the Taylor Street Overlay District, more than one principal building may be erected on a Development Lot. Buildings may also be erected across Development Lot lines.

F. Parking⁹

Parking provided in the Taylor Street Overlay District, including structured parking, shall comply with these provisions and shall not be subject to any other parking provisions of this Bylaw. The following requirements shall apply:

- (1) Townhouse Dwellings: maximum of 2 spaces per unit
- (2) Multifamily Dwellings: maximum of 1.5 spaces per unit
- (3) Offices: maximum of 1 space per 300 square feet
- (4) Banks: maximum of 1 space per 300 square feet
- (5) Co-Work Facility: maximum of 1 space per 300 square feet
- (6) Coffee Shop: maximum of 1 space per 200 square feet

Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act.

G. Signage

All new signage in the Taylor Street Overlay District shall be approved by the Approving Authority in conjunction with the Site Plan Approval of a Development Project. The Applicant shall submit, as part of its Site Plan Review filing, a master signage plan for approval by the Approving Authority. The master signage plan, as may be updated and revised with the approval of the Approving Authority, shall specify all applicable sign types, dimensions, materials, quantities and other standards for review by the Approving Authority in the course of Site Plan Approval. Upon approval by the Approving Authority, the master signage plan shall become the sole governing source of standards and requirements for all new signage within the Taylor Street Overlay District. Sign permits for any sign meeting these established standards may be issued by the Building Inspector of upon approval of the master signage plan.

§ 173-249 Design Guidelines

The Approving Authority shall adopt the Design Guidelines governing the issuance of Plan

⁸ Policy decision: how building height should be measured (e.g., average grade at the foundation or N feet from the structure?)

⁹ You could consider placing all of the parking standards in Article XXXI and have the same standards apply in all subdistricts.

Approvals for Development Projects within Taylor Street Overlay District and shall file a copy with the Town Clerk. Such Design Guidelines shall not extend beyond the scope of the elements explicitly permitted under 760 CMR 59.04(1)(f). Design Guidelines shall be limited to the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. In addition to the standards set forth in this Bylaw, the physical character of Development Projects within the districts shall comply with the Design Guidelines unless waived hereunder. In the event of any conflict between this Bylaw and the Design Guidelines, this Bylaw shall govern and prevail.