

ARTICLE 19
Planning Board
MBTA Communities
Zoning Bylaw and Zoning Map Amendment

To see if the Town will vote to amend Chapter 173, the Zoning Bylaws, by:

1. Inserting in Section 173-22A(1) immediately below the existing entry for the Residence District (R), a new entry for the Littleton Station MBTA Communities Multi-family District (LSMFD).
2. Adding a new Article XXXIII, entitled Littleton Station MBTA Communities Multi-family District, as follows:

Article XXXIII Littleton Station MBTA Communities Multi-family District

§ 173-247. Purpose.

The purpose of the Littleton Station MBTA Communities Multi-family District (LSMFD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

- A. Encourage the production of a variety of housing sizes and types to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
- B. Locate “missing middle” housing adjacent to the Foster Street Commuter Rail Station to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality;
- C. Encourage connections between the commuter rail station and a community multi-use (pedestrian and bicycle) path;
- D. Increase the municipal tax base through private investment in new residential developments; and
- E. Promote recommendations of the Littleton Master Plan and the Littleton Station Village Vision Plan

§ 173-248. Applicability.

- A. This LSMFD is a district having a land area of approximately 10.2+- acres in size and is shown as _____ on the plan _____. An applicant may develop multi-family housing located within this LSMFD in accordance with the provisions of this Article XXXIII.
- B. The benefits and obligations of the zoning bylaw shall apply only to proposals for development on those parcels located entirely within the boundary of the LSMFD.

Except as specifically provided for in this Article, the following sections of this Chapter do not apply to real property located within the LSMFD:

- (1) Article VI Intensity of Use Regulations
- (2) §173-16 et. seq. Site Plan Review
- (3) § 173-32 Parking Requirements
- (4) § 173-43 Screening
- (5) Article XIX Open Space Development
- (6) Article XX Shared Residential Driveways
- (7) Should the provisions of this Article conflict with those found elsewhere in this Chapter, the provisions of this Article shall apply.

§ 173-249. Definitions

For the purposes of this Article XXXIII only, the following definitions apply:

- A. **Access Drive, Principal.** The paved way that allows vehicular access from the public street to building, driveways, and parking areas on the lot. The primary access drive may be constructed on an easement or as a subdivision way.
- B. **Applicant.** A person, business, or organization that applies for a building permit, or Site Plan Review, or Special Permit.
- C. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- D. **Building.** A structure with a roof and walls and used or intended for supporting or sheltering any use or occupancy.
- E. **Development standards.** Provisions of § 173-255. General performance standards and criteria made applicable to projects within the LSMFD.
- F. **Lot.** A continuous parcel of land, in single or joint ownership, with legally definable boundaries. A lot may be accessed by frontage on a public right-of-way, a subdivision way, or access easement. (See Principal Access Drive).
- G. **Impervious Surface.** The percentage of lot area covered by buildings, structures, roofs, and impervious paving.
- H. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

- I. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
- J. **Parking, structured.** A building in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a building; or a vehicle parking area that is not underneath a building, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
- K. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel and/or bike parking designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition and may be permitted by Site Plan approval.
- L. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- M. **Section 3A.** Section 3A of the Zoning Act.
- N. **Site Plan Review Authority.** The Littleton Planning Board shall be the Site Plan Review Authority.
- O. **Special Permit Granting Authority.** The Special Permit Granting Authority shall be the Littleton Planning Board.

§ 173-250. Permitting.

Site plan review by the Planning Board is required for the creation of, addition to, or substantial alteration of any structure or parking in the LSMFD, subject to § 173-255 General performance standards and criteria and § 173-258 Site Plan Review.

§ 173-251. Permitted Uses.

- A. Residential
 - (1) Multi-family housing
 - (2) Uses exempt by statute (MGL C. 40 §3)
- B. Accessory Uses
 - (1) Roadside stands (agricultural)
 - (2) Home occupations
 - (3) Parking and parking structures in compliance with § 173-32
 - (4) Signs in compliance with Article VIII
 - (5) Solar panels installed above one or more parking spaces

- (6) Bike storage
- (7) Other customary accessory uses to multi-family use, including but not limited to associated infrastructure such as wastewater treatment facilities

C. Within the LSMFD, multiple buildings and multiple uses are permitted on a single lot.

§ 173-252. Concurrent review and granting of special permits.

Applications for Special Permits for the Aquifer and Water Resource Districts (§ 173-257) and all other necessary special permits shall be submitted and reviewed concurrently with the site plan review process.

§ 173-253. Dimensional Requirements.

Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the LSMFD are as follows:

- A. The minimum lot area shall be zero.
- B. The minimum lot frontage shall be zero.
- C. The maximum building height is 35 feet or 3 stories within a line parallel to and 300 feet from Foster Street and 55 feet or 5 stories for buildings sited between that line and the property line along Interstate Route 495.
- D. The minimum front setback for a principal building from a Principal Access Drive shall be 10 feet.
- E. The maximum front setback for a principal building from a Principal Access Drive shall be 20 feet.
- F. The minimum setback from a side or rear property line is 30 feet.
- G. The maximum Impervious Surface is 50%.
- H. The minimum lot area per dwelling unit shall be 2,500 SF.
- I. **Exceptions.** The limitation on height of buildings shall not apply to roof-top mechanicals, and chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building. Roof-top mechanicals shall be screened.
- J. **Exceptions:** Renewable Energy Installations. The Site Plan Review Authority may waive the height and setbacks in this § 173-253 to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a substantial detriment to abutters in terms of noise or shadow and must be appropriately integrated into the

architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

§ 173-254. Off-Street Parking

Except for the parking requirements below, which are applicable to development in the LSMFD, all other provisions of Article VII Parking Requirements apply.

A. **Number of parking spaces.** The following **maximum** numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures. Parking may be located on an adjacent lot provided that the parking is within 400 feet and is subject to appropriate easement language to be recorded at the Registry of Deeds:

Use	Maximum Spaces
Multi-family	1.5 spaces per unit

B. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	0.25 spaces per unit

C. **Bicycle storage.** For a multi-family building of 50 units or more, covered parking bicycle parking spaces shall be provided for no less than half the required bicycle spaces for that building.

§ 173-255. General performance standards and criteria.

A. Development standards in the LSMFD are applicable to all multi-family development within the LSMFD. These standards are components of the Site Plan Review process in § 173-258. Site Plan Review.

B. Site Design.

(1) **Connections.** Sidewalks shall provide a direct connection among building entrances, the sidewalk on the principal access drive, bicycle storage, and parking.

(2) **Multi-use Path.** The developer shall construct a multi-use path on the Lot subject to the grant of any and all governmental and private property owner consents and approvals. This path shall have a surface that is suitable for pedestrians and bicyclists and width that is no less than 10 feet, subject to the Wetlands Protection Act where applicable. The path shall connect the MBTA property to the proposed multi-use path adjacent to the development property that is to be constructed by the Town. The easement between the Grantor and the Town shall limit the use of the multi-use path to the purposes of walking, hiking, jogging, biking, and nature study. The Grantor of the easement shall

have the benefit of the provisions of MGL Chapter 21, Section 17C. Any and all land dedicated to the Multi- Use Path shall continue to be counted towards satisfaction of all dimensional requirements in the LSMFD.

- (3) **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
- (4) **Screening for Parking.** Surface parking adjacent to a sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
- (5) **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- (6) **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- (7) **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skylight.
- (8) **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened.
- (9) **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- (10) **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, the Littleton Stormwater Management and Erosion Control Regulations, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

C. Buildings: General.

(1) **Position relative to Principal Access Drive.** The primary building shall have its principal façade and entrance facing the Principal Access Drive.

(2) **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

D. Structures: Multiple Buildings on a lot.

(1) Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

(2) A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.

(3) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.

(4) The building(s) adjacent to the principal access drive shall have a pedestrian entry facing that access drive.

(5) **Distances between principal buildings.** Principal buildings must be separated at the closest point between buildings based on the Wall Condition, which is defined as follows:

- **Wall to Wall.** Two walls of buildings face each other, and neither contains a window required by the Massachusetts Building Code applicable at the time of construction (“legally required window”).
- **Wall to Window.** Two walls of buildings face each other, and one contains a legally required window and the other does not.
- **Window to Window.** Two walls of buildings face each other, and both contain a legally required window.
- **Table of distances between buildings.**

Wall Condition	Building Height		
	Up to 35'	45'	55'
Wall to Wall	25'	30'	35'
Wall to Window	35'	40'	45'
Window to Window	45'	50'	55'

(6) To encourage clustering of buildings and preservation of open space, no building may be more than 80 feet from the nearest adjacent building.

- E. **Buildings: Shared Outdoor Space.** Multi-family housing shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.
- F. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - (1) Surface parking. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the Public Access Drive.
 - (2) Integrated garages. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - (3) Parking structures. Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings shall be subordinate in design and placement to the multi-family building(s) on the lot.
- G. **Design Guidelines.** The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Guidelines which shall be applicable to all rehabilitation, redevelopment, or new construction within the LSMFD. Such Design Guidelines must be objective and not subjective and may only address 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. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.
- H. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive by majority vote the requirements of this section, § 173-255 in the interests of design flexibility, including topographical changes and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the LSMFD.

§ 173-256. Affordability Requirements.

- A. **Applicability.** The provisions of Article XXIX: Inclusionary Housing shall apply with the exception listed below. Affordable Units must be restricted in accordance with the metrics below.
- B. **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

§ 173-257. Relationship to Aquifer and Water Resource District.

- A. The purpose of this section is to balance environmental constraints in Littleton's Aquifer and Water Resource District with appropriate development near the commuter rail station. The entire LSMFD is located within the Water Resource Zoning Overlay District;
- B. The permitted uses listed in § 173-251 are allowed within the LSMFD, including areas within the Water Resource Zoning Overlay District;
- C. Within the LSMFD, the maximum impervious surface allowed is 60% by special permit. Calculation of Impervious Surface shall not include the Multi-Use path. To grant the Aquifer and Water Resource District special permit for the additional impervious surface, the Applicant must demonstrate that the criteria of § 173-62.B has been met and that the development incorporates current Massachusetts Department of Environmental Protection (MassDEP) best management practices for stormwater management, and the Storm Water Quality Control and Storm Water Quality Practices outlined in the Town of Littleton Low Impact Design / Best Management Practices Manual. Further, for projects that propose an increase in impervious area, 100% of the runoff from the increase in impervious area shall be infiltrated onsite for up to a 10-year storm event, such that the volume and rate of runoff for the proposed project shall not increase from the pre-development condition.

§ 173-258. Site Plan Review

- A. **Applicability.** Site Plan Review is required for all projects in the LSMFD. An application for Site Plan Review shall be reviewed by the Site Plan Review Authority for consistency with the purpose and intent of § 173-247 through § 173-257.
- B. **Submission Requirements.** As part of any application for Site Plan Review for a project within the LSMFD submitted under § 173-251 through § 173-257, the Applicant must submit the following documents to the Site Plan Review Authority:
 - (1) Application and fee for Site Plan Review.
 - (2) Site plans that show the boundaries of the lot(s), existing and proposed topography, position of existing and proposed building(s) on the site, points of vehicular access to and from the site and vehicular circulation on the site and service entries, walkways, stormwater management, utilities, park or recreation areas, and landscape treatments, including any screening of adjacent properties.
 - (3) Elevations of the building(s) showing the architectural design of the building.
 - (4) All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals

forty feet (1"=40') or larger, or at a scale as approved in advance by the Site Plan Review Authority.

- (5) Narrative of compliance with the applicable design standards of this Article.
- C. **Timeline.** Site Plan Review should begin within 30 days of the submission of a complete application and should be completed expeditiously. The site plan review authority may, when appropriate, seek the input of other municipal boards or officials, and any peer review deemed necessary. In general, site plan review should be completed no more than 6 months after the submission of the application.
- D. **Site Plan Review and Approval.** Site Plan approval for uses listed in § 173-251. Permitted Uses shall be granted upon determination by the Site Plan Review Authority that the Applicant has submitted the required fees and information as set forth in Municipality's requirements for a Building Permit and Site Plan Review; and the project as described in the application meets the development standards set forth in § 173-255. General performance standards and criteria. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.

The Planning Board shall approve a site plan only upon its determination of the following:

- (1) Internal circulation and egress are such that traffic safety is protected, and access via minor streets servicing single-family homes is minimized.
- (2) Visibility of parking areas from public ways and residences is minimized, and lighting of these areas avoids glare on adjoining properties;
- (3) Major topographic changes or removal of existing trees is minimized;
- (4) Adequate access to each structure for fire and service equipment is provided;
- (5) Utilities and drainage in the vicinity either are or will be made adequate.
- (6) Methods of stormwater control and treatment as outlined in the Town of Littleton Low Impact Design/Best Management Practices Manual (latest edition) are utilized to the maximum extent practicable.

- E. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of § 173-256 Affordability Requirements.

§ 173-259. Severability.

If any provision of this Article XXXIII is found to be invalid by a court of competent jurisdiction, the remainder of Article XXXIII shall not be affected but shall remain in full force.

The invalidity of any provision of this Article XXXIII shall not affect the validity of the remainder of the Town of Littleton's Zoning.

3. Re-zoning the parcel shown as “_____” on the plan of land entitled _____ from the Industrial A Zoning District to the Littleton Station MBTA Communities Multi-family District.

4. Amending the Zoning Map to show the parcel shown as “_____” on the plan of land entitled _____ from the Industrial A Zoning District to the Littleton Station MBTA Communities Multi-family District.

5. Amending Article XXXI. King Street Common Zoning District, §173-227, Applicability, by inserting a new Section C to read as follows:

C. The provisions of Article XXIX: Inclusionary Housing shall apply with the exception listed below. Affordable Units must be restricted in accordance with the metrics below.

(1) **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

and by re-lettering the existing Section C as D to account for said addition provided for above.

or to take any other action in relation thereto.

[Article 19 updates the zoning bylaw to bring Littleton into compliance with MBTA Communities Multifamily Zoning requirements. Section 5 updates the King Street Common (KSC) zoning district to allow Littleton to “count” the KSC multifamily and mixed-use district as the majority of the required 50-acre multifamily zoning district. Littleton will be able to count 600 of the 750-unit zoning requirement at the KSC district (the former IBM site). Section 1 through 4 adds a new 10-acre multifamily zoning district, the proposed Littleton Station MBTA Communities Multi-family District (LSMFD) adjacent to the commuter rail station, allowing “missing middle” housing adjacent to the Foster Street commuter rail station. This article builds on foundational planning work of the community by promoting recommendations of the Littleton Master Plan, the Littleton Common Revitalization Roadmap, and the Littleton Station Village Vision Plan.”]