

550 King St. Definitive Subdivision DRAFT Decision
For Planning Board and Town Counsel Review

[INSERT date filed with TOWN CLERK]

FORM C

CERTIFICATE OF DECISION ON A DEFINITIVE SUBDIVISION PLAN

APPLICATION: **DEFINITIVE SUBDIVISION PLAN**
At 550 King Street
Which incorporates the following application:

1. MGL Chapter 41, Section 810 Definitive Subdivision subject to the Code of the Town of Littleton Chapter 249 Subdivision of Land Regulations.

PROPERTY LOCATION: 550 King Street
Assessor's Map U-08, Parcel 10-0 and 17-A

APPLICATION DATE: August 22, 2023

DESCRIPTION: A phased mixed-use development containing multifamily housing, retail, commercial, office, light manufacturing and other uses that are permitted within the King Street Common District.

APPLICANT/OWNER: 550 King Street, LLC
290 Merrimack Street, 2nd Floor
Lawrence, MA 01843

ENGINEER: Rick Friberg, PE
TEC, Inc.
282 Merrimack Street, 2nd Floor
Lawrence, MA 01843

DATES OF LEGAL NOTICE: August 24, 2023 and August 31, 2023

DATES OF HEARINGS: September 7, 2023, October 12, 2023 and October 26, 2023

MEMBERS PRESENT: Mark Montanari, Anna Hueston, Bartlett Harvey, Jeffrey Yates and **Delisa Laterzo**.

APPLICATION PLANS:

Pursuant to Chapter 249 (Subdivision of Land) of the Code of the Town of Littleton, the Applicant previously submitted a Preliminary Subdivision Plan on July 13, 2023, which was reviewed by the

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Planning Board and approved, Planning Board Decision dated August 4, 2023, followed by the subsequent submission of this Definitive Subdivision Plan Application on August 22, 2023.

REFERENCE PLANS:

King Street Commons Definitive Subdivision Plan, 550 King Street Littleton, Massachusetts 01460, dated August 22, 2023, prepared by TEC, Inc., and as may be further revised to address peer review comments:

C-1	Title & Index Sheet
C-2	Legend & General Notes
C-3	Index Sheet
C-4	Layout Plan
C-5-8	Layout Plan A-D
C-9-16	Roadway Plan & Profile 1 – 8
C-17	Sanitary Sewer Tables
C-18	Storm Sewer Tables
C-19-22	Erosion & Sedimentation Control Plan
C-23	Construction Phasing Plan
C-24	Construction Management Plan
C-25-29	Construction Details
C-30-56	Roadway Cross-Sections

Reference Plans (to be Recorded at the Registry of Deeds)

Definitive Subdivision Plan of Land in Littleton, Massachusetts, 550 King Street, dated August 1, 2023, prepared by Hancock Associates, Sheets 1 – 3.

PUBLIC HEARING:

The Littleton Planning Board held a public hearing on September 7, 2023, which was continued to October 12, 2023 and October 26, 2023 to consider an application for a Definitive Subdivision Plan pursuant to MGL Chapter 41, Section 81O and the Code of the Town of Littleton. Rick Friberg and Chris Raymond of TEC, Inc. made a presentation to the Planning Board on behalf of the Applicant / Owner, 550 King Street, LLC, and answered questions raised by the Planning Board and the members of the public in attendance. The Public Hearing was closed on October 26, 2023.

Commented [MT1]: Add additional Public Hearing dates, if necessary.

FINDINGS:

Based on the presentation of the Owner / Applicant and the foregoing information, the Planning Board finds that the following criteria have been substantially met, taking into account the Conditions outlined in Appendix A:

1. Submissions are complete and technically adequate, or will be made so prior to endorsement;
2. Development at this location does not entail unwarranted hazard to safety or health of future residents of this development or to others because of potential natural disasters, traffic hazard, environmental degradation or other causes;

3. The development adequately conforms with the design standards of Articles IV and V of the Subdivisions of Land Regulations;
4. The subdivision, based on the Development impacts Statement, as designed, will not cause unacceptable or substantial damage to the environment, which damage could be avoided or ameliorated through an alternative development plan;
5. This proposal will provide public and private open space that will benefit residents and visitors and furthers the interests of creating open space within the Town;
6. The subdivision of land and supporting infrastructure depicted on the Definitive Subdivisions Plans do not require review by the Conservation Commission and/or Zoning Board of Appeals; and
7. The subdivision of land and supporting infrastructure depicted on the Definitive Subdivision Plans do not exceed MEPA Review Thresholds. Prior to construction of any proposed buildings or parking structures the development shall undergo MEPA Review. Relevant MEPA Review Thresholds for the proposed subdivision infrastructure are as follows:

Commented [MT2]: Please provide a chart showing MEPA review thresholds and this Definitive Subdivision.

LAND

Total vehicular right-of-way area is approximately 6.2 acres and primarily paved under existing conditions. The thresholds related to land area disturbance (25 acres or more) and new impervious area (5 new acres or more) are not exceeded by the subdivision infrastructure.

STATE-LISTED SPECIES

The development site is not a designated habitat, review thresholds are not exceeded.

WETLANDS, WATERWAYS AND TIDELANDS

The subdivision infrastructure does not impact any wetlands, waterways or tidelands, review thresholds are not exceeded.

WATER

The subdivision does not propose a new drinking water treatment plant or more than 5 miles of municipal water mains, review thresholds are not exceeded.

WASTEWATER

The subdivision does not propose a new wastewater treatment plant or more than 5 miles of municipal sewer mains, review thresholds are not exceeded.

TRANSPORTATION

The subdivision consists solely of internal or on-site roadways and does not involve the construction of buildings, parking structures, an interchange, airport, or rail line / rapid transit facility, review thresholds are not exceeded.

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ENERGY

The subdivision does not propose an electric generating facility, fuel line, or electric transmission lines, review thresholds are not exceeded.

AIR

The subdivision does not generate a new stationary source with federal potential emissions exceeding the review thresholds.

SOLID AND HAZARDOUS WASTE

The subdivision does not propose a landfill or waste storage or combustion facility, review thresholds are not exceeded.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

The subdivision does not demolish any historic structures or inventory of archaeological assets, review thresholds are not exceeded.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

The subdivision is not located within an area of critical environmental concern, review thresholds are not exceeded.

REGULATIONS

The subdivision does not propose any revised regulations, review thresholds are not exceeded.

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VOTE:

Based on the foregoing, XXXXX made a motion that the Planning Board grant approval of the Definitive Subdivision Application subject to the Conditions set forth in Exhibit A, attached hereto. XXXXXX seconded this motion and the Board voted X to X in favor of this motion.

The Board members voted as follows:

Mark Montanari	AYE/NAY
Anna Hueston	AYE/NAY
Bartlett Harvey	AYE/NAY
Jeffrey Yates	AYE/NAY
Delisa Laterzo	AYE/NAY

Appeals, if any, shall be made pursuant to Section 81BB of Chapter 41, and Section 17 of Chapter 40A, of the Massachusetts General Law, and shall be filed within 20 days after the date this Decision is filed with the Town Clerk.

Signed:

Bartlett Harvey, Clerk

Date Filed with Town Clerk: _____

Diane Crory, Town Clerk

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TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Diane Crory, Clerk of the Town of Littleton hereby certify that twenty (20) days have elapsed since the filing of this decision by the Planning Board for this Definitive Subdivision and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Date

Diane Crory, Town Clerk
Littleton, Massachusetts

Exhibit A
Conditions

1. The Right-of-Way established by this Subdivision shall be privately owned and maintained, with permanent public easements offered to the Town, as shown on the plans, for access and utilities.
2. The plan depicting all lots shall be recorded within 6 months of the date of the Planning Board's endorsement of the Definitive Subdivision Plan.
3. Following the Planning Board's endorsement of the plan, the Applicant / Owner shall provide the Board with a digital copy of the plan in Adobe (.pdf) format and AutoCAD (.dwg) format.
4. The Applicant / Owner shall pay the Town's costs of all construction inspections and consultations. In the event that any of the inspections disclose that remediation is required, the Applicant / Owner shall cause such remediation to be completed, as agreed upon by the Applicant / Owner and the consultant.
5. All water, sewer and electric infrastructure shall be constructed in accordance with the Littleton Electric Light and Water District (LELWD) standards and regulations.
6. Prior to the beginning of construction, the Applicant / Owner shall address all peer review comments and return to the Planning Board seeking confirmation that all comments have been satisfactorily addressed and authorization to begin construction.
7. Prior to the beginning of construction, the Applicant / Owner shall prepare a SWPPP plan, including an illicit discharge statement, and NPDES filing shall be completed and provided to the Town.
8. Prior to the beginning of construction, the Applicant / Owner shall secure performance of the construction of ways and the installation of municipal services required for lots in the subdivision shown on the plans in a manner sufficient to the Board by bond, deposit / securities or by covenant, as required by MGL Chapter 41, Section 81U.
9. The construction of the subdivision and subsequent buildings shall comply with the Board of Health Conditions issued in their memorandum dated October 6, 2023, as follows:
 - a. The site will be provided potable water from the municipal water system.
 - b. The site will require connection to the municipal sewer system currently being installed.
 - c. The stormwater system will be addressed during the development process (Site Plan Review) and all detention / retention structures should be designed to minimize standing water.
 - d. A traffic study will be conducted and reviewed by the Planning Board prior to issuance of a building permit.
 - e. The current wastewater system components (for the onsite treatment plan which serves the old IBM building and the septic system which serves the old Yangtze restaurant) will need to be decommissioned in accordance with the Groundwater Discharge Regulations and/or Title 5, depending on the type of system: the applicant shall submit a report to the Board of Health on how the systems were decommissioned.
 - f. Any blasting materials used shall not be perchlorate-based.
 - g. All phases of construction shall be done to minimize noise, odor and dust that would be injurious of public health and/or cause a "condition of pollution".