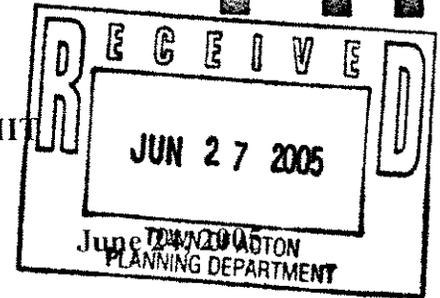


PLANNING BOARD
P.O. BOX 1305
Littleton Massachusetts 01460
MAJOR COMMERCIAL USE SPECIAL PERMIT
ORCHARD SQUARE

FYI



APPLICATION: MAJOR COMMERCIAL USE SPECIAL PERMIT

PROPERTY LOCATION: 209, 220, 225 Great Road
South Side, Map U-11, Parcel 4-4
North Side, Map U-6, Parcel 1 and 2-2

DESCRIPTION: Construct +/- 32,133 square feet of mixed use retail space with 221 parking spaces and associated site improvements on the South side and +/- 62,000 square feet of retail space, auto dealership and related improvements on the North side, all as shown on the REFERENCE PLANS.

APPLICANT/OWNER: Empire Management Corporation
171 Great Road
Acton, MA 01720

ENGINEERS: Waterman Design Associates
31 East Main Street
Westborough, MA 01581

GEOD Consulting
24 Ray Street, Suite 105,
Burlington, MA 01803

DATES OF LEGAL NOTICES: July 22 and 29, 2004

DATES OF HEARING: August 12 and 26; October 14, December 9, 2004;
January 27, February 24, March 24, April 28; May 5, May 26, and June 23, 2005

MEMBERS PRESENT: Janet LaVigne, Steve Wheaton, Gregg Champney,
Mark Montanari, and Richard J. Dennis, Jr.

REFERENCE PLANS: "Special Permit and Site Plan Review for Orchard Square in Littleton, Massachusetts (Middlesex County)". Prepared for Empire Management Corporation, 171 Great Road, Acton, MA 01720 by Waterman Design Associates, 31 East Main Street, Westborough, MA 01581. Consisting of Sheets 1-18 dated July 1, 2004 as amended through May 26, 2005, plus revision H: Photometrics Plan prepared by

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Boston Light Source; Evidence of future compliance plan; two Overall plans; and three additional plans dated April 7, 2005 prepared by GEOD Consulting, 24 Ray Street, Suite 105, Burlington, MA 01803 consisting of all sheets as enumerated below:

Title Sheet/Signature Page

1. Compiled Existing Conditions Plan, Orchard Square (South)
 2. Compiled Existing Conditions Plan, Orchard Square (North)
 3. Utility Plan, Orchard Square (South)
 4. Utility Plan, Orchard Square (North)
 5. Grading and Drainage Plan, Orchard Square (South)
 6. Grading and Drainage Plan, Orchard Square (North)
 7. Layout and Materials Plan, Orchard Square (South)
 8. Layout and Materials Plan, Orchard Square (North)
 9. Planting and Lighting Plan, Orchard Square (South)
 10. Planting and Lighting Plan, Orchard Square (North)
 - 11A. Turning Path Exhibit, WB-50 Tractor Trailer, Orchard Square (South)
 - 11B. Turning Path Exhibit, Littleton Ladder Truck, Orchard Square (South)
 - 12A. Turning Path Exhibit WB-50 Tractor Trailer, Orchard Square (North)
 - 12B. Turning Path Exhibit Littleton Ladder Truck, Orchard Square (South)
 13. Details
 14. Details
 15. Details
 16. Details
 17. Details
 18. Details and Sight Distance Exhibit
- Photometrics Plan (prepared by Boston Light Source)
Evidence of Future Compliance Plan, 11x17 inch plan revised 3/25/05
Overall Grading Drainage and Utility Plan, dated May 26, 2005, 30x42 inch sheet
Overall Layout Materials and Planting Plan, dated May 26, 2005, 30x42 inch sheet
- C-1. Highway Layout Plan, Conceptual Design
 - C-2. WB-50 (Tractor Trailer), Access Turning Path
 - C-3. WB-50 (Tractor Trailer), Egress Turning Path

The Littleton Planning Board held a public hearing on the above dates to consider the application of Empire Management Corporation for Special Permit and Site Plan Review under the Major Commercial or Industrial Use, Article XVIII, Sections 173-88 and Article IV, Section 173-16 of the Town of Littleton Code for:

Construction on the South Side of approximately 32,133 square feet of mixed-use retail space with 221 parking spaces and associated site improvements and construction on the North side of approximately 62,000 square feet of retail space and automobile dealership facility, consisting of (2) buildings, parking, display area and associated site improvements.

The Public Hearing was closed on June 23, 2005. The Board made the following specific findings regarding the proposed use at the site:

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1. Roads, water, and drainage will adequately serve the site with the conditions outlined below;
2. No planned process or unplanned contingency will result in undue hazard or contamination of the air, land, or water resources;
3. Visual compatibility is assured by the landscaping proposed on the site; the natural buffer to remain, and the architectural character of the proposed development;
4. The level of threat to environmental resources is minimized;
5. Proposed buffering and screening from nearby uses of different character is adequate;
6. No significant nuisance, hazard or congestion will be created; and
7. There will be no substantial harm to the neighborhood or derogation from the intent of the Zoning Bylaws; and
8. The developer has generously offered the donation of two police cruisers for use by the Town; the Planning Board is pleased to acknowledge this donation on behalf of the townspeople.

At the meeting held June 23, 2005, a motion was made by Mrs. LaVigne and seconded by Mr. Wheaton to **grant** the Special Permit as listed above with the following **conditions**:

1. Operations and maintenance of the stormwater facilities shall comply with the "Operations and Maintenance Plan for Stormwater Facilities, Orchard Square (North & South), Littleton Massachusetts (July 2004) on file in the Planning Board office.
2. Prior to commencement of construction of the South side project, an agreement with the abutting property owner shall be obtained, which allows connection of the two abutting parking lots [Donelan's Supermarket and Orchard Square].
3. Safety and fire access around the various buildings shall be maintained at all times and under all conditions.
4. The project is approved with 221 parking spaces on Orchard Square South and 199 parking spaces on Orchard Square North.
5. All lighting is to conform to Littleton bylaws and applicable building codes.
6. Prior to issuance of the first building permit for construction of the project, a Traffic & Pedestrian Mitigation Fee, in the form of a Van for the Council On Aging shall be due to the Town of Littleton.
7. As a condition of this approval, the Applicant agrees to join with the Town of Littleton and its Planning Board in a joint motion for dismissal with prejudice of

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- any an all lawsuits involving the Planning Board and relating to the previously proposed Andrews Crossing development.
8. Any changes to the plans as a result of unforeseen circumstances, previously undiscovered site conditions, or other construction issues, shall be submitted to the Planning Board for determination if said change is substantial. Insubstantial or inconsequential changes may be made to this permit by a majority vote of the Planning Board.
 9. Any and all work performed on Great Rd. shall be consistent with plans and permits to be approved by Mass Highway Department.
 10. Any hazardous materials removed from the site shall be handled and disposed in accordance with State and Federal Regulations.
 11. This Special Permit shall not become effective until it is recorded at the Registry of Deeds.
 12. This Special Permit shall lapse twenty-four (24) months following the grant thereof (except such time required to pursue or await the determination of an appeal referred to in M. G. L. c 40A, Section 17) if a substantial use or construction has not sooner commenced, except for good cause. Commencement of construction of one building shown on the plan approved hereby shall constitute substantial use of this Special Permit.

The Board voted 5 to 0 to **GRANT** the Special Permit with the above conditions.

Appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, Massachusetts G.L., and shall be filed within 20 days after the date this decision is filed with Town Clerk.

Signed:


Richard J. Dennis, Jr., Clerk

Date Filed with Town Clerk: June 24, 2005


Linda A. Knapp
Town Clerk

Major Commercial Use Special Permit – Orchard Square – Great Road

TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, _____, Clerk of the Town of Littleton hereby certify that twenty days have elapsed since the filing of this decision by the Planning Board to grant this Special Permit and that no appeal concerning said decision has been filed, or that any appeal that has been filed has been dismissed or denied.

Town Clerk
Littleton, Mass.

Date