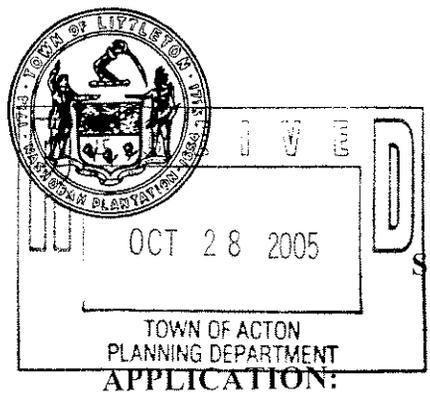


FYI

**PLANNING BOARD**  
P.O. BOX 1305  
Littleton Massachusetts 01460

Wednesday, October 26, 2005



**SPECIAL PERMIT APPLICATION DECISION**

**SPECIAL PERMIT FOR OPEN SPACE SUBDIVISION**  
**Reed Meadow**

- PROPERTY LOCATION:** 40 Harvard Road  
Map U-44, Parcel 7
- DESCRIPTION:** Definitive Open Space Subdivision for Reed Meadow, a 7 Lot Residential Open Space Subdivision at 40 Harvard Road with about 4.39 acres of "Open Space" to be preserved for Conservation purposes.
- APPLICANT:** Apple Valley Homes, Inc.  
John Barbadoro, President  
2 Orchid Drive  
Littleton, MA 01460
- OWNER:** Elizabeth S. Reed and Theodore C. Reed, Trustee  
PO Box 2414 251 s. 24<sup>th</sup> St. Unit H  
Littleton, MA 01460 Philadelphia, PA 19103
- ENGINEER:** Acton Survey & Engineering  
PO Box 666  
Acton, MA 01720
- DATES OF LEGAL NOTICES:** August 11 and 18, 2005
- DATES OF HEARING:** August 31, September 22, October 6, and 13, 2005
- MEMBERS PRESENT:** Mark Montanari, Steve Wheaton, Richard J. Dennis, Jr., and Janet LaVigne
- REFERENCE PLANS:** "Reed Meadow Definitive Subdivision Open Space Development. Littleton Massachusetts" (6 Sheets) Owner Elizabeth S. Reed; Applicant Apple Valley Homes, Inc., dated August 1, 2005

The Littleton Planning Board held a public hearing on the above dates to consider the application of Apple Valley Homes, Inc. and Elizabeth S. Reed for a Definitive Open Space Subdivision according to Chapter 40, Section 6 and Chapter 41, Section 815 MGL and the Code of the Town of Littleton Zoning, Sections 173-93 through 173-118.

## Special Permit - Open Space Special Permit – Reed Meadow

The Public Hearing was closed on October 13, 2005.

### WAIVERS

Following the Hearing, the Board, based on the application, and together with the materials and testimony provided at the hearing, granted the following waivers regarding the land in question and the proposed use:

1. From Section 249-43F(2) to allow the turnaround to have an inside radius of 32 feet and an outside gutter radius of 54 feet;
2. From Section 249-32.c (14) to not show major trees within 50 feet of the proposed centerline of the roadway;
3. From Section 249-73 to eliminate the provision of granite curbing to allow for Cape Cod berm to be installed along all pavement edges;
4. From Section 249-89 C Fire Alarm System to not install a fire alarm system; and
5. From Section 249-89 D (1) to eliminate the planting of street trees and to substitute the planting of heavy three year transplants of Pfitzer Juniper and Lynwood Gold Forsythia on alternating and staggered five foot centers in the area of cut on the right side of the road from station 0+25 to 2+75 and the area of fill on the left side of the road at station 1+0.

### FINDINGS

Following the Hearing, the Board, based on the application, and together with the materials and testimony provided at its hearing, made the following specific findings regarding the land in question and the proposed use:

1. The application substantially meets the submittal criteria set forth in Section 172-98 of the Bylaws.
2. The Board finds, pursuant to Section 173-100 A, dwellings do not detract from the ecological and visual qualities of the environment and are harmonious with the existing neighborhood and that the preservation of desirable open space of the vicinity is maximized.
3. The Board finds, pursuant to Section 173-100B that the applicant shall convey the 4.39 acres of Open Space for Conservation purposes prior to the release of any lots within the Open Space Definitive Subdivision.
4. The Board finds, pursuant to Section 173-100 C that on balance, this development is no less beneficial to the Town than the development likely without this approval.

### DECISION

At the meeting held *Thursday, October 13, 2005*, a motion was made by Mr. Wheaton and seconded by Mr. Dennis to **grant** the **Open Space Special Permit** in accordance with the reference plan with the above **waivers** and with the following **conditions**:

1. All such installation and construction shall be completed within 24 months of this date or an extension of said time frame;

**Special Permit - Open Space Special Permit – Reed Meadow**

2. Plans shall be recorded within 6 months of this date or this subdivision shall be automatically rescinded;
3. All drainage pipe shall be reinforced concrete;
4. If all the houses in the subdivision are not completed within two years from the time that the base course of pavement is installed, the developer shall reclaim and reinstall the 2 inches of base course prior to installing the top course of pavement if the Planning Board deems that is necessary;
5. Plantings within the subdivision shall be to the Planning Board's satisfaction, and in accordance with waiver 5 above;
6. In accordance with Section 249-89 H., the developer shall pay the Town's costs of all construction inspections and consultations; all construction must be inspected at intervals approved by the Planning Board;
7. The bond will not be released or reduced until all inspections called for on form H are documented to the satisfaction of the Planning Board;
8. Subject to execution of the Conservation Restriction, the deed(s) for the Open Space must be granted to the Conservation Commission and/or Conservation Trust as directed by the Planning Board;
9. This approval is contingent upon receipt of all water and utility easements to the satisfaction of the Planning Board;
10. The owner shall clean the detention/retention pond on a yearly basis;
11. This subdivision roadway and appurtenances shall remain in private ownership for perpetuity;
12. The developer shall construct and the owner shall maintain a year-round gravel parking lot for 6 cars;
13. The walking trail shall be constructed to connect to the Oak Hill Conservation property by the developer; and
14. Prior to the Board's endorsement of its approval of the subdivision thereon the developer shall furnish guarantees to the Planning Board as provided in Section 81-U of Chapter 41, GL, that no lot included in such plan shall be built upon or conveyed until the work on the ground necessary to service all the lots has been completed in the manner specified by the Subdivision Regulations of the Town of Littleton with the specific conditions listed herein, or a cash bond in lieu of completion has been accepted by the Planning Board.

**Each member voted as follows:**

<b>Mark Montanari</b>	<b>AYE</b>
<b>Steven J. Wheaton</b>	<b>AYE</b>
<b>Gregg S. Champney</b>	<b>(Absent and Not Voting)</b>
<b>Janet LaVigne</b>	<b>AYE</b>
<b>Richard J. Dennis, Jr.</b>	<b>AYE</b>

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.

Special Permit - Open Space Special Permit – Reed Meadow

Signed:

Date Filed with Town Clerk: Oct 26, 2005

  
\_\_\_\_\_  
Gregg S. Champney, Clerk

  
\_\_\_\_\_  
Linda Knupp, Town Clerk

TOWN CLERK CERTIFICATION:

To Whom It May Concern:

I, Linda Knupp, Clerk of the Town of Littleton hereby certify that twenty days have elapsed since the filing of this decision by the Planning Board for this Open Space 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 Linda Knupp  
Littleton, Mass.

\_\_\_\_\_  
Date