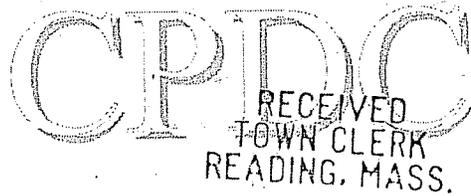


Town of Reading

16 Lowell Street
Reading, MA 01867-2683
Phone: 781-942-6612
fax: 781-942-9071
website: www.ci.reading.ma.us/planning
e-mail: jdelios@ci.reading.ma.us



2012 MAR 21 P 5:12

COMMUNITY PLANNING AND DEVELOPMENT COMMISSION

March 12, 2012

DECISION

Special Permit and Site Plan Review

Project: Johnson Woods Phase II, Johnson Woods Realty Corporation

PLANNED UNIT DEVELOPMENT – RESIDENTIAL SPECIAL PERMIT
ISSUED BY THE COMMUNITY PLANNING AND
DEVELOPMENT COMMISSION ON THE APPLICATION FROM
JOHNSON WOODS REALTY CORPORATION FOR THE
PROPERTY KNOWN AS JOHNSON WOODS IN READING,
MASSACHUSETTS.

The Community Planning and Development Commission (CPDC) hereby issues a Special Permit and Final PUD Plan approval for a Planned Unit Development-Residential (PUD-R) for the application from Johnson Woods Realty Corporation for the property located at Johnson Woods in Reading, Massachusetts, shown as lot 4 on Reading Assessor's Map 19, pursuant to Massachusetts General Laws 40A, Section 9 and the Reading Zoning By-Law Section 4.9 {Planned Unit Development} and Section 4.3.3. {Site Plan Review}, subject to the findings, terms and conditions stated below.

PROCEDURE:

On October 11, 2011, the Applicant applied for approvals under the Reading Zoning By-Law Special Permit Section 4.9 and Site Plan Review Section 4.3.3 for the development of a Planned Unit Development-Residential (PUD-R) for 127 condominium units contained in attached townhouses and flat ("garden style") buildings and one detached condominium on a total of approximately 11.6 acres of land.

As required by Zoning By-Laws Section 4.9, the Applicant submitted an application and preliminary plans on October 11, 2011. The CPDC, as the Special Permit Granting Authority (SPP), held a duly advertised and noticed public hearing on the Preliminary PUD Plan, with four members present throughout at meetings held on November 7, 2011 and December 8, 2011 on such application. The public hearing was closed on December 8, 2011 and the CPDC voted to approve the Preliminary PUD Plan and Preliminary Special Permit Application by a vote of 4-0-

0. The CPDC held a meeting on the Final PUD Plan and Special Permit Application with four members present on February 27, 2012 and March 12, 2012. The CPDC voted to approve the Final PUD Plan and issue the Special Permit by a vote of 4-0-0 on March 12, 2012.

Proper publication was made and proper written notice of the public hearing, in conformity with Massachusetts General Laws Chapter 40A, Section 11 and as otherwise required, was sent by mail, postage prepaid to all parties in interest. Testimony was presented during the public hearing, including but not limited to that given by the Applicant and its consultants, Town employees and parties of interest. The CPDC also received information and comments from other Town Boards and Commissions, and engaged in an in-house review of the Fiscal Impact Analysis submitted by the Applicant on November 7, 2011 (dated October 25, 2011). Documents (including plans, reports, correspondence and supplemental material) were submitted for consideration by the CPDC either as part of the filing or during the hearing process. All materials have been available for public inspection.

During the public hearing process, the proposed development plans have been revised to provide additional detail or to address issues raised during the public input process. A draft Decision incorporating all language herein was reviewed in entirety by the CPDC, the Applicant before the decision rendered.

MATERIALS:

The following materials in addition to the plans as recorded were submitted into the public record:

The Preliminary PUD Plans include architectural drawings, civil drawings and landscape plans. The architectural drawings include sheets A1-A3, S1, S2, and P1. The title/index page is entitled "Johnson Woods Condominiums, Phase II, West Street, Reading, Massachusetts;" Date Issued; October 12, 2011; The civil drawings include sheets C1-C10 and P1, entitled "Johnson Woods Planned Unit Development, Phase II, Reading, Massachusetts;" Date issued October 6, 2011 with a revision to sheet C5 dated October 13, 2011; The landscape plans include sheets L1 and L1A, entitled "Johnson Woods Planned Unit Development, Phase II, Reading, Massachusetts;" Sheet L1A dated October 6, 2011, sheet L1 dated October 11, 2011. Civil Engineering and Land Survey: Hayes Engineering, Inc; Architect: Grazado Velleco Architects. This grouping of sheets is referred to collectively in this Decision as the "Preliminary PUD Plan"

The Final PUD Plans include civil drawings, architectural drawings, shadow drawings, trail plan, and landscape drawings. The civil drawings include sheets C1-C22 on plans entitled "Johnson Woods, Planned Unit Development, Phase II, Reading, Massachusetts", dated October 6, 2011 lastly revised December 19, 2011; The architectural drawings include sheets A1-A-3 on plans entitled "Johnson Woods Condominium Phase Two, West Street, Reading Massachusetts" dated October 12, 2011 lastly revised December 19, 2011; landscape drawings include sheets L1 and L2 on plans entitled "Johnson Woods, Planned Unit Development, Phase II, Reading, Massachusetts" dated October 6, 2011 lastly revised December 19, 2011, shadow drawings, sheet S-1 on a sheet entitled "Johnson Woods, Planned Unit Development, Reading, Massachusetts" dated October 12, 2011 lastly revised December 19, 2011; and trail plan, sheet S-2 on a plan entitled "Johnson Woods, Planned Unit Development, Reading, Massachusetts" dated October 12, 2011 lastly revised December 19, 2011. Civil Engineering and Land Survey:

Hayes Engineering, Inc; Architect: Grazado Velleco Architects. This grouping of sheets is referred to collectively in this Decision as the “Final PUD Plan”

The CPDC also received information and comments from Town Staff, Boards and Commissions and Consultants. The following documents (including plans, reports, correspondence and supplemental material) were submitted for consideration by the CPDC either as part of the filing or during the preliminary and final PUD Application process:

October 13, 2011	Development Review Team Notes from the October 5, 2011 meeting.
October 13, 2011	Cover letter from Attorney Bradley Latham dated October 13, 2011 to the CPDC c/o Town Planner, Site Plan Review Application Form, Narrative, and Certified Abutter’s List & Envelopes.
October 13, 2011	Traffic Impact Study prepared by Hayes Engineering, dated September, 2011.
October 13, 2011	Mitigative Drainage Study prepared by Hayes Engineering, dated October 7, 2011.
October 13, 2011	Architectural Plans for Johnson Woods dated October 12, 2011 prepared by Grazado Velleco Architects sheet A1, A2, A3, S1, S2, P1.
October 13, 2011	Civil Plans for Johnson Woods dated October 6, 2011 prepared by Hayes Engineering sheets C1, C2, C3, C4, C5 (revised October 13, 2011) C6, C7, C8, C9 and C10.
October 13, 2011	Landscaping Plans prepared by Hayes Engineering sheet L1A dated October 6, 2011 and L1 dated October 11, 2011.
October 18, 2011	Revised Landscape Plan, sheet L1A dated October 17, 2011. Submission of Photometric Plan dated October 17, 2011.
November 7, 2011	Fiscal Impact Analysis for Johnson Woods, Reading Massachusetts prepared by Connery Associates of Melrose, dated October 25, 2011.
November 7, 2011	Letter from Johnson Woods Realty Corporation dated November 7, 2011 granting the CPDC an extension of time to act on the Preliminary PUD Plan.
November 23, 2011	Memorandum from George Zambouras, Town Engineer on Preliminary PUD Plans, dated November 21, 2011.
December 7, 2011	Letter from Hayes Engineering providing responses to Town Engineer Comments, dated December 7, 2011.
December 7, 2011	Memorandum from George Zambouras, Town Engineer regarding Hayes Engineering Response to Comments, dated December 7, 2011.
February 9, 2012	Cover Letter from Bradley Latham, Attorney regarding the submittals for the Final PUD Plan and Special Permit approval, dated February 8, 2012.
February 9, 2012	Letter from Bradley Latham, Attorney, addressing questions regarding the Final PUD Plan and associated submittals, dated February 8, 2012.
February 9, 2012	Final PUD Plans (as listed above) dated December 29, 2012.
February 9, 2012	Memorandum from William Bergeron, P.E dated February 7 2012 identifying the revised materials per the Preliminary PUD CPDC Decision.
February 9, 2012	Revised Mitigative Drainage Study, dated October 7, 2011 lastly revised December 16, 2011.

February 9, 2012 Revised MassDEP Stormwater Report Checklist dated January 24, 2012.

February 9, 2012 Email correspondence from Mr. Lawrence H. Galkowski, P.E. regarding the Stormceptor Flow Rates dated September 13, 2011.

February 9, 2012 Operations and Maintenance Plan dated January 23, 2012.

February 9, 2012 Memorandum from William Bergeron, P.E to Town Engineer George Zambouras regarding Johnson Woods Traffic Information, dated December 12, 2011.

February 27, 2012 Memorandum from Town Engineer George Zambouras dated February 27, 2012.

March 5, 2012 Revised plans, Sheets C1-C22 entitled "Johnson Woods, Planned Unit Development, Phase II, Reading, Massachusetts", dated October 6, 2011 lastly revised March 2, 2012 per Town Engineer comments regarding drainage and utilities. .

March 7, 2012 Memorandum from Town of Reading Health Director dated March 7, 2012.

FINDINGS: Based upon evidence presented, the CPDC makes the following specific findings:

1. The Applicant has conformed to the procedural requirements under Section 4.9.3 of the Reading Zoning By-Laws.
2. The Applicant's proposal for 127 dwelling units meets the purpose of the PUD zoning district by creating a dense development which has little impact on the Town's existing infrastructure. The proposed residential use is permitted within the PUD-R zoning district.
3. The Applicant's proposal provides for more rigorous development standards than found in other zoning districts in the Town. Among other standards this includes more control over the design, height and location of buildings, the mix and use of the units and the requirement for affordable units.
4. The Final PUD Plan contains a design that is sufficiently developed to provide the basis for the CPDC's review regarding the requirements, standards, and guidelines of the PUD by-law including drainage design, the detailed design of on-site utilities, and landscaping.
5. The Final PUD Plan and the proposed PUD conforms to the use and dimensional criteria as listed in Section 4.9.6 of the PUD by-law, including that as to parcel size and eligibility, permitted uses, intensity of use, dimensional requirements as to building height, setbacks and buffers and open space.
6. The Final PUD Plan and Special Permit approval are contingent upon the fully executed and recorded agreement between UDR Inwood LLC and Johnson Woods, LLC, for rights of passage for emergency response vehicles and utility access as identified in Condition 4.
7. The Final PUD Plan satisfies the following criteria as listed in Section 4.9.5 of the PUD by-law:

- a. The proposed PUD conforms as appropriate to the existing policy established by the Town Meeting and CPDC for the specific area of the Town in which the proposed PUD is located. Town Meeting established the current PUD zoning which allows the specified proposed uses in the PUD. The site will be developed for residential uses and intensity (not to exceed 11 units to the acre) as identified in Condition 1 of this Decision.
- b. There is no significant adverse effect under any of the following:
 1. **Design:** The quality of final site and conceptual building design, as it affects occupants of the proposed development, PUD Overlay District, adjacent residential districts and the Town of Reading as a whole, is positive.
 2. **Traffic:** The CPDC, after considering and examining prior traffic studies and considering the impacts from the proposed PUD, has determined that the Final PUD Plan, with the proposed mitigation, adequately addresses the traffic impacts and pedestrian safety.
 3. **Water quality, air quality, wetlands, and the natural environment:** The Final PUD Plan seeks to preserve the existing topography by minimizing cuts and fill. The drainage system proposed is designed to address water runoff and water quality issues in accordance with DEP stormwater management standards.
 4. **Provision of Open Space:** Over 50% of the site shall remain open space which is substantially more than the required 25% under the PUD by-law. The Final PUD Plan as design provides for the preservation of adequate open space and access to recreational resources in proximity to the site.
 5. **Adequacy of utilities and other public works and impact on existing public facilities within the Town:** The CPDC has been advised though Town staff that utilities and public works as proposed are adequate to serve the Final PUD Plan, without materially impacting existing public facilities. As identified in Condition 44 of this approval, prior to the issuance of the first certificate of occupancy, the Applicant shall grant to the Town access rights (but not within buildings) for the Town's inspection, maintenance and repair of existing water and sewer mains, such grant to be in a form mutually and reasonably acceptable to the Town Engineer and the Applicant.
 6. **Potential Fiscal Impact to the Town of Reading:** The Development of the property will provide significant tax revenue to the Town. The improvements of the property with the PUD is anticipated to have no adverse impact on residential property values in the area and may encourage other property improvements, which may also generate additional tax revenues to the Town.

8. The net benefits (benefits compared to adverse impacts) from the proposed uses warrant the allowance of such uses.
9. The proposed uses and Preliminary PUD Plan are in harmony with the general purpose of the PUD by-law and are not detrimental, but shall be beneficial upon the neighborhood in particular and the Town at large in general.

PRELIMINARY PUD PERMIT APPROVAL: Pursuant to Section 4.9.3 of the Reading Zoning By-Law, the Community Planning and Development Commission voted 4-0-0 to approve the Preliminary PUD Plan on December 8, 2011. The CPDC allowed the Applicant to submit a Final PUD Plan in substantial conformance with the Preliminary PUD Plan, subject to the conditions outlined in that decision.

WAIVERS:

The Applicant has requested and the CPDC hereby grants a waiver under Section 7.1.5 of the Subdivision Rules and Regulations to allow for the termination of Green Meadow Drive, Taylor Drive and Talbot Lane to exceed the applicable dead-end/cul-de-sac length limitation (500-foot maximum).

Consistency with the 2005 Master Plan: Reading's Master Plan (adopted February 2006) was the result of several years of work by the Master Plan advisory Committee. The Johnson Woods, Phase II proposal meets many of the goals and objectives stated in the Master Plan, such as; increase affordable units, promote diversity in house types and households and provide a community and regional network to open spaces, restrictions and public facilities.

CONDITIONS:

1. **Density:** The development shall be limited to 11 units to the acre, or 127 units on approximately 11.6 acres of land, according to the following development mix:

Building Type	Number of Dwelling Units
Single Family	1
Townhouses – 2 to 5 units per building	15
Three-Story, Garden-Style building*	111
TOTAL	127

* Two 36-unit buildings and one 39-unit building.

Bedroom Type	Market-Rate Units	Affordable Units	Total Number of Units
Single Family	1	0	1
Townhouse	15	0	15
Garden-Style Flat:			
One Bedroom	2	7	9
Two Bedroom	53	12	65
Penthouse	37	0	37
TOTAL	108	19	127

The calculation of the affordable units is to be rounded to the nearest whole number.

- Roadway Connections:** Taylor Drive and the extension of Green Meadows Drive must be constructed to support the weight of 50,000-pound vehicle and provided with a width of 24' minimum. Talbot Lane shall be a minimum of 22' in width. The roadway curbing shall be sloped granite. No parking shall be allowed on the access ways, other than in the parking cutout areas. The condominium documents shall impose this prohibition in the rules and regulation, unless otherwise regulated by the Town. The Condominium Association shall actively enforce this prohibition. The Condominium Association shall post notice of the parking regulations in a manner that is consistent with Phase I of the Johnson Woods development. The Condominium Association shall assign concurrent rights of enforcement to the Town of Reading. Permission must be granted to Reading Police Department to ticket vehicles in "No Parking" areas.
- Parking:** The total number of parking spaces shall be 284 (190 garage spaces and 94 surface spaces) which are more than the required amount of 254. Included in the total parking are 12 on-street guest spaces as indicated on the sheet C9, the Site Layout Plan revised on December 19, 2012. The total parking shall be approximately as follows:

Building Type	Number of Units	Required Parking	Proposed Surface	Proposed Garage	Proposed Total
Townhouse	16	32	24	24	48
Garden Style	111	222	70	166	236

- Emergency Access:** The site will provide an emergency access point from Taylor Drive to Inwood Drive in Woburn which will be gated as to only allow for emergency vehicles. The approval of the Final PUD Plans and Special Permit is contingent upon the recording of the agreement between UDR Inwood LLC and Johnson Woods Realty Corporation

that provide for the rights of passage for emergency response vehicles to Inwood Drive and utility access. The Applicant shall submit a copy of the recorded instrument to the Town Planner and Town Engineer.

5. **Traffic:** The Town Engineer has reviewed the traffic analysis with GPI (the Town's consulting engineer). No additional traffic mitigation measurements are required of the Applicant.
6. **Site Utility and Connections:** The utility plan as submitted are subject to approval per Memorandum from Town Engineer. During construction, the Applicant and/or its contractor shall provide complete, full coordination with state and local officials on making connections to the existing water and sewer mains. A piped connection with appropriate gate valves and hydrants shall be provided to the City of Woburn's water system located in Inwood Drive as agreed upon by the City of Woburn and the Town of Reading.
7. **Lighting:** The proposed site lighting will include 18 ornamental lighting fixtures of low intensity, placed throughout the site. No lighting shall be located within 150 feet of any dwelling off-site. The wall mount fixtures on the carriage garages shall be motion activated. The lighting plan and light fixtures presented with this application are detailed on Sheet C-15- dated October 6, 2011 lastly revised December 19, 2011.
8. **Signage:** No signage is approved with this decision. CPDC will review all proposed signage.
9. **Landscaping:** The landscaping plans, Sheets L1 and L2 dated October 6, 2011, lastly revised on December 19, 2011 are approved with this Decision. In accordance with Section 4.9.6.7 of the PUD By-Law, the developer and representatives of the Town of Reading, delegated by CPDC, Town Planner, and/or the Tree Warden, shall hold a meeting on-site to review the plan for tree removal. Prior to this on-site meeting, the developer shall have staked the corners and property lines of the PUD and the corners of all proposed structures' locations, and the developer shall have clearly marked with red flagging each tree or group of trees the developer proposes to save. The CPDC representative(s) may approve or amend on site such marked trees and any others deemed appropriate to be saved. Should the developer object or take issue with any determination of the CPDC representative(s), the developer may appeal such determination to the full CPDC.
10. **Solid Waste Disposal:** The containers used for solid waste disposal from the garden style buildings must conform to the container standards contained the Town's Solid Waste Contract. Revised plans shall be submitted for approval by the Board of Health, Town Engineer and Town Planner that will identify a proper location and screening for the external containers, as required.
11. **Recyclables:** The containers for recyclables shall be located within the garden-style buildings as identified on the plans. If this method becomes problematic including issues with odors and/or rodents or becomes a health risk for any reason, the Applicant shall submit revised plans with an alternative solution for the storage of recyclable.
12. **Wetlands:** The public hearing for the Notice of Intent opened with the Conservation Commission with meetings held on November 9, 2011 January 11, 2012 and closed on February 29, 2012. Work will occur within buffer zone of regulated resource areas and

within Riverfront Area. An Order of Conditions was issued by the Conservation Commission on February 29, 2012.

- 13. Retaining Walls:** The final design, style and appearance of any and all site retaining walls shall be submitted to the Town Planner and Town Engineer for review and approval.

Prior to the issuance of the first Building Permit:

Affordable Housing:

- 14.** As required by the PUD by-law, 15% of the total residential units shall be affordable units. The Applicant has proposed a total of 19 affordable units within the flat-style unit buildings: There will be 6 affordable units in each of the two 36-unit buildings and there will be 7 affordable units in the 39-unit building. The location of the affordable unit shall be designated in accordance with Sheet A-1 (affordable units noted with an “A”) dated October 12, 2011, lastly revised on December 19, 2011 as submitted as part of the Final PUD Plan. A summary of the distribution of affordable units within the two 36-unit buildings are as follows:

Floor	Unit	Bedroom/Bath	Size (sq feet)
1 st Front	101	2bed/1.5 bath	1,200
1 st Back	107	2 bed/1.5 bath	1,180
1 st Front	112	1bed/1b bath	1,000
2 nd Front	201	2bed/1.5 bath	1,200
2 nd Back	207	2bed/1.5 bath	1,180
2 nd Front	211	1bed/1 bath	1,000

- 15.** The Applicant shall provide through the Town Planner a final plan that identifies the location of all affordable units including the location of affordable units within the 39-unit building.
- 16.** The exterior of the affordable units shall be indistinguishable from the market units of the same building style. Affordable housing units shall remain affordable in perpetuity.
- 17.** The requirements of Section 4.9.6.10 of the PUD by-law shall be satisfied in each construction phase, or the Town shall receive financial assurance in an amount to be determined by the CPDC as necessary to insure that the permitted affordable units equal the 10% of the cumulative building permits issued at the time.
- 18.** Prior to the issuance of a building permit and marketing of any units, the affordable units shall be subject to an Affirmative Fair Housing Marketing Plan approved by the Massachusetts Department of Housing and Community Development (DHCD). The Affirmative Fair Housing Marketing Plan and the DHCD approval must be submitted to the CPDC through the Town Planner. The Applicant shall engage an experienced and competent affordable housing consultant to be approved in advance by the Town Planner

to advise the Applicant on affordable housing marketing and procedures required under the LIP program. That consultant shall certify to the Town that the procedure relating to the marketing, qualifying of buyers, pricing and sale of the units meet the DHCD LIP affordable housing requirements for inclusion on the Town's Subsidized Housing Inventory.

19. Prior to the issuance of a building permit, the Applicant must submit through the Town planner a draft Affordable Housing Restriction subject to approval by DHCD. Each affordable unit is subject to an Affordable Housing Restriction which shall be recorded at the Middlesex South Registry of Deeds.
20. In accordance with Section 4.9.6.10.c of the PUD By-Law, to the extent allowed by law, preference as to the affordable units shall be given initially to current Reading residents, employees of the Town of Reading, or those prospective buyers who were formerly Reading Residents for ten (10) years or more.
21. In accordance with Section 4.9.6.10.f of the PUD By-Law, no more than twenty-five percent (25%) of the building permits for the market rate residential units shall be issued for any PUD-R development until construction has commenced on one-sixth of the affordable units.
22. **Tree Protection:** In accordance with Section 4.9.6.7.b and Section 4.9.6.7.c. of the PUD By-Law, the developer shall erect barriers for shielding around the trunks or trees that have been previously marked trees to be saved. The barriers shall be located no closer than six (6) feet from the trunk of each such tree or on-half (1/2) the distance from the trunk to the drip line of each such tree, whichever is greater. The developer shall also prepare a Record Plan showing the approximate location, size and type of all such groups of marked trees to be saved and submit the plan to the Tree Warden for verification. Any modification to the Record Plan may be made with the agreement of the above parties. The Town Planner shall not approve a building permit for any construction and the Building Inspector shall not issue a building permit for any structure within the PUD-R until certification is received from the Tree Warden that this condition has been complied with.
23. **Timing/Sequencing:** A Phasing and Sequencing Plan shall be submitted and is subject to review and approval of the Town Engineer. The plan shall demonstrate that each completed building shall have utilities, roadway, parking and landscaping sufficient for the use of that building prior to occupancy. Building permit fess shall be paid when the building permit application is submitted to the Building Inspector on a building-by-building basis.
24. Prior to the commencement of any construction on the site, the Applicant shall provide through the Town Planner for Town review and approval a complete set of construction documents for the site to confirm compliance with the Conditions of this approval. If requested, the Applicant shall provide a reasonable number of additional copies of documents for review by Town staff.
25. The Applicant shall deliver a final set of mylar site development plans to the Engineering Division prior to the commencement of construction, which shall indicate labels of all wetlands boundaries, buffer zones and riverfront areas.

- 26.** The applicant shall coordinate with the Town Engineer on all Town and public easements for water, drainage and sewer, licenses for trails and parks, as required by this Decision. Use of a trail and parks shall be subject to reasonable restrictions as to use and safety matters. The Applicant shall prepare the necessary plans and legal documents to create these easements and shall file the documents with the Registry of Deeds.

During Construction:

- 27. Pre-Construction Meeting:** The Applicant shall schedule a meeting with Town staff prior to the start of any construction. The limit of work line for the particular area of phase being development shall be demarcated at this time through the placement of temporary snow fence material.
- 28. Utility Connections:** The Applicant and/or its contactor shall providing during construction complete, full coordination with local officials on making connections to existing utilities, further all utilities on site shall be installed underground. Soil tests shall be conducted for the installation of dry wells on several of the units. These tests must be witnesses by the Town. If soils should provide unsuitable for the dry wells, alternative designs must be developed.
- 29.** Any wells needed for irrigation shall be subject to approval by the Health Department Director to determine compliance with applicable laws and regulations.
- 30. Site Inspections:** Town staff shall have reasonable access to inspect the site to determine compliance with this Decision.
- 31. Hours of Construction:** The applicant shall adhere to the hours of construction in the requirements of the Reading Rules and Regulations for Subdivision. These hours are: Construction activity, deliveries and unnecessary noise by workers shall not take place off or on site or in any building contained therein except during the following hours:
- a.** Mondays through Fridays inclusive: 7:00 AM to 8:00 PM
Saturdays: 9:00 AM to 5:00PM
Sundays and Legal Holidays: none;
 - b.** In additions, no heavy equipment shall be operated on, or brought to, the site except during the following hours:
Mondays through Fridays inclusive: 7:00 AM to 8:00 PM,
Saturdays: 9:00 AM to 12:00PM (noon)
Sundays and Legal Holidays: none.
- A sign posting these hours shall be placed at the entrance of the site for the duration of the construction process.
- 32.** Principal access for construction equipment shall be from points north to the extent feasible. Enos Circle and Longwood Road shall be kept clear and passable at all times. The Applicant shall at all time use reasonable means to minimize inconvenience of access to residents in the general area. The Applicant shall sweep and keep free of debris all streets utilized for site and off-site construction. No construction equipment, refuse containers, trailers or construction materials of any kind shall be placed or stored upon the street.
- 33.** Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down,

and proper storage and disposal methods. Construction dumpsters shall not be stored in view of off-site residential abutters for more than 60-days.

Prior to the First Certificate of Occupancy:

34. Affordable Units: No more than fifty percent (50%) of the occupancy permits for the market rate residential units shall be issued for any PUD-R development until occupancy permits are issued for one-third of the affordable units. No more than eighty five percent (85%) of the occupancy permits for the market rate residential units shall be issued until occupancy permits have been issue for two-thirds (2/3) of the affordable units. The CPDC may require financial assurances in an amount as determined by CPDC from the Applicant for the remaining (1/3) of affordable units required to be provided.

So that the Town can track the progress as to the creation of the affordable units, the Applicant shall notify the Town Planner 60-days in advance of eligibility for inclusion on the Town's Subsidized Housing Inventory.

35. The Applicant shall provide a performance bond or surety or some other financial assurance mechanism (FAM) such as cash, bankbook, three-party agreement or letter of credit to the Town for construction of incomplete site improvements. The FAM shall include the remaining costs to complete the portion of the site plus ten percent (10%) contingency as calculated by the Town of Reading Engineering Department. The calculations reflected as line-items used to establish the amount of the done or surety shall be attached to the Bond. The performance bond or surety amounts shall be reduced as the work on the line-item is properly completed.

36. If the construction period of that phase of the development lasts more than two (2) years, the bond or surety may be increased to account for inflation based on recent inflation rates.

37. All performance bonds shall contain the following provision:

Upon the Principal fully and satisfactorily performance in accordance with the conditions and the time schedule set forth herein as specified in the following:

- a. the plans of record
- b. this Decision attached hereto as Exhibit A

then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforementioned sum shall be paid to the Town of Reading for use only to complete or correct the work covered by the Bond as determined by the Town Engineer.

38. A bond shall be posted for the final As-Built plans and will be returned to the Applicant once the As-Built plans are approved by the Town Engineer, the requirements of Condition 43 under "Prior to the Issuance of the Final Certificate of Occupancy" are met and the permanent easement outlined in Condition 44 is recorded. The bond amount shall be determined by the Town Engineer.

39. The Condominium Documents, including Trusts: said documents shall provide for annual budgets as required by Mass. General Laws Chapters 183A and shall include estimated amounts for yearly maintenance of the drainage system, which amounts for yearly maintenance of the drainage system, which amount shall be kept in a separate account and shall not be used for the maintenance, repair or replacement of any other portion of the common areas of the condominiums. The Condominium Trustees shall certify annually to the Town such provision has been made in the condominium budgets and the amounts certified.

40. The Applicant has proposed, and the Board of Appeals hereby requires, that the following aspects of the development shall be and shall remain forever private, and that the Town of Reading shall not have, now or ever, any legal responsibility for operation or maintenance of the same:
 - a. All driveways and parking areas
 - b. Stormwater management facility
 - c. Driveway and parking area snow plowing and removal
 - d. Landscaping
 - e. Driveway, parking area and walkway lighting

41. The numbering of buildings on site shall be subject to approval by the Engineering Department and Fire Chief.

42. **Final Landscaping Plan:** The Applicant shall establish and implement with the Town Planner a proposed schedule for the installation of screening, landscaping, and/or fencing related to each portion of the site for which a Certificate of Occupancy is being requested so as to properly screen or buffer that section from the existing abutting residential properties and ongoing construction activities.

43. **Fitness/Pedestrian Trail:** The trails shall be provided in general area as indicated on the Final PUD Plan, Sheet S-1 and Landscape Plan L-1 dated October 12, 2011 lastly revised December 19, 2011. The trails shall be open to the public with conditions related to hours of use and safety matters, subject to the approval of the CPDC.

44. **Utility Access, Repair and Maintenance Agreement:** Prior to the issuance of the first certificate of occupancy for a dwelling constructed under this PUD-R special permit, the applicant shall grant to the Town access rights (but not within buildings) for the Town's inspection, maintenance and repair of existing water and sewer mains, such grant to be in a form mutually and reasonably acceptable to the Town Engineer and the Applicant; such repair rights to be exercised by the Town only if Johnson Woods Condominium fails to inspect, maintain and repair existing water and sewer mains. The grant shall be expanded if and when additional water and sewer mains are installed thereafter. The grant of access rights will be supplanted by a permanent easement in a form mutually and reasonably acceptable to the Town Engineer and the Applicant when the water and sewer lines have been installed and are shown on the final constructed plans. The permanent easement plans and documents will be recorded at the Middlesex South Registry of Deeds by and at the applicant's expense prior to the issuance of the last certificate of

occupancy. The interim grant will terminate when the permanent easements are recorded.

45. The Applicant shall agree in writing to the mitigation negotiated with the Town for the following MWRA buy-in and 2:1 I/I reduction fees and the payment method:

a. The MWRA buy-in is \$5.30 per gallon. The formula is as follows; Flows shall be calculated using the sewage flow estimates presented in 314 CMR 7.15 plus 10 percent for outdoor uses. These flows shall be multiplied by \$5.30 per gallon to determine the buy-in fee. Payment will be made in four equal installments as stated below.

b. 2:1 I/I reduction fee is \$4.00 per gallon. The formula is as follows; Flows shall be calculated using the sewage flow estimates presented in 314 CMR 7.15. These flows shall be multiplied by \$4.00 per gallon and then by two (to achieve 2 for 1 reduction) to determine the I/I reduction fee. Payment will be made in four equal installments as stated below.

c. Payment Method: The MWRA buy-in fee and the I/I reduction fee shall be paid in four equal installments. The first (1st) installment shall be paid prior to the issuance of the first building permit representing the first building unit. The second (2nd) installment shall be paid prior to the issuance of the forty-second (42nd) building permit representing the 42nd unit. The third (3rd) installment shall be paid prior to the issuance of the eighty-fourth (84th) building permit representing the 84th unit. The fourth (4th) installment shall be paid prior to the issuance of the one hundred twenty-seventh (127th) building permit representing the 127th unit. .

Prior to the Last Certificate of Occupancy:

46. Two full size paper copies and electronic non-alterable, electronic final As-Built plans showing building footprints, drainage systems and utility connections shall be submitted to the Town Planner and Town Engineer to ensure compliance with this decision and other applicable Town standards. The bond held for this requirement will be returned to the Applicant once this condition has been fulfilled.

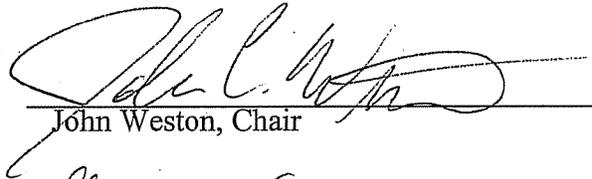
Plan changes after approval by Approving Authority (CPDC): Additions or amendments to the Final PUD Plan at this stage shall be deemed either major or minor by the CPDC according to Section 4.9.3.13 and 4.9.3.14. Minor additions or amendments shall be authorized by written approval of the CPDC. Major additions or amendments shall be considered as original items to the application and be subject to the procedures specified in Section 4.9.3.12.

Minor Amendment: After Plan Approval, an Applicant may apply to make minor changes in a Development Project which does not substantially alter the concept of the approved Final PUD Plan in terms of floor area ratio, use, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to the following: small changes in floor area, mix of uses, site coverage, height, setbacks, or open space; small changes in the location of buildings, open space, or parking; or small changes in the alignment or minor streets on-site.

Major Amendment: Those changes deemed by the Approving Authority to constitute a major change in a Development Project because the additions or amendments represent substantial deviations from the Final PUD concept approved by the CPDC. Major amendments shall include but not be limited to the following: large changes in floor area, mix of uses, site coverage, height, setbacks, or open space; large changes in the location of buildings, open space, or parking; or large changes in the circulation system, including the number and location of access ways.

DATE: March 12, 2012

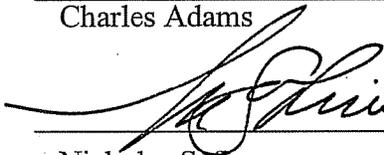
**BEING THE COMMUNITY
PLANNING AND DEVELOPMENT
COMMISSION**



John Weston, Chair



Charles Adams



Nicholas Safina



David B. Tuttle

Appeal: The appeal of any Decision of the CPDC hereunder shall be made in accordance with the provisions of Mass. Gen. L. 40A, section 17 within 20 days after filing with the Town Clerk.

Cc: Applicant, Town Clerk, Building Inspector, Town Manager, planning files