**Town of Reading**
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**January 23, 2017**

## Definitive Subdivision Plan

# DECISION of APPROVAL

### *0 Randall Road & 25 Springvale Road – MG Hall Contractors*
### 'Randall Road Extension'

*To the Town Clerk:*
*This is to certify, that at a public hearing of the Reading Community Planning and Development Commission (CPDC), which was opened on November 9, 2016, granted an Extension of Time by the Applicant, and closed on January 23, 2017 by a motion duly made and seconded, it was voted:*

"We, the CPDC, as requested by MG Hall Contractors, under the Town of Reading's Subdivision Rules & Regulations, and MGL Chapter 41 Sections 81K through 81GG, to consider the 4-Lot Definitive Subdivision Plan for property located at 0 Randall Road (Assessors Map 15, Lots 5,6, 7 and 8 & Assessors Map 10, Lot 296) and 25 Springvale Road (Assessors Map 10, Lot 294), as shown on the plans prepared by JM Associates, dated September 26, 2016 and revised December 1, 2016, in support of an application filed on October 5, 2016, do hereby vote x-x-x to approve the said plans, inclusive of the waivers listed herein, subject to the Findings and Conditions below."

**MATERIALS:**
The following documents and plans were submitted into the public record:

1. Form B: Application for a Definitive Subdivision Plan, filed with the Town Clerk 10/5/16.
2. Form G: Designer's Certificate, dated 9/26/16.
3. List of Waivers requested from Reading Subdivision Regulations, dated 9/26/16, revised 11/3/16.
4. Certified List of Abutters, dated 5/26/16.
5. Email from Community Development Director to Applicant, Applicant's Engineer and Applicant's Attorney with a statement deeming the submission Complete, and including a list of minor revisions to be made for the next plan submission, dated 10/4/16.
6. SH. 1 of 8: Definitive Subdivision Plan – Cover, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/26/16, revised 10/11/16 and 12/1/16.
7. SH. 2 of 8: Definitive Subdivision Plan – Locus Plan, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/26/16, revised 10/11/16 and 12/1/16.

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8. SH. 3 of 8: Definitive Subdivision Plan – Existing Conditions, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/26/16, revised 10/11/16, 11/3/16 and 12/1/16.
9. SH. 4 of 8: Definitive Subdivision Plan – Record Plan, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/26/16, revised 10/11/16 and 12/1/16.
10. SH. 5 of 8: Definitive Subdivision Plan – Grading & Erosion Control Plan, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/26/16, revised 10/11/16, revised 10/11/16 and 12/1/16.
11. SH. 6 of 8: Definitive Subdivision Plan – Roadway and Utility Plan, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/26/16, revised 10/11/16 and 12/1/16.
12. SH. 7 of 8: Definitive Subdivision Plan – Stormwater Details, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/26/16, revised 10/11/16 and 12/1/16.
13. SH. 8 of 8: Definitive Subdivision Plan – Miscellaneous Details, Randall Road Extension, Reading MA, prepared for: MG Hall Contractors, prepared by: JM Associates, dated 9/6/16, revised 10/11/16 and 12/1/16.
14. SH. 1 of 1: Landscape Plan, Randall Road Extension, Reading MA, prepared for MG Hall Contractors, prepared by JM Associates, dated 11/3/16, revised 12/1/16.
15. Stormwater Management Report – Randall Road Extension, Reading MA, prepared for MG Hall Contractors, prepared by JM Associates, dated 9/26/16.
16. Order of Resource Area Delineation, issued by the Reading Conservation Commission on 3/24/16.
17. Notes from the Development Review Team (DRT) meeting on 10/19/16.
18. Email from the Health Agent to the Community Development Director, dated 10/31/16.
19. Memo from the Town Engineer to the Community Development Director, dated 10/31/16.
20. Order of Conditions under the Wetlands Protection Act, issued 1/12/17.

**FINDINGS:**

1. **General:** The Applicant is proposing to extend Randall Road by approximately 200 feet to create frontage for 3 additional lots. The 4th lot – an existing lot with frontage on both Randall Road and Springvale Road that contains an existing dwelling and is known as 25 Springvale Road – will be reconfigured to lend frontage and area to 1 of the new lots on Randall Road. The total area of all the lots combined is approximately 1.6 acres and, with the exception of the existing house lot, is forested. The site ranges in elevation from 248' along the northern edge (rear of lots along Randall Road) to 262' along the southern edge (along Springvale Road).

2. **Zoning:** The site is within the S-15 Zoning District; each of the 4 lots will comply with the bulk frontage and area requirements of the S-15 Zoning District. While it is anticipated that each of the proposed new homes will comply with the yard requirements of the S-15 Zoning District, the existing house at 25 Springvale Road has an existing non-conforming side yard setback.

3. **Upland Area:** ZBL Section 6.2.8 requires that any lot in the S-15 District must contain at least 12,000 SF of upland area outside of a Wetland Resource Area; The Lot Shape Table on Sheet 1 indicates that each of the 4 lots will contain at least 12,000 SF of upland area.

4. **Wetlands:** On March 24, 2016, the Applicant received an Order of Resource Area Delineation (ORAD) from the Reading Conservation Commission. In exchange for filling a wetland to extend the road, a pocket wetland will be constructed on proposed Lot 2. A Notice of Intent (NOI) was

filed with the Reading Conservation Commission, and the hearing opened on October 26, 2016. On January 12, 2017, the Conservation Commission issued an Order of Conditions for the project.

5. **Existing Right-of-Way:** The existing Randall Road right-of-way is 40' wide with a pavement width of 24', and a 4' grass strip and 4' sidewalk on each side. It ends in a cul-de-sac / temporary turn-around area. The Town has accepted it as a public way up to the existing cul-de-sac.

6. **Proposed Right-of-Way:** The proposed Randall Road extension will be 40' wide with a pavement width of 24', and a 4' grass strip and 4' sidewalk on each side. It will be located fully within the historic 40' wide paper street, and will end in a cul-de-sac bulb with a 45' radius. It will be offered to the Town for acceptance as a public way after it is constructed.

7. **Trees:** All trees of 6" dbh or greater, including invasive species, have been inventoried and depicted on the Landscape Plan. Forty-three (43) trees within the wetland buffer and forty-four (44) trees outside of the buffer are proposed to be removed. No trees of 6" dbh or greater are located within the existing right-of-way.

8. **Existing Utilities:** Town of Reading water and sewer, as well as gas, telephone, electric, and a closed drainage system, are located within Randall Road. An existing drainage ditch runs behind the rear edge of proposed Lots 2 and 3.

9. **Proposed Utilities:** Town of Reading water (8" line) and sewer (8" line) will be extended as far down Randall Road – within the right-of-way – as necessary to provide service to the new lots. Electric, telephone and cable lines will be extended overhead to serve the new lots.

10. **Drainage:** The project includes installation of cultec infiltration chambers connected to the downspouts on each new lot, as well as deep sump catch basins in the road that are tied into a detention pond on Lot 1. Runoff will then flow through a 12" HDPE culvert from the detention pond to forebay and water quality swales on Lot 2 and then into the pocket wetland. Additional road runoff will be treated via Filterra tree box systems in the right-of-way that discharge directly in to the pocket wetland on Lot 2.

11. **Easements:** Sheet 4 depicts two drainage easements, one on Lot 1 and one on Lot 2. Sheet 4 also depicts a 5' maintenance easement around the cul-de-sac bulb, which has been requested by the Town in order to allow room for maintenance as the right-of-way layout does not accommodate space between the edge of pavement and private property.

12. **Rooftop Solar:** Due to the size, shape and orientation of the proposed lots, the proposed homes are naturally oriented to maximize the potential of rooftop solar installations by future owners.

13. **Board of Health:** In accordance with M.G.L. Ch. 41 Section 81U, a copy of the Form B and plans were submitted to the Board of Health. On October 31, 2016, the Health Agent indicated via email to the Community Development Director that the "Board of Health votes to approve the proposed Definitive Subdivision at Randall Road without conditions."

## WAIVERS:

**The Applicant has requested, and the Commission has granted the following waivers from the Town of Reading Subdivision Regulations:**

1. *Section 5.1.1.5 Locus Inset – from the provision of a locus inset showing the right-of-way width, pavement width, sidewalk location and width, of any existing public or private streets abutting, providing access to, or located within 1,000 feet of the proposed subdivision together with labels as to whether each is an accepted or unaccepted way. Not included in*

*this waiver request are Randall Road, Springvale Road, Lisa Lane and Overlook Road.* ***The Commission granted this same waiver for the Preliminary Plan.***

2. *Section 6.1.1.b.9 Bounds – from the requirement to set bounds around a paved turn-around.*
3. *Section 6.1.1.d.3 Traffic Study – from providing a Traffic Study for the project.*
4. *Section 6.1.1.d.4 EIR – from providing an Environmental Impact Report for the project.*
5. *Section 7.1.1a Width of Ways – to provide a 45' radius cul-de-sac bulb where a 60' radius is required.* ***The Commission granted this same waiver for the Preliminary Plan.***
6. *Section 7.1.3.a and b Street Cross Section – to provide a cross-section of 40' where 60' is required.* ***The Commission granted this same waiver for the Preliminary Plan.***
7. *Section 7.1.3.d Underground Utilities – to provide overhead electrical wires due to a lack of space underground where underground utilities are required.*
8. *Section 7.1.5.a Dead End Streets – to provide a dead end cul-de-sac street longer than the 500' maximum.* ***The Commission granted this same waiver for the Preliminary Plan.***
9. *Section 7.1.5.e Cul-de-Sac Island – from providing a landscaped cul-de-sac island.* ***The Commission granted this same waiver for the Preliminary Plan.***
10. *Section 7.1.7 Curbing – from providing Vertical Granite Curbing along the length of road beginning at the end of the existing road and ending at the edge of the Filterra tree boxes.* ***This curbing condition was agreed to at the hearing on 11/7/16.***
11. *Section 7.4.1.b Water Main Loop – to allow a hydrant instead of a looped water main.* ***This waiver also requires Board of Health approval.***
12. *Section 7.4.2.a.3 Sewer Pipe Cover – to allow 4 feet of sewer pipe cover where a minimum of 7 feet is required wherever possible.*
13. *Section 7.4.4.3.e Drain Pipe Material & Cover – to allow HDPE material where reinforced concrete is required and to allow 2 feet of drain pipe cover where a minimum of 4 feet is required.*
14. *Section 7.4.4.3.h Culvert Size – to allow a 12" culvert diameter where a minimum diameter of 18" is required.*

**CONDITIONS:**

**General:**

1. **No Further Subdivision:** This Decision of Approval is limited to the number of lots shown on the approved plans.
2. **Other Permits:** The Applicant is responsible for obtaining all other required Federal, State and Local permits, including but not limited to: a NPDES Permit; utility permits for sewer, water, electric, etc.; curb cut, street opening and Jackie's Law excavation permits; and Board of Health approvals.
3. **Order of Conditions:** At all times throughout construction of the project and occupancy of the site, the Applicant and/or future owners shall comply with all provisions of the January 12, 2017 Order of Conditions issued by the Reading Conservation Commission. As part of the Purchase and Sale Agreement, the Applicant shall provide a copy of the Order of Conditions to the buyer for each lot.

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4. **Subordination:** All encumbrances, mortgages and restrictions shall be subordinated to this Decision of Approval and the Covenant Agreement described herein as a matter of record.

**Prior to Plan Endorsement:**

1. **Owner of Record:** The Applicant shall have become the owner of record of the subject land to be subdivided, and shall provide acceptable documentation of such to the Community Development Director.
2. **Covenant Agreement:** The Applicant shall submit to the Town Engineer and Community Development Director, a Covenant Agreement (Form H) that is fully completed, properly executed, duly recorded, and running with the land, providing that the ways and services shall be constructed in accordance with the approved Definitive Subdivision Plan and approval conditions thereof to serve any lot before such lot may be built upon or conveyed other than by mortgage deed. No partial release of lots from this Covenant shall be allowed. This Covenant shall be referred to on the Definitive Subdivision Plan as follows:

   *"A Covenant Agreement between the Community Planning and Development Commission of the Town of Reading and _____ (Applicant) to secure completion of required ways and utilities has been executed and is recorded at the Middlesex South Registry of Deeds with this plan."*
3. **Sureties:** A surety in the form of a bond or deposit of money or negotiable securities sufficient in the opinion of the CPDC to secure the construction of ways and the installation of municipal services may be provided, acceptable to the CPDC at any time prior to the completion of the subdivision. The value of the surety shall be based on the total estimated costs, including engineering, management, supervisory, inspections, inflation, and contingencies, and the costs to prepare as-built plans, to complete all remaining required improvements in the subdivision over a period of time extending to four years from the date of the establishment of the surety, together with the costs of any restoration of affected lands and properties. The Applicant shall secure said surety via any of the following methods of performance guarantee:
   1. Performance Bond – Secured by Deposit (Form I); or
   2. Performance Bond – Secured by Surety Company (Form J); or
   3. Retention of Funds by Lender – Three Party Agreement (Form K).
4. **Mylars:** The Applicant shall submit two (2) complete sets of mylar plans, and an electronic version, to the Community Development Director for endorsement by the CPDC.

**Prior to the Commencement of Site Work, Road Work, or Utility Work:**

1. **Pre-Construction Meeting:** The Applicant shall contact the Community Development Director to set up a pre-construction meeting with Town staff.
2. **Recorded Plans:** The Applicant shall provide one (1) mylar copy of the recorded plan and seven (7) blackline copies thereof, and three (3) duplicate certified copies of all other recorded documents to the Community Development Director.
3. **Electric Utility**: The electric utility extension plan and pole locations shall be approved by the Reading Municipal Light Department (RMLD). All poles located within the right-of-way extension (which is not yet Town-owned) shall be provided at the expense of the Applicant.

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4. **Erosion Controls:** Any erosion controls shown on the plans approved herein and/or approved by the Conservation Commission shall be installed to the satisfaction of the Conservation Administrator and Town Engineer.
5. **Notification:** The Engineering Division shall be notified 72 hours in advance of excavation work to mark out Town-owned utilities.
6. **Trees:** Any trees requiring removal need to be identified and approved by the Tree Warden.
7. **I&I Fee:** The Applicant is subject to the required one-time Inflow & Infiltration Fee of twice the Title V flow multiplied by $4.00.

**Prior to the Issuance of a Building Permit for any Lot:**

1. **Lot Release:** CPDC shall vote to release all or certain subdivision lots, and the Community Development Director shall provide a Notice to the Building Inspector (Form L) of such.
2. **Plot Plans:** Individual plot plans for each lot shall be submitted to the Town Engineer and Conservation Administrator for review and approval. These plans shall indicate locations of proposed utilities, driveway locations and widths, final lot grading, and delineations of any resource areas or resource area buffers.
3. **Building Permit Plans:** Building Permit Plans shall be submitted for review by the Building Inspector, including all information required for the issuance of a Building Permit.

**During Construction:**

1. **Order of Conditions:** The Applicant shall ensure that all requirements of the Order of Conditions issued by the Conservation Commission are complied with at all times.
2. **Utilities**: All utilities, structures, frames and covers shall meet Town of Reading standards.
3. **Materials**: All project materials shall be stockpiled safely so as not to become an attractive nuisance to school kids in the area.
4. **Inspections:** All site work shall be inspected by the Engineering Division. The Applicant / Owner's Contractor shall submit a construction schedule of proposed work. All inspections shall be scheduled at least 24 hours in advance.
5. **Reduction of Performance Guarantee:** The Applicant may submit at any time a Request for Reduction or Release of Surety Amount (Form M) to reflect the actual expected cost of work remaining to be completed.
6. **Time Limit for Completion:** Construction of all required improvements shall be completed fully and to the satisfaction of CPDC in accordance with the approved Definitive Subdivision Plan, conditions of approval, and any modifications thereto duly authorized, within two years of the date of endorsement of the plan or the time set forth in any surety, whichever is earlier. The Applicant may request a one year extension of time in writing from the CPDC before the expiration of said two-year period.

**Prior to the Issuance of a Certificate of Occupancy for any Lot:**

1. **Conveyance of Easements and Utilities:** The Applicant shall execute a Conveyance of Easements and Utilities (Form N) transferring to the Town valid, unencumbered title to all sanitary sewers, stormwater drains, water mains and all appurtenances thereto constructed and installed in the subdivision. All easements, as reviewed by the Town Engineer and Town

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Counsel, shall be properly written and recorded. In no instance shall any lot be sold until all easements and utilities are properly conveyed to the Town.

2. **Right-of-Way Ownership:** When establishing ownership of the right-of-way, the Applicant shall hold interest in the right-of-way and not transfer it to the abutters. Upon sale of the lots, deeds shall be submitted to the Town to demonstrate compliance with this.
3. **Road Work:** The roadway base course and binder have been constructed properly and approved by the Town Engineer.
4. **Drainage:** The stormwater infiltration system is properly constructed, operational, and inspected by the Town Engineer and Conservation Administrator.

**Prior to the Issuance of a Certificate of Completion or the Release from Covenant:**

1. **As-Built Plans:** Upon completion of construction, and within 60 days of the issuance of the final Certificate of Occupancy for the project, the Applicant shall prepare and submit As-Built Plans in hard copy, PDF and AutoCAD format to the Community Development Director and Town Engineer.
2. **Final Release of Performance Guarantee:** The Applicant shall submit a Form M for review by the Town Engineer and Community Development Director. The CPDC shall not release the performance guarantee unless and until written documentation from the Town Engineer and Community Development Director have been provided verifying the durability of required improvements as outlined under Section 9.5.2.1 of the Subdivision Regulations.
3. **Certificate of Completion:** The Applicant shall submit a Certificate of Completion (Form O) for review by the Town Engineer and Community Development Director. The CPDC shall not vote to approve the Certificate of Completion unless and until the requirements of Section 9.5.2.4 of the Subdivision Regulations have been satisfied.

*Signed as to the accuracy of the vote as reflected in the minutes:*

_____

Julie D. Mercier, Community Development Director Date

*Cc: Applicant, Town Clerk, CPDC, Development Review Team, Building Inspector, planning file*

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