



Town of Reading
16 Lowell Street
Reading, MA 01867

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January 23, 2017

Definitive Subdivision Plan

DECISION of APPROVAL

1260 & 1264 Main Street – Mass Equity Investments, LLC

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, continued to _____, and closed on _____ by a motion duly made and seconded, it was voted:

“We, the CPDC, as requested by Mass Equity Investments, LLC, under the Town of Reading’s Subdivision Rules & Regulations, and MGL Chapter 41 Sections 81K through 81GG, to consider the 5-Lot Definitive Subdivision Plan for property located at 1260 and 1264 Main Street (Assessors Map 45, Lots 104 and 106), as shown on the plans prepared by Williams & Sparages, dated December 7, 2016, in support of an application filed on December 19, 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 12/19/16.
2. Form G: Designer’s Certificate, dated 12/19/16.
3. List of Waivers requested from Reading Subdivision Regulations, submitted 12/19/16.
4. Certified List of Abutters, dated 8/8/16.
5. Email from Community Development Director to Applicant’s Engineer with a statement deeming the submission Complete, and including a list of minor revisions to be made for the next plan submission, dated 12/21/16.
6. Sheet 1 of 8: Index Plan, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.
7. Sheet 2 of 8: Existing Conditions Plan, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.
8. Sheet 3 of 8: Definitive Plan, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.
9. Sheet 4 of 8: Definitive Plan & Profile, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.

10. Sheet 5 of 8: Topographic Plan, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.
11. Sheet 6 of 8: Detail Sheet 1 of 3, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.
12. Sheet 7 of 8: Detail Sheet 2 of 3, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.
13. Sheet 8 of 8: Detail Sheet 3 of 3, 1260-1264 Main Street, Reading MA, prepared for: Mass Equity Investments, LLC, prepared by: Williams & Sparages, dated 12/7/16.
14. Mitigative Drainage Analysis – 5 Lot Residential Subdivision, 1260-1264 Main Street, Reading MA, prepared for Mass Equity Investments, LLC, prepared by Williams & Sparages, dated 12/7/16.
 - a. Existing Condition Watershed & Soils Map, 1260-1264 Main Street, Reading MA, prepared by: Williams & Sparages, dated 12/7/16.
 - b. Proposed Condition Watershed & Soils Map, 1260-1264 Main Street, Reading MA, prepared by: Williams & Sparages, dated 12/7/16.
15. Environmental Impact Report, 1260-1264 Main Street Subdivision, Reading MA, submitted 12/19/16.
16. Memo from the Town Engineer to the Community Development Director, dated 1/17/17.
17. Memo from the Conservation Agent to the Community Development Director, dated 1/17/17.
18. Email from the Health Agent to the Community Development Director, dated 1/18/17.

FINDINGS:

1. **Existing Conditions:** The development tract is comprised of two parcels (1260 & 1264 Main Street), each of which contains an existing single-family home with frontage on Main Street. The house at 1260 Main Street is proposed to be razed, and the house at 1264 Main Street is proposed to remain. The lot lines around the existing homes will be modified as part of the project. The total area of the two lots combined is approximately 3.06 acres, and, aside from the developed areas, is partially wooded. The site ranges in elevation from 200' along its northern edge (near the wetlands) to 222' along its southern edge. The property is adjacent to Town-owned land (under the control of the Conservation Division) to the west and north.
2. **General:** The Applicant is proposing to construct an approximately 335 foot subdivision right-of-way with a cul-de-sac bulb which will create frontage for 3 additional house lots to the rear of the 2 existing house lots (which will have lot line adjustments). The project will result in a net total of 3 new homes, with 1 existing home to remain, and 1 existing home to be razed and reconstructed.
3. **Zoning:** The site is within the S-20 Zoning District; each of the 5 lots will comply with the bulk frontage and area requirements of the S-20 Zoning District. The existing house on proposed Lot 5 complies with the yard requirements of the S-20 Zoning District, and it is anticipated that each of the proposed new homes will also comply with the yard requirements of the S-20 Zoning District.
4. **Upland Area:** ZBL Section 6.2.8 requires that any lot in the S-20 Zoning District must contain at least 12,000 SF of upland area outside of a Wetland Resource Area; Sheet 3 indicates that each of the proposed lots will contain at least 12,000 SF of upland area.
5. **Wetlands:** An area of Bordering Vegetated Wetlands (BVW) is present on the northeast side of the property. The Conservation Administrator has reviewed the wetlands delineation with the Applicant's wetland scientist; however, no official filing has been made with the Conservation Commission. A Notice of Intent filing and an Order of Conditions are required for the project.

The Applicant is advised to file with the Conservation Commission and get that process started as soon as possible so that their feedback can be incorporated into any Decision of Approval issued by the CPDC.

Conservation Administrator - Comments:

- There is no street lighting shown on the plan.
 - If the sidewalk is moved to the other side of the road it will create a greater separation between the house, driveway and the wetland on Lot 5, and the same for the house on Lot 4.
 - The driveway turnaround area on Lot 5 seems unnecessary and will only drive snow storage and impervious surface closer to the wetlands. Can this be eliminated?
 - There is no infiltration at the end of the driveway on Lot 5.
 - On Lots 3 & 4, install a fence between the wetland and lawn to prevent future encroachment and yard waste dumping.
 - Provide a copy of the easement language with the NOI submission.
 - Line the trail parking lot.
 - Add note in easement area “no trees are to be cut in this area”.
 - Show markers on the plan for the 25 foot ZNV and the easement area to prevent encroachment.
 - Show the locations of the pumps.
 - Show proposed decks and patios on Lots 3-5.
 - Need test pits where the recharge systems are located.
 - Show all trees in the Buffer Zone of 6” DBH or greater.
 - What is the depth of the low flow channel in the infiltration pond? Do you have 2-foot separation?
 - Can the infiltration pond have more of a labyrinthine low flow channel and retain more water before it discharges?
6. **Proposed Right-of-Way:** The proposed right-of-way will be 60’ wide with a pavement width of 30’. The 60’ layout will also include a 15’ loamed and seeded strip on the southern side, and a 10’ loamed and seeded strip plus a 5’ sidewalk on the northern side. The road will be approximately 335’ long 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. A small parking area has been provided at the end of the cul-de-sac bulb, as well as a proposed kiosk, for patrons of a proposed trail leading to Town-owned land to the west of the subject property.
7. **Traffic:** A waiver has been requested from providing a Traffic Study. While the impact of 3 new homes along Main Street may be insignificant, the Applicant shall contact MassDOT and provide a traffic memo to the CPDC for review. The Applicant agreed to this at the DRT on 1/3/17.
8. **Trees:** Street trees are proposed to be planted within the loamed and seeded strips on both sides of the street and cul-de-sac bulb. An inventory and locations of trees 6” caliper or greater has not been provided.
9. **Landscaping / Screening:** A Landscape Plan has not been provided and screening to the Rocky Road abutters has not been proposed. CDD Recommendation: Given the provision of the trail as well as the proximity of the project to Rocky Road, a Landscape Plan would be helpful. [See ‘Prior to Plan Approval’ #4 below]
10. **Lighting:** No street lights are shown on the plans. Is any proposed?
11. **Proposed Utilities:** The Applicant is proposing to tap into the existing 10” water main in Main Street with a 8” cement line ductile iron (CLDI), culminating in a new hydrant at the end of the proposed cul-de-sac bulb. The Applicant is also proposing to tie into the municipal sewer system,

which is believed to have adequate capacity to serve the ~ 20 bedroom project (approx. 2,200 gallons per day of flow). Each home will be outfitted with a sewer pump station to pump wastewater into the street via a common force main, which will then convey the flow to the sewer manhole in Main Street. CDD Recommendation: ask that O&M Plan or SOP for the pump stations and force main be included in closing documents to homeowners. The Town will not be able to service these systems in case of emergency or power outage.

No information has been provided regarding gas, electric, telephone or cable services.

12. **Drainage:** The existing site drains south to north into a small wetland area bordering a drainage ditch that crosses Route 28 and eventually drains into a tributary of Bear Meadow Brook, and into Bear Meadow Brook, then into the Ipswich River. The proposed drainage system will be in the right-of-way and will include deep sump catch basins, subsurface infiltration, and stormwater BMPs. An infiltration pond with a 4' high retaining wall is proposed on Lots 3 and 4. CDD Recommendation: language should be provided to homeowners regarding usage restrictions for the infiltration basin.
13. **Town Property – Trail / Roadway Access:** The property abuts an approximately 6.88 acre parcel of Town-owned land to the west adjacent to Kurchian Woods. After discussions with the Community Development Director, Conservation Administrator and other Town departments, the Applicant has provided the Town with the following to allow for future connection to the Town-owned land: (1) a trail of width and design specified by the Trails Commission and Conservation Commission, and detailed on the final As-Built Plan, within (2) a 60' roadway easement to be left in a natural condition (excepting the trail and kiosk) until such time that the Town decides otherwise. Conditions will be needed regarding this.
14. **Easements:** The abovementioned roadway easement will contain specific language regarding the trail so that it can be maintained and re-established if needed, and to allow the Trails Committee to assume responsibility for the trail. The roadway easement is depicted on Sheet 3 in two parts: Future Roadway Easement D, which is part of Lot 2, and Future Roadway Easement E, which is part of Lot 3. If and when the Town decides to construct the roadway across this easement area, the paved sides of the cul-de-sac bulb will be decommissioned and given, as Roadway Parcel A and Roadway Parcel B, to Lot 2 and Lot 3 respectively, in exchange for Easement E and D. Conditions will be needed regarding the roadway easement and trail language.

Sheet 3 also depicts the following easements: a Sight & Utility easement on Lot 1 along Main Street; a Sight & Drain Easement on Lot 5 at the corner of Main Street and the proposed road; a Drain Easement on Lot 5 along Main Street; a Drain Easement straddling Lots 3 and 4; and a 20' wide Temporary Slope Easement on Lot 1.
15. **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.
16. **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 January 18, 2017, the Health Agent indicated via email to the Community Development Director that “on behalf of the Board of Health, the Health Agent approves the proposed Definitive Subdivision plans at 1260 & 1264 Main Street without conditions.”

WAIVERS:

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

1. *Section 6.1.1.b.13 Trees – from the requirement to provide locations and identifications of trees 6” caliper or larger and of significant stands or groups of trees, together with indications of trees and groups of trees proposed to be saved or preserved.*
CDD Recommendation: have them provide at least the locations of any trees 6” dbh (diameter at breast height) or greater within the wetland buffer, right-of-way and limits of work. Add a condition requiring that the limit of work line be shown on the plan and that it be as tight as possible to preserve as many trees as possible. [See ‘Prior to Plan Approval’ #4 below]
2. *Section 6.1.1.d.3 Traffic Study – from providing a Traffic Study for the project.* Okay with Town Engineer.
3. *Section 7.1.5.e Cul-de-Sac Island – from providing a landscaped cul-de-sac island.* Okay with Town Engineer.
4. *Section 7.2 Sidewalks – from providing sidewalks on both sides of the street. A sidewalk is proposed on the northern side of the street only.* CDD Note: a sidewalk on one side seems logical as it allows for more green space on the other side; however, the Town Engineer is asking for sidewalks on both sides. CDD Recommendation: consider a reduction in overall right-of-way layout which could help move the homes on the northern side further from the wetland resource areas.
5. *Section 7.4.4.2.a Detention Basin – Side Slopes – to allow detention basin side slopes at 3:1 where 4:1 is required.* Okay with Town Engineer.
6. *Section 7.4.4.3.e Drain Pipe Material & Cover – to allow HDPE or equivalent drainage pipes where reinforced concrete is required.* Okay with Town Engineer.

CONDITIONS:

Prior to Plan Approval:

1. **Engineering Comments:** The Applicant shall coordinate with the Town Engineer to resolve any of the outstanding comments listed in his memo dated 1/17/17.

→Town Engineer’s Comments – See Attached Memo

2. **Fire Truck Maneuverability:** the roadway width and turnaround dimensions shall be added to the plans and reviewed by the Fire Chief.
3. **Stop Sign:** the Applicant shall coordinate with the Police Department and Town Engineer regarding the provision of a Stop Sign where the proposed road meets Main Street.
4. **Landscape Plan / Tree Plan:** shall be submitted as a separate plan that depicts all trees of 6” dbh or greater – including invasive species, all street trees, and any fencing and landscape features, as they relate to natural resource areas, proposed for the project. The Landscape Plan shall also show the design of the proposed trail, proposed screening along the Rocky Road edge, and a proposed limit of work line that strives to maintain as many existing trees on-site as possible.
5. **Utilities:** Information regarding gas, electric, telephone and cable utilities shall be added to the plans. The Applicant is urged to contact RMLD and Verizon as soon as possible.

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, driveway, MassDOT and Jackie's Law excavation permits; Board of Health approvals; and an Order of Conditions from the Conservation Commission.
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 any Order of Conditions issued for the project 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.
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, the Plans shall be revised, and submitted to the Town Engineer and Community Development Director, as follows:

- i. **Street Name:** the proposed street name shall be added to the plans.
- ii. **Deeds and Covenants:** a note shall be added to the plans verifying that all deeds and covenants have been referenced on the plans.
- iii. **Title:** the title of the plans should include "Definitive Subdivision Plan."
- iv. **Easements:** a note shall be added to the plans indicating to whom rights for each easement have been or are proposed to be conveyed.
- v. **Topography:** topography of all lands within 100 feet of any portion of the tract containing the proposed subdivision, with contour intervals not to exceed two feet and with spot elevations as appropriate, shall be added to the plans, or a waiver shall be requested from such.
- vi. **Cut/Fill:** a note shall be added to the plans specifying the quantification of earth material to be taken into and/or away from the site.
- vii. **Zoning Table:** a table shall be added to the plans that includes specific measurements for each proposed lot demonstrating compliance with the dimensional requirements of the S-20 Zoning District (as outlined in ZBL Section 6.3 Table of Dimensional Controls). This table shall also include a calculation of upland area for each lot.
- viii. **Curb Cuts:** the width and location of each proposed curb-cut and driveway relative to each proposed lot and for each lot within 100 feet of the proposed subdivision shall be added to the plans.
- ix. **Soils:** a note shall be added to the plans indicating soil conditions and types present on the property, as provided within the Environmental Impact Report.
- x. **Variations or Special Permits:** any existing variations or special permits for the property shall be listed on the plans, or a note added to the plans indicating that there are none.

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 plan shall be approved by the Reading Municipal Light Department (RMLD).
4. **MassDOT:** The Applicant shall provide documentation of receipt of all required State Road Access permits for work in Route 28.
5. **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.
6. **Notification:** The Engineering Division shall be notified 72 hours in advance of excavation work to mark out Town-owned utilities.
7. **Trees:** Any trees requiring removal need to be identified and approved by the Tree Warden.

8. **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 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