



Town of Reading

16 Lowell Street
Reading, MA 01867-2683
Phone: 781-942-6648
Fax: 781-942-9071
Email: jmercier@ci.reading.ma.us

Community Planning and Development Commission

RECEIVED
TOWN CLERK
READING, MASS.

2016 MAY 12 P 4: 06

NOTICE OF DECISION

Notice is hereby given that, pursuant to Chapter 40A Section 17 of the Massachusetts General Laws, on May 12, 2016, a Decision of Approval was filed with the Town Clerk on the matter of Jesse and Sarah Wilson for a Planned Residential Development Special Permit under Section 11.2 of the Reading Zoning Bylaw at property located at **149 Van Norden Road** (Assessors Map 39, Lot 212), Reading, MA 01867.

Any appeal must be made pursuant to MGL, Chapter 40A, Section 17 and filed within 20 days after the date the notice was filed with the municipal clerk.

A copy of the Decision and all supporting documentation is available to the public in the Public Services Office in Town Hall, Monday–Thursday from 7:30 AM to 5:30 PM and Tuesdays from 7:30 AM to 7:00 PM.

Reading Community Planning & Development Commission



Town of Reading
16 Lowell Street
Reading, MA 01867

Julie D. Mercier
Community Development Director
Phone: 781.942-6648
Fax: 781.942-9071
Website: www.readingma.gov

May 12, 2016

Final Plan Review
Planned Residential Development – General
DECISION

Project: 149 Van Norden Road – Jesse & Sarah Wilson

To the Town Clerk:

This is to certify, at a public hearing of the Reading Community Planning and Development Commission (CPDC) opened and closed on May 9, 2016 by a motion duly made and seconded, it was voted:

“We, the CPDC, as requested by Jesse and Sarah Wilson, under the provisions of Section 11.2 and Section 4.4 of the Zoning Bylaw of the Town of Reading, and MGL Chapter 40A Section 9, to consider the PRD-G Final Plan for property located at 149 Van Norden Road (Assessors Map 39, Lot 212), as shown on the site plans prepared by Sullivan Engineering Group LLC, dated February 25, 2016, do hereby vote 4-0-1 to approve the said plans, inclusive of all waivers listed herein, subject to the Findings and Conditions below.”

MATERIALS:

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

- a) Application for Public Hearing with Addendum, received 3/21/16.
- b) Certified List of Abutters, dated 3/15/16.
- c) Building Elevations for the Proposed House on Lot 2, received 3/21/16.
- d) Order of Resource Area Delineation, issued by the Reading Conservation Commission on 12/10/15, Recorded with the Registry of Deeds on 12/31/15.
- e) Preliminary Plan Review Decision for a Planned Residential Development – General (PRD-G) at 149 Van Norden Road, issued by the CPDC on 12/16/15.
- f) Sheet 1 - Cover Sheet: Planned Residential Development (PRD), 149 Van Norden Road Site Plan of Land, Reading, MA; prepared by Sullivan Engineering Group LLC, dated 2/25/2016.
- g) Sheet 2 – Existing Conditions Plan: 149 Van Norden Road, Reading, MA; prepared by Sullivan Engineering Group LLC, dated 2/25/2016.
- h) Sheet 3 – Proof Plan: 149 Van Norden Road, Reading, MA; prepared by Sullivan Engineering Group LLC, dated 2/25/2016.

- i) Sheet 4 – Site Plan of Land (PRD): 149 Van Norden Road, Reading, MA; prepared by Sullivan Engineering Group LLC, dated 2/25/2016.
- j) Drainage Design for 149 Van Norden Road, prepared by Sullivan Engineering Group, dated 2/25/16.
- k) Draft 149 Van Norden Road Resident’s Association Trust document, received 3/21/16.
- l) Memo from the Town Engineer to the Community Development Director, dated 4/20/16.
- m) List of Waivers Requested, submitted by Sullivan Engineering Group, LLC, dated 5/5/16.

FINDINGS:

Pursuant to Section 4.4.5, the CPDC hereby finds that:

4.4.5.1 The proposed use will be suitably located in the neighborhood in which it is proposed and in relation to the entire Town.

4.4.5.2 The proposed use will be compatible with existing uses and other uses permitted by right in the same district.

4.4.5.3 The proposed use will not constitute a nuisance due to air and water pollution, flood, noise, dust, vibration, lights, or visually offensive structures and accessories.

4.4.5.4 The proposed use will not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians.

4.4.5.5 Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

4.4.5.6 Adjoining premises will be reasonably protected against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance.

4.4.5.7 The proposed use will be in conformance with the sign regulations of Section 8 of the Zoning Bylaw.

4.4.5.8 The proposed use will provide convenient and safe vehicular and pedestrian movement within the site in relation to adjacent streets, property or improvements.

4.4.5.9 Adequate space will be provided for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the proposed use.

4.4.5.10 Adequate methods of disposal and storage will be provided for sewage, refuse and other wastes resulting from the proposed uses, and adequate methods of drainage will be provided for surface water.

4.4.5.11 The proposed uses will ensure protection from flood hazards, considering such factors as elevation of buildings, drainage, adequacy of sewage disposal, erosion and sedimentation control, equipment location, refuse disposal, storage of buoyant materials, extent of paving, effect of fill, roadways, or other encroachments on flood runoff and flow.

4.4.5.12 The proposed use will ensure protection of water quality in both public and private supplies.

Pursuant to Section 11.2.4, the CPDC hereby finds:

11.2.4.1 Parcel Size: the development tract is approximately 105,439 SF, which exceeds the minimum requirement of 60,000 SF.

11.2.4.2 Permitted Uses: the proposed single-family homes and garages are permitted in a PRD-G.

11.2.4.2.1 Required Inclusionary Housing: N/A as the project does not exceed the basic density.

11.2.4.3 Intensity of Development: each of the proposed lots will have more than the required 50 feet of frontage, and will have a lot coverage of approximately 4% where 25% is permitted; the structures will each have a floor area ratio of approximately 0.04 where 0.40 is permitted, and a

height less than 35 feet. Each unit will have in excess of two parking spaces; no loading spaces are required.

Zoning/Density: the property is located within the S-20 Zoning District, which requires a minimum lot area of 20,000 SF. The proposal for two single-family homes complies with the allowable density in the district.

Wetlands: the Conservation Commission has issued an Order of Resource Area Delineation and has determined that the project does not require the filing of a Notice of Intent.

Subdivision: the CPDC has approved a Preliminary Plan for the project and is currently in receipt of a Final Plan. The Engineering Division would like a new Schematic Plan that meets the requirements of a Preliminary Subdivision Plan.

→A waiver from submitting a new Schematic Plan has been granted.

11.2.4.4 Limitation of Subdivision and Ownership: a note shall be added to the plans to the effect that there shall be no further subdivision of the property beyond the two lots as shown on the final plan. All wetlands and 25-foot buffer areas contained in the PRD parcel shall be held in common ownership.

Pursuant to Section 11.2.5, the CPDC hereby finds:

11.2.5.1 Screening: to the greatest extent practicable, existing natural vegetation shall be preserved and enhanced.

11.2.5.2 Shadows: between 9:00 am and 3:00 pm from 2/21 to 10/21, no building may cast a shadow on any residential structure in existence at the time of Preliminary Plan submission.

→A waiver from providing shadow lines on the plan has been granted.

11.2.5.3 Open Space: 49.7% of the property is provided as open space, where only 40% is required. Per Section 11.2.4.4, the 25-foot wetlands buffer area shall not count toward open space as required in Section 11.2.5.3.

a No open space shall be considered usable if the slope of the finished grade exceeds 10%.

→A waiver from providing a grading plan for the open space has been granted.

b The nearest part of the open space shall not be more than 30 feet walking distance from the nearest point of any building it is proposed to serve.

→A waiver has been granted from this requirement for the existing structure.

c No open space shall be considered usable unless it has a minimum area of 1,000 square feet and no dimension less than twenty-five feet.

d All usable open space shall be open to the sky, and may include unroofed facilities such as tennis courts, swimming pools, or similar recreational facilities.

11.2.5.4 Site Circulation and Parking: the existing driveway is of varying width, but no less than 12-feet in its narrowest dimension; the proposed driveway is 14-feet, which meets the requirements for private automobiles, service vehicles, and emergency vehicles. Both driveways will be paved with porous bituminous concrete. No additional roadways are proposed within the PRD.

11.2.5.5 Design Quality: the following in this Section are to be interpreted as guidelines to be applied flexibly by the CPDC and as appropriate to the situation under review...

11.2.5.5.1 Building Placement: buildings have been placed to provide and preserve attractive views.

11.2.5.5.2 Building Massing / Articulation: the structures are single-family dwellings that meet the dimensional requirements of the S-20 Zoning District.

11.2.5.5.3 Roofline Articulation: the two structures will have different designs and rooflines.

11.2.5.5.4 Building Materials: the building materials will be compatible with the neighborhood.

11.2.5.5.5 Landscaping: the site is heavily forested; vegetation on Lot 1 will not be altered and vegetation on Lot 2 will only be disturbed to the extent necessary to for grading and utilities and to create a reasonable yard around the proposed dwelling. Open areas will be landscaped consistent with that of single-family dwellings. The Engineering Division would like the Applicant to submit a Landscape Plan.

→*A waiver from providing a Landscape Plan has been granted.*

11.2.5.5.6 Pedestrian Amenities: N/A due to the small scale of the project.

11.2.5.5.7 Utilities: all on-site improvements, including utilities and sewers, shall be in accordance with the standards of the Reading DPW. To the extent feasible, utilities shall be located underground.

→*A waiver from undergrounding existing utilities has been granted.*

11.2.5.6 Signage: no signage is required other than for normal household identification.

11.2.5.7 Environmental Standards and General Development Guidelines:

a That the proposed PRD conforms as appropriate to existing policy plans established by the Town Meeting, the Board of Selectmen, and the CPDC for the specific area of the Town in which the PRD is proposed to be located;

b That there is no significant adverse effect under any of the following:

1 Quality of site design, building design, and landscaping as they affect occupants of the proposed development, the PRD Overlay District, adjacent residential districts and the Town as a whole,

2 Traffic flow and safety in the context of this and other proposed developments in the PRD Overlay District and sensitive neighboring areas, which may be identified in the scope of a State Environmental Impact Report and/or in a Pre-Application Conference,

3 Water quality, air quality, wetlands and the natural environment,

4 Provision of open space,

5 Adequacy of utilities and other public works and impact on existing public facilities within the Town, and

6 Potential fiscal impact to the Town of Reading.

c That approval of the proposed PRD provides benefits to the Town which outweigh all adverse effects, as evaluated under the above criteria.

11.2.5.7.1 Environmental Standards: the project will comply with all applicable federal, state and local laws and regulations.

11.2.5.7.2 Significant Traffic Impact: there will be no significant traffic impact from the addition of 1 single-family home.

11.2.5.7.3 Control of Runoff and Flooding: there will be no measurable increase in the peak rate of stormwater runoff and no net loss in flood storage capacity from the addition of 1 single-family home and a driveway.

11.2.6 Residents Association: A Residents Association in the form of a Trust will be created to be owned and controlled by the owners of Lots 1 and 2. Draft documents have been submitted.

Additional Waivers Requested

1. The plans should include a locus inset showing all properties within 1,000 feet of any portion of the subject property, and showing the locations of all structures on all lots abutting the proposed subdivision site; and also showing the name, location, right-of-way width, pavement width, sidewalk location and width, of any existing public and private streets abutting, providing access to, or located within 1,000 feet of any portion of the proposed subdivision, together with labels as to whether each is an accepted or unaccepted way, drawn at a scale of 1"=100'.
→ *A waiver from the requirement for a locus inset showing all properties within 1,000 feet, and all the additional information listed, has been granted.*
2. Existing topography for all lands within 100 feet of any portion of the site.
→ *A waiver from providing topography for all lands within 100 feet has been granted.*
3. Locations and identifications of trees of 6-inch 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.
→ *A waiver has been granted from locating and identifying trees of 6-inch caliper or larger, except for those proposed to be removed within the limits of work on Lot 2.*
4. All public shade trees along the site frontage shall be located and identified.
→ *The Applicant has agreed to locate all public shade trees along the site frontage on Lot 2.*
5. The water service to the existing house at 149 Van Norden Road will require replacement.
→ *A waiver from replacing the water service to the existing house has been granted.*
6. The plans indicate the water and sewer services to 149 Van Norden Road are closer than the required 10 foot separation. This should be confirmed and corrected, if needed, upon the installation of the new water service.
→ *A waiver from this requirement for the existing house has been granted.*

CONDITIONS:

General:

1. In accordance with Section 11.2.3.3.13, the Developer shall begin construction of the PRD within twenty-four months of the date of the granting of the Special Permit (or, if applicable, following appeal as provided in M.G.L. Ch. 40A, Section 9) in reasonable conformance, as defined solely by the CPDC, with the development schedule submitted with the Final PRD Plan. The CPDC shall grant in writing an extension of this time period of up to an additional twenty-four months upon determination by CPDC of good cause. If the Developer fails to commence construction of the PRD within twenty-four months plus any approved extension period, the Special Permit shall lapse and be deemed null and void.
2. In accordance with Section 11.2.3.3.15, no construction of a PRD or any phase thereof may be authorized until the CPDC has reviewed and approved a Design Submission for work to be done. The Design Submission shall include architectural, site, and landscape design documents, sufficiently developed, as determined by the CPDC, to permit review of conformance to the Final PRD Plan and Special Permit conditions, in accordance with the PRD Plan Submission Regulations established by the CPDC.
The review herein satisfies this requirement.

Prior to Plan Endorsement, the Plans shall be revised to depict the following:

7. The Title Block shall contain the name, address, and telephone number of the record owner of the subdivision, and of the applicant, if different from the owner.
8. A quantification of earth material to be taken into and/or away from the site.
9. Locations and widths of curb cuts for each lot within 100 feet of the site.
10. Locations of all existing structures, together with parallel or perpendicular dimensions between them and the nearest points on the existing and proposed property lines.
11. A note shall be added to the plans indicating whether any variances or special permits have been granted by the Reading Zoning Board of Appeals for the subject property.
12. A note shall be added to the plans to the effect that there shall be “no further subdivision” beyond the two single-family lots as shown on the Approved Plan.
13. The approved wetlands delineation shall be added to the final plan set.
14. The Applicant shall work with the Town Engineer to address any outstanding items, for which waivers have **not** been granted, listed in the Town Engineer’s Memo to the Community Development Director, dated 4/20/16.
15. The proposed house on Lot 2 is more than 150 feet from Van Norden Road. As such, the driveway accessing the proposed house on Lot 2 shall serve as the Fire Department access road to the house. Such access is required to be a width no less than 14 feet, have an overhead clearance of 13’-6”, and have the ability to bear 64,000 pounds of load. The Applicant shall work with the Fire Department to determine the thickness of pavement necessary to ensure that the driveway can bear a 64,000 pound load; such thickness shall be noted on the plans.

Prior to Plan Endorsement, the Applicant shall submit the following documentation to the Community Development Director and Town Engineer:

1. The draft Residents Association agreement shall be revised to include stipulations that the Town of Reading is not responsible for maintenance or plowing of the site driveways, lighting, sewer and water services, maintenance of drainage systems, nor maintenance of open space. The agreement shall also stipulate that the site shall not be further subdivided, and that all wetlands and adjacent 25-foot buffer areas contained within the PRD tract shall be held in common ownership under the purview of the PRD’s Residents Association.
2. A Development Schedule for the proposed project.
3. A supplemental plan sheet indicating defined areas to verify the calculations for lot coverage, floor area ratio, and open space under ZBL Sections 11.2.4.3 and 11.2.5.3.
4. A detail sheet indicating utility trenching details, utility structures, stormwater devices, porous pavement sections and other details.
5. A Tree Plan indicating all trees of 6-inch caliper or larger that are proposed to be removed within the work area on Lot 2, as well as location and identification information for all public shade trees along the site frontage for Lot 2.

Prior to the Issuance of a Building Permit:

1. All necessary permits and approvals shall be obtained prior to construction and occupancy, including as appropriate but not limited to: Street Opening Permit, Street Tree Removal Permit, Sewer Extension Permit, Curb-cut Permit, Building Permits, Proof of Inspection and Certification of Cellar Floor Elevations, and Conservation Commission Permits.

2. Any trees requiring removal need to be identified and approved by the tree warden.

Prior to the Issuance of a Certificate of Occupancy:

1. The CPDC shall issue a Certificate of Compliance for one or more PRD phases as appropriate, upon satisfaction of all applicable Special Permit conditions.

Ongoing Conditions:

1. The Applicant shall ensure that all requirements of the Board of Health, Department of Public Works, Fire Department and the 12/10/15 Order of Resource Area Delineation issued by the Conservation Commission are met.
2. The proposed house on Lot 2 is more than 150 feet from Van Norden Road. As such, the driveway accessing the proposed house on Lot 2 shall serve as the Fire Department access road to the house, and shall be maintained at a width of no less than 14 feet, with an overhead clearance of 13'-6", and the ability to bear a 64,000 pound load at all times.

AMENDMENTS:

11.2.3.3.12 Amendments to Final Plan

After approval by the CPDC of the Special Permit to construct a PRD, the Developer may seek amendments to the Final PRD Plan. Such amendments shall be determined solely by the CPDC to be minor or major. Minor amendments, as defined in Section 11.2.3.3.10.1, shall be authorized by written approval of the CPDC. Major amendments, as defined in Section 11.2.3.3.10.2, shall be grounds for reconsideration of the Special Permit to construct a PRD and shall be reviewed as if it were an entirely new PRD Plan, that is, in accordance with the procedures specified in Sections 11.2.3.3.1 to 11.2.3.3.11 inclusive. Denial of any proposed major amendment shall not invalidate the Special Permit to construct a PRD in conformance with the previously approved Final PRD Plan.

15.2.3.3.10.1 Minor Amendments

Minor amendments are additions or changes which do not, in the determination of the CPDC, substantially alter the concept of the PRD, as reflected in the approved Preliminary or Final PRD Plan, as appropriate, in terms of floor area ratio, use, height, provision of open space, or layout or other physical relationships of the elements of the development. Minor amendments shall include, but not necessarily be limited to, the following: small changes in floor area, site coverage, height, setbacks, or open space; small changes in the location of buildings, open space, or parking; or small changes in the alignment of minor streets and ways on the site.

15.2.3.3.10.2 Major Amendments

Major amendments represent substantial additions, deletions, or deviations, as determined by the CPDC, from the PRD concept as previously approved by the CPDC. Major amendments shall include, but not necessarily be limited to, the following: large changes in floor area, 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 number and location of access ways.

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