



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

RECEIVED
TOWN CLERK
READING, MASS.

2016 JAN 28 P 2: 48

January 28, 2016

Site Plan Review DECISION

Project: 186-190 Summer Avenue
Applicant: Criterion Child Enrichment, Inc.

To the Town Clerk:

This is to certify that, at a public hearing of the Community Planning and Development Commission opened and closed on January 25, 2016 by a motion duly made and seconded, it was voted:

“We, the Reading Community Planning and Development Commission, upon request from Criterion Child Enrichment, Inc., under the provision of Section 4.6 of the Zoning Bylaws of the Town of Reading, and MGL Chapter 40A, Section 3, to consider the contemplated site plan for 186 – 190 Summer Avenue (Assessors Map 15, Lots 294, 295 and 296) – as shown on the Site Development Plans prepared by Sullivan Engineering Group, LLC, dated October 9, 2014 and most recently revised December 7, 2015, and architectural plans prepared by DHK Architects, Inc., dated August 4, 2015 and most recently revised December 9, 2015 – do hereby vote 5-0-0, to approve the said plans, subject to the Findings and Conditions below.”

Materials Submitted:

The following materials were submitted into the public record:

- a) Development Review Team meeting notes, dated 9/2/15.
- b) Certified List of Abutters, dated 12/2/15.
- c) Site Plan Review Application and Narrative received 12/14/15.
- d) Emails from Jack Sullivan, P.E. to Community Development Director, dated 12/14/15 and 12/16/15.
- e) Letter from Kenneth Margolin, P.C. to CPDC Chair, dated 12/16/15.
- f) Supplemental Documents submitted by Kenneth Margolin, P.C. to CPDC Chair, dated 12/10/15, including: (1) cover letter to CPDC chair, Jeffrey Hansen, from Criterion’s attorney, Kenneth Margolin; (2) index of documents; (3) Opinion of Reading Town Counsel, J. Raymond Miyares, Esq. regarding the applicability of the Dover Amendment and the Americans With Disabilities Act; (4) Reservation of Rights package previously filed by Criterion attorney, Kenneth Margolin; (5) Summary Program Narrative by Attorney Margolin; (6) Affidavit of Robert Littleton, Jr., Ed.D., Criterion’s President, regarding the unchanged need for 38 parking spaces; and (7) January 12, 2015 decision of the Town of Reading CPDC, approving Criterion’s prior application for Site Plan approval.

- g) Cover Sheet: entitled “Criterion Child Enrichment”, 186-190 Summer Avenue, Site Plan of Land, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- h) Existing Conditions / Demolition Plan: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- i) Plan of Land: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- j) Site Plan of Land: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- k) Grading, Drainage, and Utility Plan: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- l) Construction Details (Sheet 6 of 7): 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- m) Construction Details (Sheet 7 of 7): 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- n) Landscape Plan: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 1/23/16 to include fencing and fence detail.
- o) Site Lighting/Photometric Plan: Criterion – Reading, prepared by Visual, dated 12/22/14, revised and submitted 1/25/16.
- p) Proposed Sign (2 Faces Alike): detail with dimensions, received 12/16/15.
- q) Predevelopment Drainage Plan: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- r) Postdevelopment Drainage: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 10/9/14, revised 12/7/15.
- s) Drainage Study: 186-190 Summer Avenue, Reading, MA, prepared by Sullivan Engineering Group, LLC, dated 12/7/15.
- t) Cover Sheet: Restoration and Renovation, 186-190 Summer Avenue, Reading, MA, prepared by DHK Architects, Inc., received 12/14/15.
- u) A-00 – Existing Site Plan, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 8/4/15, revised 12/9/15.
- v) A-01 – South and West Existing Elevations, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- w) A-02 – North and East Existing Elevations, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- x) A-03 – Existing Elevation Images, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- y) A-04 – Existing Elevation Images, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- z) A-05 – Existing Elevation Images, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- aa) A-06 – Basement Floor Plan, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- bb) A-07 – First Floor Plan, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- cc) A-08 – Second Floor Plan, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- dd) A-09 – Third Floor, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.

- ee) A-10 – Cupola & Roof Plan, Criterion Child Enrichment, 186 Summer Ave, Reading, MA, prepared by DHK Architects, dated 12/9/15.
- ff) Historic Districts Commission Certificate of Non-Applicability: original (#1521), first amendment (#1521A), and final amendment (#1521B). The final amendment is dated 11/18/2015. The HDC further amended the final amendment at the joint CPDC/HDC hearing on 1/25/16 to incorporate all modifications approved by the CPDC herein.
- gg) Historic Districts Commission Certificate of Appropriateness: original (#1522), first amendment (#1522A), and final amendment (#1522B). The final amendment is dated 11/18/2015. The HDC further amended the final amendment at the joint CPDC/HDC hearing on 1/25/16 to incorporate all modifications approved by the CPDC herein.
- hh) Memo from Community Development Director to CPDC, dated 1/21/16, updated 1/25/16.
- ii) Draft Site Plan Review Decision, dated 1/21/16, updated 1/25/16.
- jj) Letter from Anne Coneeny to CPDC, dated 10/31/15.
- kk) Letter from 01867 Neighborhood Preservation to CPDC, dated 1/21/16.
- ll) Email from Mark Warner to CPDC, dated 1/23/16.
- mm) Letters from Kenneth Margolin, P.C. to Community Development Director, dated 1/24/16, re: (1) Memo to CPDC and (2) Draft Site Plan Review Decision.

Findings:

- 1) **Overview:** The Applicant seeks Site Plan approval from the CPDC under Section 4.6 of the Reading Zoning Bylaw to combine lot 294 (which contains a historic house and barn), lot 295 (which contains a small portion of the driveway for lot 294), and lot 296 (vacant) into a 71,234 SF lot, and to renovate the existing historic house and barn for use as an Early Intervention center for infants and toddlers with developmental and other disabilities. The project will include construction of an underground connector between the two historic structures; an increase in pavement (porous and bituminous) to accommodate 38 9’x18’ parking spaces (including 4 8’x18’ handicap spaces) and a 20-foot wide drive aisle; a 1,200 SF playground area; 5-foot wide walkways throughout the site; and the installation of lighting and landscaping and stormwater management.
- 2) **Zoning:** The site is within an S-15 zoning district. The proposed educational use is a protected use under Massachusetts General Law (MGL) Chapter 40A Section 3, which states the following: *No zoning ordinance or bylaw shall...regulate or restrict the use of land or structures for...educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.*
- 3) **S-15 Dimensional Requirements:** The proposed consolidated site will comply with the minimum lot area (15,000 SF), and minimum lot frontage (100 feet) of the S-15 Zoning District. The existing structures comply with the minimum front yard setback (15 feet), and the minimum rear yard setback (30 feet), but not with the minimum side yard setback (30

feet). The existing side yard setback is 19.3 feet; the Applicant is not proposing to increase or exacerbate this nonconformity via the application approved herein.

- 4) Interior Space: The Applicant is proposing to modify the interior of the house to accommodate two classrooms, administrative space, meeting rooms and storage areas, and to renovate the barn to accommodate two additional classrooms.
- 5) Building Elevations: The proposed rehabilitation and renovation work to the exteriors of the building has been reviewed and approved by the Historic Districts Commission in their Certificates of Non-Applicability and Appropriateness (#1521 and #1522) dated November 5, 2015, amended November 16, 2015 (#1521A and #1522A), and amended again November 18, 2015 (#1521B and #1522B).
- 6) Noise: The proposed uses are not anticipated to generate noise beyond what is typical for a child care facility with associated parking and playground areas.
- 7) Lighting: The Applicant will comply with the Photometric Plan submitted on January 25, 2016 to the CPDC as part of its Site Plan Review application, as modified by the Commission at its hearing on January 25, 2016.
- 8) Landscaping/Screening: The scope of the project will include fencing that extends along portions of the northern and southern property lines. A variety of landscaping is proposed throughout the site, including shade trees, screening plantings, shrubs, groundcover, and vines.
- 9) Trash/Recycling: A trash and recycling dumpster area is proposed at the rear of the site. It will be enclosed by a 6-foot high stockade fence that will be painted to match the building.
- 10) Snow Storage: A large snow storage area is proposed on a grassed section of the southeastern corner of the property, adjacent to the rear parking lot.
- 11) Public Safety: Both structures will be sprinklered; a 20-foot wide drive aisle with emergency service vehicle turn-around area is provided to allow emergency vehicles to access the buildings and navigate the site.
- 12) Drainage: A Drainage Report was submitted as part of the Site Plan Review application to demonstrate compliance with the Massachusetts Stormwater Management Standards. The Applicant will work with the Town Engineer to ensure all design requirements are met.
- 13) Pedestrian Access: A 5-foot wide concrete walkway, which will connect to the sidewalk along Summer Avenue, is proposed throughout the site. The walkway will connect the sidewalk and the parking areas to the building entrances.
- 14) Signage: The locations and general text of all directional and informational signage are depicted on the site plans. In addition, the Applicant has provided a dimensioned detail of the proposed freestanding site sign.

The Site Plan Decision herein does not include approval for any future uses or site renovations that may – on their own merits and design – trigger the requirements of site plan review and/or require a special permit. All future proposed uses requiring a site plan review or a special permit shall obtain such approval(s) prior to occupancy of any tenant space.

Conditions:

General:

- 1) **Historic Districts Commission:** At all times throughout construction and operation of the site, the Applicant shall ensure that the project adheres to the conditions and requirements of the Certificates of Non-Applicability and Appropriateness (#1521 and #1522) dated November 5, 2015, amended November 16, 2015 (#1521A and #1522A), and amended again November 18, 2015 (#1521B and #1522B) issued by the Historic Districts Commission for the site. The HDC further amended the final amendment at the joint CPDC/HDC hearing on 1/25/16 to incorporate all modifications approved by the CPDC herein.
- 2) **Utilities:** All utilities, structures, frames and covers shall meet the Town of Reading standards. The electric utility plan is subject to approval by the Reading Municipal Light Department (RMLD).

Prior to the Commencement of Site Work:

- 3) **Engineering Concerns:** The Applicant shall work with the Town Engineer to address any outstanding concerns related to the site and drainage design. Once the Town Engineer is satisfied with the site and drainage design, a letter shall be submitted to the Community Development Director indicating such.
- 4) **Notification:** The Engineering Division shall be notified at least 72 hours in advance of any site work to mark out Town utilities.
- 5) **Tree Protection:** existing trees that are proposed to remain should be clearly marked in the field prior to construction, and any trees that are close to the limit of disturbance should be wrapped with a snow fence to minimize damage during construction.

Prior to the Issuance of Building Permits and Prior to the Start of Construction:

- 6) **Vacant Properties Bylaw:** The property shall be kept neat and clean while vacant, per General Bylaw Section 8.10 Maintenance of Vacant Buildings and Land.
- 7) **Approval Not Required Plan:** This site plan approval is contingent upon evidence that the lots have been combined. The Applicant shall submit to the Community Development Director a full size copy of the Approval Not Required Plan that consolidates the three lots, so that compliance with zoning requirements can be determined.
- 8) **Other Permits:** The Owner/Applicant is responsible for obtaining all other permits including but not limited to, utility connections, sewer, water, curb cut, street opening and Jackie's Law excavation permits from the Engineering Department (prior to excavation), and Board of Health approvals.
- 9) **Pre-construction Meeting:** The Owner/Applicant and contractors shall coordinate with the Community Development Director to schedule a pre-construction meeting with Town staff prior to applying for demolition and/or building permits, in order to review these conditions and any and all final construction sequencing, details and plans for this project. Periodic status reports (agreed upon at said pre-construction meeting) shall be submitted to the Town outlining the general status of the construction and major milestones completed.

- 10) **Site Plan Revisions:** The Applicant shall revise the Site Plan pursuant to any conditions imposed herein and submit 2 full-size (24x36) copies of the revised plans to the Community Development Director for review and approval prior to the issuance of a Building Permit.
- 11) **Lighting Plan Revisions:** The Applicant shall submit a revised Photometric Plan to the Community Development Director that addresses the following:
 - a. Elimination of bollard lights such that the schedule and the plans match. Specifically, the bollard light located at the rear of the building near the basement egress shall be eliminated.
 - b. Reorienting the E type pole-mounted fixture at the southern end of the parking lot.
- 12) **Fences:** The Applicant shall add the following fencing to the Landscape Plan:
 - a. A 6' wooden stockade fence, as depicted in detail on the Landscape Plan revised 1/23/16, along the southern property boundary, beginning directly across from the first parking space and extending to the easternmost property boundary. The closest fencing panel to the street shall transition from 4 to 6 feet in height.
 - b. A 6' wooden stockade fence, as depicted in detail on the Landscape Plan revised 1/23/16, along the northern property boundary, beginning directly across from the eastern edge of the barn and extending east to the jog in the property line.
- 13) **Curbing:** The Applicant shall modify the Grading, Drainage and Utility Plan to extend the curb from the southern edge of the rear parking lot in a westerly direction for approximately 54 feet (or to across from the 6th parking space) along the southern edge of the drive aisle.
- 14) **ADA/MAAB:** Certification shall be furnished to the Community Development Director that the proposal is in conformance with the provisions of the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB).
- 15) **Stormwater:** A Stormwater Operation and Maintenance Plan for all areas including the porous pavement shall be submitted for review and approval by the Engineering Department prior to the start of construction. The Plan shall be developed for construction and post construction procedures and shall be provided in a report separate from the construction plans.
- 16) **Construction Schedule:** A construction schedule shall be submitted to the Community Development Director, Town Engineer, Conservation Commission and Building Inspector prior to the start of construction.
- 17) **Inspections:** All Site work shall be inspected by the Engineering Division, and all inspections shall be scheduled at least 36 hours in advance.
- 18) **Construction Drawings:** Full construction documents must be submitted and approved by the Fire Department. A building permit shall not be issued until the Fire Department has approved the plans.
- 19) **I/I Fee:** The Applicant is subject to the required Inflow/Infiltration Fees if it is determined that the new sewer flow usage is greater than historical usage.

During Construction:

- 20) **Construction Hours:** Construction shall be limited to the hours stated in Section 8.9.8 "Construction Hours" of the Reading General Bylaws and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site.

- 21) **Construction Activities:** Construction activities must comply with all applicable statutes, regulations and codes. Determination of Building Code compliance is to be determined by the Building Inspector.
- 22) **Erosion Controls:** The Applicant and/or its contractor shall ensure the limit of work/erosion control barriers and construction fencing are maintained throughout construction.
- 23) **Site Inspections:** Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision. All drainage facilities shall be subject to inspection by the Town.
- 24) **Coordination with Town Officials:** The Applicant and/or its contractor shall provide – during construction – complete, full coordination with local officials on making alterations to existing utilities and for the installation of future utilities.
- 25) **Water Services:** All water services and connections shall be in accordance with the Town of Reading’s Water Department standards.
- 26) **Plan Changes:** Any changes to the site layout or utility design during site work or construction shall be submitted to the Engineering Division and Community Development Director for review and approval prior to the construction of the change in design.
- 27) **Bond:** The Applicant/Owner shall furnish a bond for the final As-Built plans prior to the issuance of the final certificate of occupancy. The bond amount shall be determined by the Town Engineer. The bond shall be returned once the requirements of this condition are met.

Prior to the Issuance of a Certificate of Occupancy:

- 28) **Compliance Review:** The Applicant shall schedule a meeting with the Building Inspector and Community Development Director before a request for a Certificate of Occupancy to review compliance with this decision and any other applicable permits.
- 29) **Dumpster:** The trash and recycling dumpster enclosure and stockade fence shall be installed as shown on the approved site plans. In accordance with Board of Health requirements, permits are required for each dumpster.
- 30) **Signage:** The Police Chief shall recommend an acceptable number of No Parking signs along the drive aisle and parking lot. The design of such signs shall be approved by the Community Development Director and the Chair of the Historic Districts Commission. All directional and information signage, as well as any signage required to denote the handicap parking spaces, shall be installed as depicted on the final approved site plans.
- 31) **Landscaping:** The Applicant shall submit a revised Landscaping Plan reflecting all modifications made by the Commission at its hearing on January 25, 2016, including but not limited to additional arbor vitae plantings from the end of the fence west along the northern property boundary until across from the easternmost edge of the house. All landscaping shall be installed as indicated on the final approved Landscape Plan. In the event that weather conditions prevent completion of the proposed landscaping prior to the desired date of occupancy, the Applicant shall submit a bond to cover the cost of installation of the remaining landscaping features. The amount of the bond shall be determined by the Engineering Division based upon outstanding landscaping yet to be installed.
- 32) **As-Built Plans:** Two full size paper copies and electronic AutoCAD final As-Built plans – certified by a Registered Professional Engineer or Land Surveyor – showing all site work, including but not limited to the building footprint, drainage systems and utility connections,

shall be submitted to the Community Development Director and Town Engineer to ensure compliance with this decision and other applicable Town standards. Any bond held for this requirement will be returned to the Applicant once this condition has been fulfilled.

Conditions for Ongoing Maintenance after Occupancy:

- 33) **Lighting:** All exterior lighting, with the exception of security lighting, shall be turned off at dusk unless business is being conducted on the premises.
- 34) **Landscaping:** In the event that landscaping, as depicted on the approved plan, is damaged or destroyed, the property owner shall replace such landscaping during the next growing season.
- 35) **Snow Removal:** Snow shall be stored in the areas identified on the plan and shall not impact the landscaping, pedestrian pathways or parking areas. Snow shall be removed from the site by the Applicant and/or its designee if the accumulated snow exceeds the capacity of the snow storage area or impedes pedestrian pathways or the parking lot.
- 36) **Dumpster:** The dumpster enclosure shall be maintained in good condition by the property owner. The fence shall be repaired or replaced as necessary to maintain screening to the abutting neighborhood and ensure containment of all trash and debris. The dumpsters shall be covered every night in accordance with Board of Health requirements.
- 37) **Trash Removal:** All trash collection and disposal is the responsibility of the owner. The Applicant or future owner shall ensure daily that exterior areas of the site remain clear of debris and trash and that emptying of the trash and recycling dumpsters occurs in compliance with Board of Health Regulations.
- 38) **Storm Water Operations & Maintenance:** Annual O&M reports, demonstrating compliance with the approved O&M Plan, shall be delivered to the Town Engineer by January 15th of each year.

Modifications/Revisions - Plan Changes after Approval by the Approving Authority:

Contemplated future changes to the plan approved herein shall be presented to the Community Development Director and the Zoning Enforcement Officer/Building Inspector, or other relevant Town staff, for review prior to implementation of proposed changes.

1. Minor Modification: Changes that do not substantially alter the concept of the approved Plan in terms of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points. These include but are not limited to small changes in site layout, topography, architectural plans, landscaping plan, traffic circulation, parking, lighting, signage, open space or other criteria set forth in Section 4.6.9.1. Requests for approval under a minor modification for future renovations/alterations to the approved site plan or for future tenant changes shall be reviewed by the Community Development Director to determine if the proposed work qualifies for review through the Minor Site Plan Review process of Section 4.6.3 of the Reading Zoning Bylaw. If the work is eligible for review under Minor Site Plan review, the Community Development Director may review and grant approval of the proposed work by administrative approval of the Minor Modification. At the determination of the Community Development Director, the Applicant may be required to present the proposed project at a public meeting of the CPDC.

2. Major Modification: Substantial additions, deletions or deviations from the approved plan, including but not limited to changes in site layout, topography, architectural plan, landscaping

plans, traffic circulation, parking, lighting plan, signage, open space or other criteria set forth in Section 4.6.9.1 of the Reading Zoning Bylaw. (Note: Approval of the major modification shall be grounds for reconsideration of the Site Plan application. Denial of proposed major modifications shall not invalidate the Site Plan in conformance with the previously approved Plan).

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



Julie D. Mercier, Community Development Director 1/28/16
Date

Cc: Applicant, Town Clerk, DRT Staff, planning file