



**Town of Reading**  
**16 Lowell Street**  
**Reading, MA 01867**

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February 11, 2020

## Definitive Subdivision Plan DECISION of APPROVAL

*135, 139 & 149R Howard Street*  
**Proposed Street Name: TBD**

*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 February 11, 2019, and closed on February 10, 2020, by a motion duly made and seconded, it was voted:*

“We, the CPDC, as requested by Infrastructure Holdings, LLC, under the Town of Reading’s Subdivision Rules & Regulations, and MGL Chapter 41 Sections 81K through 81GG, to consider the 6-Lot Definitive Subdivision Plan for property located at 135, 139 and 149R Howard Street (Assessors Map 10, Lots 75, 76 and 77), as shown on the plans prepared by Civil Design Consultants, Inc., dated December 21, 2018, most recently revised January 27, 2020, in support of an application filed on January 7, 2019, do hereby vote 5-0-0 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 1/9/19.
2. List of Waivers requested from Reading Subdivision Regulations, filed 1/9/19, and most recently revised 1/28/2020.
3. Form G: Designer’s Certificate, dated 12/21/18.
4. Certified List of Abutters, dated 11/28/18.
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 1/10/19.
6. Legal Notice, published in Daily Times Chronicle on 1/23/19 and 1/30/19.
7. Definitive Subdivision Plans for 135, 139 & 149R Howard Street, Reading MA, prepared for: Infrastructure Holdings, LLC, prepared by: Civil Design Consultants, Inc., dated 12/21/18 and most recently revised 1/27/20, including the following:
  - a. Sheet C-1: Cover Sheet, dated 12/21/18 and most recently revised 1/27/20;

- b. Sheet C-2: Existing Conditions Plan, dated 12/21/18 and most recently revised 1/15/20;
  - c. Sheet C-2A: Plan of Land, dated 12/21/18 and most recently revised 11/11/19;
  - d. Sheet C-3: Subdivision Plan, dated 12/21/18 and most recently revised 1/15/20;
  - e. Sheet C-4: Roadway Plan and Centerline Profile, dated 12/21/18 and most recently revised 1/27/20;
  - f. Sheet C-5: Grading, Drainage and Landscaping, dated 12/21/18 and most recently revised 1/27/20;
  - g. Sheet C-6: Erosion Control Plan, dated 12/21/18 and most recently revised 1/27/20;
  - h. Sheet C-7: Tree Removal Plan, dated 12/21/18 and most recently revised 1/27/20;
  - i. Sheet D-1: Construction Details, dated 12/21/18 and most recently revised 1/27/20;
  - j. Sheet D-2: Construction Details, dated 12/21/18 and most recently revised 1/27/20;
  - k. Sheet D-3: Construction Details, dated 12/21/18 and most recently revised 1/27/20;
  - l. Sheet D-4: Construction Details, dated 12/21/18 and most recently revised 1/27/20;
  - m. Sheet P-1: Proof Plan, dated 1/29/19 and most recently revised 1/8/19.
8. Supporting Reports for the Definitive Subdivision Plan for 135, 139 & 149R Howard Street, Reading MA, prepared for: Infrastructure Holdings, LLC, prepared by: Civil Design Consultants, Inc., dated 12/21/18, including:
- a. Drainage Report, dated 12/21/18 and most recently revised 1/15/2020, including:
    - b. Existing Watershed Plan
    - c. Proposed Watershed Plan
    - d. Cut and Fill Report
    - e. Projected Water Use and Sewer Generation
    - f. Limited Traffic Study; and
    - g. Environmental Impact Report.
9. Letter of Revisions to CPDC Chair, dated 11/15/19.
10. Letter of Revisions to Conservation Commission Chair, dated 11/8/19.
11. Memo from Town Engineer to Community Development Director, dated 2/7/19.
12. Memo from Health Agent to Staff Planner, dated 1/9/19.
13. Memo from Conservation Administrator to Community Development Director, dated 2/7/19.
14. Email from Reading Fire Department, dated 2/7/19.
15. Letter from John and Maureen Lynch, dated 2/8/19.
16. Email from Reading Fire Department, dated 1/2/20.
17. Letter from Residential Abutters, dated 1/6/20.
18. Memo from Town Engineer, dated 1/9/20.
19. Letter from Robert Connors, dated 1/14/20.
20. Memo from Town Engineer, dated 2/6/20.
21. Draft Decision, dated 2/10/20.

**FINDINGS:**

1. **Existing Conditions:** The development tract is comprised of three parcels (135, 139 and 149R Howard Street), each of which has frontage on Howard Street. The parcels total 4.1± acres of land and contain 2 existing single-family homes at 135 and 139 Howard St. The homes will be razed and the lots will be combined into one tract of approximately 4.11 acres with 248 feet of frontage. The site contains bordering vegetated wetlands, an isolated vegetated wetland, an existing man-made ditch and a stone wall that runs along the western and northern perimeter of the tract. The site is surrounded on all sides by properties within the S-15 Zoning District.

2. **General:** The Applicant is proposing to construct an approximately 346-foot subdivision right-of-way with a cul-de-sac bulb which will create frontage for 6 house lots. Since the overall tract at one point recently contained 2 homes, this subdivision will result in a net of 4 homes.
3. **Zoning:** The site is within the S-15 Zoning District; each of the 6 house lots will comply with the bulk frontage and area requirements of the S-15 Zoning District. It is anticipated that each of the proposed homes will comply with the dimensional and bulk requirements of the S-15 Zoning District. A Zoning Compliance/Land Use Table is depicted on Sheet C-4: Roadway Plan and Centerline Profile detailing these requirements to be met.
4. **Upland Area:** ZBL Section 6.2.8 requires that any lot in the S-15 Zoning District must contain at least 12,000 SF of upland area outside of a Wetland Resource Area; upland area for Lots 3 and 4 is provided on Sheet C-3: Subdivision Plan and indicates compliance with this requirement.
5. **Wetlands:** An area of Bordering Vegetated Wetlands (BVW) is present at the north, northwestern and northeastern end of the property. Two of the proposed homes are within the 100' wetlands buffer. A Notice of Intent was filed with the Conservation Commission on January 8, 2019.
6. **Proposed Right-of-Way:** The proposed right-of-way layout will be 60' wide which will include a roadway width of 24' with 13' planting strips on each side and vertical granite curbing. No sidewalks have been proposed. Typical driveways are 12' wide and 30' long. The road will be approximately 346' long and will end in a 60' radius cul-de-sac bulb with a paved radius of 45' to accommodate a fire truck. The road will be offered to the Town for acceptance as a public way after it is constructed.
7. **Traffic:** A waiver has been requested from providing a full Traffic Study. Instead, the Applicant has provided a limited Traffic Study of the sight distances and trip generation.
8. **Trees/Landscaping/Screening:** All trees 6" dbh or greater on the entire site are shown on Sheet C2 of the plan set; all trees proposed to be removed are shown on Sheet C-7. All trees proposed to be removed from within the 100' wetland buffer require approval by the Conservation Commission, and replacement at a 1:1 ratio; street trees shall not be counted towards this requirement. Twenty-four (24) trees within the 100' buffer are proposed to be removed and replaced with 25 trees. Any tree removal and/or plantings proposed within the Right of Way will have to be approved by the Tree Warden. An Evergreen Tree Buffer of at least 6 trees has been proposed in the North of Lot 4 as screening to Wescroft Road abutters.
9. **Lighting:** The plan indicates a single street light to be located at the end of the proposed roadway. The Applicant shall work with the Reading Municipal Light Department (RMLD) and the Engineering Division to select street lighting that is acceptable to the Town. The RMLD shall make the final decision on the physical locations of any proposed street lights.
10. **Utilities:** A 12" water main and sewer connection exist on Howard Street; water connection would be through an 8" CLDI water main through the proposed Right of Way, and sewer connection is proposed through a 4" PVC sewer service. Four of the homes will require force mains. A natural gas connection has been proposed along with underground electric, telephone and cable; all utilities will be installed to Town standards.
11. **Drainage:** Total impervious area proposed - including roadway, driveways and roofs - is 32,896 sf (0.76 acre); associated runoff will be collected and routed to infiltration basins and/or wetland areas through a series of best management practices including swales and catch basins. Soil test pits on-site indicated loamy sand and gravel soils with details provided in the submitted Drainage Report and Watershed maps. All driveways will be constructed at a slope of 5% or less. Drywells and roof leaders to collect roof runoff will be provided for all homes/lots.

12. **Parking:** Each lot will contain a two-car garage and each 30' long driveway is capable of containing at least four cars. Due to the pavement width on-street parking is proposed to be provided at the discretion of the Town if the road is to be adopted as a Public Way as proposed.
13. **Easements / Conveyance:** There is an existing drainage easement north of the onsite wetlands and behind the houses located on Wescroft Road. Sheet C-4 of the plan set depicts a proposed drainage easement just south of the onsite wetlands and within Lot 4.
14. **Rooftop Solar:** The Applicant shall consider orienting the homes so that future owners can benefit from potential rooftop solar installations and/or passive heating.
15. **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. The Health Agent submitted a memo with recommendations and requirements to the Staff Planner dated 1/9/19.

### **WAIVERS:**

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

1. A waiver from Section 6.1.1.d.3 to allow for a **limited traffic study** in lieu of a full traffic study.

*The proposed project is the construction of six (6) single family dwellings on a parcel of land that currently contains two (2) single family dwellings. The Applicant feels that the net increase of four (4) single family dwellings would have a negligible impact on neighborhood traffic, as demonstrated in the submitted calculations.*

2. A waiver from Section 7.1.3 to allow for the **reduction in pavement width from 30' to 24'** and to allow for a subdivision road without sidewalks.

*The proposed road services six (6) single family dwellings, for which the Applicant feels a 24' paved width will be adequate. In addition, a reduction in impervious area allows for a reduction in drainage BMP sizing and less runoff from the proposed roadway. Howard Street currently does not have sidewalks, and the existence of many mature street trees on both sides of Howard Street combined with the small residential lots make it unlikely that sidewalks would be built along Howard Street.*

3. A waiver from Section 7.1.5.e to **allow the elimination of the landscaped cul-de-sac island.**

*A landscaped island presents maintenance concerns and is more difficult to plow in the winter.*

4. A waiver from Section 7.2 to **allow for no sidewalks.**

*Howard Street currently does not have sidewalks, and the Applicant feels that existence of many mature street trees on both sides of Howard Street combined with the small residential lots make it unlikely that sidewalks would be built along Howard Street.*

5. A waiver from Section 7.4 to **allow for the water main to be placed lower than other utilities.**

*The existing sewer in Howard Street does not allow for the water main to be above the sewer while maintaining 5' minimum cover. The proposed water main will maintain a 10' minimum horizontal separation from the sewer main.*

6. A waiver from Section 7.4.1 to **allow for a non-looped water main.**

*Adjacent parcels are fully developed and of minimal area, preventing a possible loop to a nearby roadway.*

7. A waiver from Section 7.4.2 to **allow for a force main sewer to service four (4) of the proposed dwellings.**

*Due to the shallow depth of the existing sewer main, topography, and highwater table on the site, a gravity sewer system is not economically feasible. The proposed force main sewer allows for a roadway design that conforms to the existing topography and site conditions and is in harmony with the neighborhood.*

8. A waiver to Section 7.4.4.3e to **allow for a drain pipe with 1.9ft of cover.**

*The Applicant feels a reduction in cover would allow for a subdivision with substantially less imported fill and less impact to the on-site wetlands and buffer zones.*

**Pursuant to Section 3.8 Waivers, the CPDC voted 5-0-0 to approve all of the requested waivers.**

## **CONDITIONS:**

### **General:**

1. **No Further Subdivision:** This Decision of Approval is limited to the number of lots shown on the endorsed 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.
5. **Property Maintenance:** The Applicant shall maintain the property in a neat and orderly fashion while the development is pending, and during construction. The Applicant is responsible to perform all snow and ice removal operations, as well as all other maintenance operations, as required prior to any Town acceptance of the Right of Way.

### **Prior to Plan Endorsement:**

1. **Engineering Comments:** The Applicant shall coordinate with the Town Engineer to resolve any necessary outstanding comments listed in the memo dated 2/6/2020.
2. **Stop Sign and 'No Parking' Signs:** The Applicant shall coordinate with the Police Department and Town Engineer regarding the provision of a Stop Sign where the proposed road meets Howard Street. The Stop Sign shall be depicted on the plans. The Applicant shall also show 'No Parking' signs along the western side of the proposed subdivision road to the center of the proposed cul-de-sac bulb.
3. **Snow Storage:** The Applicant shall coordinate with the Conservation Commission, Town Engineer and DPW Director to determine the most appropriate location on-site for snow storage.
4. **Electric Utility:** The electric utility plan shall be approved by the Reading Municipal Light Department (RMLD). Locations of light poles, transformers, etc. shall be added to the plans and approved by RMLD.
5. **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.
6. **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.
7. **Trees/Landscaping/Screening:** All trees proposed to be removed from within the 100' wetland buffer shall be approved by the Conservation Commission. Proposed Street Trees will not count towards this requirement. All plantings / tree removal shall be approved by the Tree Warden.

### **Prior to the Release of Any Lot:**

1. **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."*

2. **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).
3. **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.

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

1. **Engineering Comments:** The Applicant shall coordinate with the Town Engineer to resolve any necessary outstanding comments listed in the memo dated 2/6/2020.
2. **Pre-Construction Meeting:** The Applicant shall contact the Community Development Director to set up a pre-construction meeting with Town staff.
3. **Recorded Plans:** The Applicant shall provide one (1) copy of the recorded plan and two (2) duplicate certified copies of all other recorded documents to the Community Development Director.
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.

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

1. **Engineering Comments:** The Applicant shall coordinate with the Town Engineer to resolve any necessary outstanding comments listed in the memo dated 2/6/2020.
2. **Driveway Permits:** The Applicant shall receive approvals for the proposed driveways from the Engineering Division.
3. **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.
4. **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.
5. **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.

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 shall have been constructed properly and approved by the Town Engineer.
4. **Drainage:** The stormwater infiltration system shall be properly constructed, operational, and inspected by the Town Engineer and Conservation Administrator.
5. **Closing Documents for Homeowners:** An O&M Plan shall be prepared for the catch basins, infiltration basins, sewer grinder pumps and force mains, which shall include language specifying that the Town will NOT be able to service these systems in case of emergency or power outage. A copy of the O&M Plan shall be provided to the Community Development Director, and to homeowners as part of the closing materials. Memo from Ryan to clarify this.

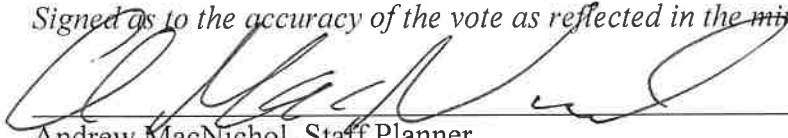
**Prior to the Issuance of a Certificate of Completion or the Release from Covenant:**

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:*



Andrew MacNichol, Staff Planner

*2/12/2020*  
Date

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

