



Town of Reading
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Reading, MA 01867

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Definitive Subdivision Plan DECISION of APPROVAL

40 Grove Street – ‘Nichols Estate’
Proposed Street Name: None (private driveway)

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 and closed on October 1, 2018, by a motion duly made and seconded, it was voted:

“We, the CPDC, as requested by David Orvosh, under the Town of Reading’s Subdivision Rules & Regulations, and MGL Chapter 41 Sections 81K through 81GG, to consider the 2-Lot Definitive Subdivision Plan for property located at 40 Grove St (Assessors Map 26, Lot 189), as shown on the plans prepared by Sullivan Engineering LLC, dated August 29, 2018, in support of an application filed on September 5, 2018, 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 9/5/18.
 - a. List of Waivers requested from Reading Subdivision Regulations, filed 9/4/18.
2. Form G: Designer’s Certificate, dated 8/30/18.
3. Certified List of Abutters, dated 6/7/18.
4. Email from Staff Planner to Applicant’s Engineer dated 9/5/18 with a statement deeming the submission Complete, and including a list of minor revisions to be made for the next plan submission.
5. Legal Notice, published in Daily Times Chronicle on 9/12/18 and 9/20/18
6. Email from Fire Captain regarding driveway details, dated 3/4/18.
7. Sheet 1 of 9: Cover Sheet, Definitive Subdivision Plan for Nichols Estate, Reading MA, prepared for: David Orvosh, prepared by: Sullivan Engineering Group LLC, dated 8/29/18.
8. Sheet 2 of 9: Lot Plan, Definitive Subdivision Plan for Nichols Estate, Reading MA, prepared for: David Orvosh, prepared by: Sullivan Engineering Group LLC, dated 8/29/18.
9. Sheet 3 of 9: Existing Conditions Plan, Definitive Subdivision Plan for Nichols Estate, Reading MA, prepared for: David Orvosh, prepared by: Sullivan Engineering Group LLC, dated 8/29/18.

10. Sheet 4 of 9: Site Grading and Utility Plan, Definitive Subdivision Plan for Nichols Estate, Reading MA, prepared for: David Orvosh, prepared by: Sullivan Engineering Group LLC, dated 8/29/18.
11. Sheet 5 of 9: Proof Plan, Definitive Subdivision Plan for Nichols Estate, Reading MA, prepared for: David Orvosh, prepared by: Sullivan Engineering Group LLC, dated 8/29/18.
12. Sheet 6 of 9: Construction Details, Definitive Subdivision Plan for Nichols Estate, Reading MA, prepared for: David Orvosh, prepared by: Sullivan Engineering Group LLC, dated 8/29/18.
13. Drainage Report for the Definitive Subdivision Plan for Nichols Estate, Reading MA, prepared for: David Orvosh, prepared by: Sullivan Engineering Group LLC, dated 8/29/18.
14. Memo from Town Engineer to Community Development Director, dated 9/26/18.
15. Draft Homeowner's Association documents, submitted 9/27/18.
16. Draft Decision, dated 10/1/18.
17. Letter from Attorney for abutters at 48 Grove Street, submitted at hearing on 10/1/18.

FINDINGS:

Project Summary:

The Applicant is proposing a 2-lot subdivision at 40 Grove St, Reading, MA (Assessors Map 26, Lot 189), which is a conforming lot within the S-15 Zoning District and the Aquifer Protection District. The lot contains ~57,640 square feet of land, 167.13 linear feet of frontage on Grove Street, and a home built circa 1850 that is listed on the Town's Historical & Architectural Inventory. The existing garage is not on the Inventory and is proposed to be removed.

The Applicant has provided a Proof Plan which demonstrates that the lot can be properly subdivided in accordance with the Town of Reading Subdivision Regulations and Town of Reading Zoning Bylaw, without the need for any waivers or variances. The Proof Plan shows a 60' right-of-way layout and two lots: Lot 1 containing 16,164 square feet of land, 239.79' of frontage on the proposed right-of-way, and the existing historic structure; and Lot 2 containing 18,243 square feet of land and 194.98' of frontage on the proposed right-of-way. The layout results in the creation of a parcel of land (Parcel A) to the north of the right-of-way that contains 1,542 square feet of land and is labeled 'Not A Building Lot' on the Proof Plan.

As an alternative to creating a fully conforming subdivision road, the Applicant has also provided a Lot Plan that demonstrates a lower impact approach to subdividing the lot, which will require waivers from the Town of Reading Subdivision Regulations. The Lot Plan shows an ~270' long, 40' wide right of way layout and two lots: Lot 1 containing 19,049 square feet of land, 220.18' of frontage on the proposed right-of-way, and the existing historic structure; and Lot 2 containing 22,460 square feet of land and 169.61' of frontage on the proposed right-of-way. This reduced layout results in the creation of a parcel of land (Parcel A) to the north of the right-of-way that contains 3,188 square feet of land and is labeled 'Not A Building Lot' on the Lot Plan. The right-of-way and Parcel A are proposed to be maintained by a Homeowner's Association between the two lots.

However, rather than construct the full 40' right-of-way depicted on the Lot Plan, the Applicant is proposing that it exist on paper, and that additional waivers be granted to allow for the construction of a private 'common driveway' to serve both homes. This concept is depicted on the Site, Grading & Utility Plan. The common driveway – which will lie almost entirely within the proposed 40' wide roadway layout – is proposed to have a curb cut off of Grove Street that is 24' wide, which will accommodate two 11' wide bituminous concrete driveways with a 2' wide crushed stone trench down the middle. The trench will act as a visual separation between the two driveways as well as a drainage

feature. The common driveway terminates part way into the site; an 11' wide bituminous concrete driveway with a 1' crushed stone trench extends to Lot 2 at the rear of the site.

The Applicant and staff recognize that there is no specific provision or guidelines for a 'common driveway' within the Subdivision Regulations or Zoning Bylaw. However, the proposed 'common driveway' is a rational and benign approach to providing access for one additional house lot that respects the historic nature of the property, reduces the amount of impervious surface within the Aquifer Protection District, provides for a larger buffer to the abutter at 48 Grove Street, limits the amount of land disturbance, and allows for the preservation of a number of trees on the property, including a 50" specimen beech tree. In addition, the existing nonconforming front yard setback for the house at 40 Grove Street will be remedied once the lot gains its legal frontage from the proposed roadway layout.

1. **Proposed Right-of-Way Layout:** The proposed right-of-way layout will be 40' wide, and will provide legal frontage for both Lot 1 and Lot 2. The proposed right-of-way layout will exist on paper only and will remain private and under the management of a Homeowners Association.
2. **Layout / Parcel A:** The right-of-way layout will exist on paper, but as a common area will need to remain open. The proposed 40' right-of-way layout and Parcel A will be under the management of a Homeowner's Association.
3. **Proposed 'Common Driveway':** The proposed 'common driveway' will be approximately 310' long with a width of 24' at the driveway apron (11' pavement + 2' crushed stone trench + 11' pavement) that narrows to 12' (11' pavement + 1' crushed stone trench) part way into the site. The driveway will be stabilized and a T turnaround provided at each house to support emergency vehicle access. The 'common driveway' will be maintained by the Homeowner's Association; the Town will not have to manage drainage or plowing. The owner can install a private driveway sign but should coordinate with the Engineering Division first. The 'common driveway' does not trigger a review by the Board of Selectmen. Both lots will have addresses off of Grove Street; mailboxes will be located on Grove Street.
4. **Curb Cut:** The existing driveway will be removed and the curb cut closed. The proposed curb cut and driveway will require permits from the Engineering Division.
5. **Fire Access and Safety:** Single and two-family dwellings are exempt from NFPA 1- 18.1.1.3 'fire access road' regulations. The Fire Department is satisfied with the proposed driveway width, as it can accommodate an 8' wide truck, and widens as it approaches the homes to allow for the deployment of the jacks and aerial ladder. In addition, the new home on Lot 2 will have a fire suppression system. A fire hydrant is located on Grove Street just south of the property.
6. **Trees:** All trees 6" caliper or greater have been located and will be preserved.
7. **Utilities:** Town of Reading water and sewer will be extended to the new lot. Telephone, electric and cable will be extended in coordination with RMLD. Though not depicted on the plans, it is presumed that gas will be extended as well.
8. **Drainage:** An effort was made to utilize LID features and design the project to reduce the amount of impervious surface within the Aquifer Protection Overlay District. All roof runoff from the new house on Lot 2 will be collected and conveyed into a 1,000 gallon concrete drywell with 24" of crushed stone surrounding it; the drywell is sized and capable of storing/infiltrating the 100 year storm event. The proposed driveways will be paved and graded to drain into a 2' wide and 2' deep crushed stone infiltration trench in-between the two driveways. An 8" trench drain will be

installed near the driveway apron to collect runoff associated with higher storm events; it will be conveyed to a rip-rap spreader within a proposed raingarden on Parcel A.

9. **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.

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.10 Topography - requires topography be shown with 100 feet of locus. The applicant requests that the topography be limited to the site locus and Grove Street.*
2. *Section 6.1.1.b.23 Wetlands - requires delineated bounds of any wetland resource areas on the property or within 200' of any portion of the property. There are no wetlands located on site and all development will be contained within the site; the Applicant requests relief from this requirement.*
3. *Section 6.1.1.d.3 Traffic Study - requires a full traffic report/study. Due to the limited scope of the project and the negligible increase in traffic resulting from one additional home, the Applicant requests a waiver from this requirement.*
4. *Section 6.1.1.d.4 Environmental Impact Report - requires an environmental impact report be completed for the development. The development is limited in scope and any increase in traffic, sewerage and demand on water supply or other Town resources will be insignificant. Accordingly, the Applicant requests a waiver from this requirement.*
5. *Section 6.1.1.d.7(c) Electrical Service and Street Lighting - requires electrical service and street lighting. Lighting and electrical will be installed to the satisfaction and approval of the Town. Proposed lighting of the roadway will be similar to that of a single family home and for that reason, the Applicant requests relief from this requirement.*
6. *Section 7.1(d) AASHTO - requires all roadways to be designed in accordance with AASHTO recommendations. The Applicant proposes to build a driveway instead of a full-size road.*
7. *Section 7.1.1(a) Width and Grade of Ways - requires the width of street rights of way to be sixty (60) feet and cul-de-sac terminations of street rights-of-way to consist of a right-of-way circle with a radius of sixty (60) feet. The Applicant proposes a right-of-way width of forty (40) feet, and a cul-de-sac termination with a radius of forty (40) feet, due to the limited size, length, and expected traffic using the proposed roadway serving the new residence.*
8. *Section 7.1.2(c) Changes in Grade - requires that changes in grade or vertical curves of streets be designed in accordance with AASHTO based on a design speed of 30 MPH for secondary streets. The Applicant requests relief from the requirement, due to the limited size, length, and expected traffic using the proposed roadway serving the new residence.*
9. *Section 7.1.3 Street Cross Section - requires a 30-foot minimum paved way. Due to the limited anticipated traffic from the new residence, the Applicant requests relief from the requirement to provide a 30-foot wide paved right-of-way and instead requests approval of reduced pavement, running eleven (11) feet wide for the majority of its length, as shown on the plans.*

10. Section 7.1.5(a)(c)(e) Dead End Streets / Cul-de-sacs - requires that an island be constructed with a maximum outside radius of 20 feet when a cul-de-sac is built, and that the cul-de-sac be designed with a minimum radius of not less than 45 feet and the paved way to be a minimum width of 30 feet. The Applicant requests a waiver from the cul-de-sac requirement, and the requirement to construct an island.

11. Section 7.1.7 Curbing - requires granite curbing be installed. Due to the limited scope of the project, the Applicant requests a waiver from this requirement.

12. Section 7.2 Sidewalks - requires sidewalks along both sides of the roadway. Due to the limited scope of the project, the Applicant requests a waiver from this requirement.

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: utility permits for sewer, water, electric, etc.; curb cut, driveway, street opening and Jackie's Law excavation permits; and Board of Health approvals.
3. **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.
4. **Property Maintenance:** The Applicant shall maintain the property in a neat and orderly fashion while the development is pending, and during construction.
5. **Right-of-Way Layout:** The right-of-way layout shall be kept open and free of structures at all times. For example, the owner of Lot 2 will not be allowed to fence off any portion of the cul-de-sac bulb.
6. **Stormwater Reporting:** The annual stormwater report shall be submitted to the Town's Engineering Division by January 15th of each year.

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 9/26/18.
2. **Electric Utility:** The electric utility plan shall be approved by the Reading Municipal Light Department (RMLD).
3. **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 Plan Endorsement, the Plans shall be revised and submitted to the Town Engineer and Community Development Director, as follows:

- i. **Cul-de-Sac:** The cul-de-sac bulb shall be revised so that the proposed lots comply with Zoning Bylaw Section 6.2.1 Lot Shape.
- ii. **Driveway Dimensions:** The driveway dimensions shall be added to the Site, Grading & Utility Plan.
- iii. **Private Way:** A note shall be added to the plans, within the proposed right-of-way, that it is to remain a private way.
- iv. **Raingarden:** The detail of the raingarden shall be modified in coordination with the Conservation Administrator. It is recommended that it be planted with native grasses that can be mowed annually (i.e., October 1st).
- v. **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-15 Zoning District (as outlined in ZBL Section 6.3 Table of Dimensional Controls). This table shall also include a calculation of impervious area for each lot.
- vi. **Variances or Special Permits:** a note shall be added to the plans clarifying whether there are any existing variances or special permits associated with the site.

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:** Due to the size and scope of this project, the Community Development Director and Town Engineer have determined that no surety is required.
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 9/26/18.
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. **Notification:** The Engineering Division shall be notified 72 hours in advance of excavation work to mark out Town-owned utilities.
5. **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 9/26/18.
2. **Driveway Permits:** The Applicant shall receive approval for the proposed driveway from the Engineering Division.
3. **Plot Plans:** Individual plot plans for each lot shall be submitted to the Town Engineer for review and approval. These plans shall indicate locations of proposed utilities, driveway locations and widths, final lot grading, and a calculation of all impervious area.
4. **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. **Utilities:** All utilities, structures, frames and covers shall meet Town of Reading standards. All new utilities shall be undergrounded.
2. **Materials:** All project materials shall be stockpiled safely.
3. **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.
4. **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 the electrical utility installed within the subdivision. All easements, as reviewed by the RMLD and Town Counsel, shall be properly written and recorded. In no instance shall any lot be sold until all easements and utilities (as applicable) are properly conveyed to the Town.
2. **Driveway:** The driveway base course and binder shall have been constructed properly and approved by the Town Engineer.
3. **Drainage:** The stormwater infiltration system shall be properly constructed, operational, and inspected by the Town Engineer and Conservation Administrator.
4. **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.
5. **Screening:** The Applicant shall coordinate with the abutters at 48 Grove Street on plantings within Parcel A to provide screening between the two properties.

6. **Sight Lines:** The Applicant shall coordinate with the Engineering Division on the possibility of leveling the area between the proposed driveway at 40 Grove Street and the existing driveway at 48 Grove Street to enhance sight lines for both properties. It is recommended that the area be leveled, but not so much that it exposes the street edge to corrosion.
4. **Homeowners Association Documents:** Draft documents were submitted 9/27/18 for review. Finalized documents shall be provided to the Community Development Director and shall include the following language:
 1. **Right-of-Way Layout:** No structures shall be allowed in the right-of-way layout.
 2. **Stormwater Management Plan (SWMP):** Reference shall be made in the Homeowner's Association documents to the Stormwater Management Plan (SWMP) for the site. Current and future owners of the lots shall be notified that they are responsible for maintaining the stormwater system, including but not limited to the driveway, crushed stone trench, and rain garden. The SWMP includes specific details regarding snow removal and maintenance of the aforementioned site features.
 3. **Trash/Recycling:** Trash/recycling shall be placed curb side for regular pick up by the Town.

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. **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

10/4/18

Date

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