



Town of Reading

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RECEIVED
TOWN CLERK
READING, MASS.

COMMUNITY PLANNING AND DEVELOPMENT COMMISSION

June 9, 2014

Definitive Subdivision Approval

92 Sanborn Lane
Proposed Mariano Drive

To the Town Clerk:

This is to certify that, at a meeting of the Community Planning and Development Commission opened and closed on May 19, 2014, by a motion duly made and seconded, it was voted:

“We, the Reading Community Planning and Development Commission, having been requested by Albert Couillard, to approve a Definitive Subdivision entitled “Mariano Drive” to provide access, utilities, and municipal services for three (3) lots at property currently addressed at 92 Sanborn Lane (Assessors Map 56 Lot 16), submitted to this Commission on April 3, 2014, and, having held a duly advertised and notified public hearing, do hereby vote (0-0-0); to approve the said subdivision, as shown on the permit set indexed Sheet 1-9 and entitled “Definitive Plan – Mariano Drive – Reading, MA”, dated March 21, 2014 lastly revised on May 15, 2014, prepared and stamped by Christiansen & Sergi, Inc.. This approval is subject to the Findings and Conditions below:

MATERIALS SUBMITTED:

- | | |
|----------------|--|
| April 3, 2014 | Cover letter dated March 31, 2014 from Philip G. Christiansen for the Mariano Drive subdivision application. |
| April 3, 2014 | Definitive Subdivision Plans indexed Sheets 1-9 and entitled “Definitive Plan – Mariano Drive – Reading, MA” dated March 21, 2014. |
| April 3, 2014 | Supporting Documents dated March 31, 2014– Form B, Form G, Certified Abutters List, Environmental Impact Report, Traffic Study, Boundary Survey Closure Calculations and Stormwater Management Report. |
| April 3, 2014 | Development Review Team notes dated November 20, 2013. |
| April 25, 2014 | Memorandum from Jean Delios to CPDC Re: Definitive Subdivision Filing: 92 Sanborn Lane dated April 25, 2014. |
| May 1, 2014 | Response to Planning Staff Comments prepared by Christiansen & Sergi, Inc. dated April 30, 2014 and received on May 1, 2014. |
| May 5, 2014 | Tree Removal/Preservation Plan prepared and submitted by Christiansen & Sergi, dated March 21, 2014 and received on May 5, 2014. |

May 14, 2014	Memorandum from Town Engineer to CPDC Re: Definitive Subdivision Plan – Mariano Drive, 92 Sanborn Lane.
May 15, 2014	Memorandum from Heath Director Ruth Clay to CPDC Re: Definitive Subdivision Mariano Drive.
May 16, 2014	Response to Conservation Commission Comments prepared by Christiansen & Sergi, Inc. dated May 16, 2014.
May 16, 2014	Response to Engineering Division Comments prepared by Christiansen & Sergi, Inc. dated May 16, 2014.
May 16, 2014	Response to Planning Staff Comments prepared by Christiansen & Sergi, Inc. dated April 30, 2014 and revised May 16, 2014.
May 19, 2014	Revised Definitive Subdivisions Plans indexed Sheets 1-10 and entitled “Definitive Plan – Mariano Drive – Reading, MA” dated March 21, 2014 and revised May 15, 2014.
May 19, 2014	Stormwater Pollution Prevention and Operation and Maintenance Plan dated May 16, 2014.
May 28, 2014	Memorandum from Town Engineer to CPDC re: Subdivision Filing 92 Sanborn Lane.
May 29, 2014	Draft Performance Guarantee (Form K) Tri-Party Agreement received on May 29, 2014.
June 9, 2014	Email correspondence from Town Counsel re: Mariano Drive received on June 9, 2014.
June 9, 2014	Copy of deed (Book 58904 Pages 550 and 551) and plan (Book 6197 Page 249) for 92 Sanborn Lane received on June 9, 2014.

FINDINGS:

1. The Applicant has conformed to the procedural requirements under Section 3.5.1.2 of the Reading Subdivision Rules and Regulations.
2. The Applicant is proposing to demolish existing residential dwelling located at 92 Sanborn Lane and develop three (3) residential lots to be accessed by proposed Mariano Drive.
3. A slope easement of 20-feet will be provided around the entire roadway. Permanent sight easements will be located at the intersection of Mariano Drive and Sanborn Lane. A drainage easement will be located on a portion of lots 2 and 3 for the proposed stormwater management system.
4. The proposed work requires the filing of a Notice of Intent (NOI) with the Conservation Commission because work will occur within the buffer zone of regulated resource areas.
5. Two light poles, as determined by the Reading DPW are proposed and will be installed in accordance with RMLD standards and specifications
6. The proposed work will result in the removal of four (4) trees within Sanborn Lane right-of-way, ten (10) trees within the proposed Mariano Drive right-of-way, one (1) tree within the proposed lot 1 and eleven (11) trees within the proposed lot 3. A total of 26 trees will be removed as a result of the project.
7. The Reading Historical Commission has no jurisdiction over the proposed project as indicated in email correspondence dated May 19, 2014.
8. The Reading Board of Health voted to approve the proposed Definitive Plan without conditions on May 13, 2014.
9. The project will not generate traffic impacts that will decrease Level of Service below LOS D.

10. The proposal includes the construction of all appropriate utilities to ensure adequate public water supply and public sewer capacity.
11. The proposal includes the construction of a stormwater infiltration system to be located between lots 2 and 3. The basin has been designed to accept stormwater runoff from the subdivision.
12. The property is located within the Aquifer Protection Overlay District. The project as a whole exceeds the 15% lot coverage threshold and therefore infiltration is required. Lot 1 exceeds this threshold and therefore a drywell is proposed to allow for infiltration. The remaining lots are under the threshold for lot coverage.
13. The proposed roadway name of Mariano Drive is acceptable to Emergency Dispatch.
14. Mariano Drive is proposed to be offered to the Town of Reading for acceptance as a public way.

CONDITIONS

Prior to Endorsement:

1. The applicant shall provide for the construction of ways, the installation of municipal services and any other site improvements, all shown of reference in the plans noted above, by covenant, executed and duly recorded by the owner of record, running with the land, whereby such ways and services shall be provided to serve any lot before such lot may be built upon or conveyed, other than by mortgaged deed; provided the mortgagee who acquires title to the mortgaged premises by foreclosure or otherwise and any succeeding owner of such premises of part therefore may sell any such lot, subject to that portion of the covenant which provides no lot shall be built upon until such ways and services have been provided to serve such lot; and provided further, nothing herein shall be deemed to prohibit a conveyance of a single deed, subject to such covenant, of either the entire parcel of land shown on the subdivision plan or all lots not previously released by the Community Planning and Development Commission. A deed of any part of the subdivision in violation therefore shall be voidable by the grantee prior to the release of the covenant but not later than three (3) years from the date of such deed. Any agreements provided for under this clause shall be approved as to form by Town Counsel through the Town Planner.
2. Any covenant given under the proceeding paragraph clause shall be either inscribed on the plan or contained in a separate legal document and referred to on the plan. Covenant language shall be submitted to the Town Planner and Town Engineer for approval as to form at least twenty-one (21) days prior to the date of endorsement.
3. Prior to endorsement a final wording of the Declaration of Covenants and Easements shall be provided to the Town Planner for review and approval by the Town Counsel.
4. Easements and Revisions
 - a. All documentation for the conveyance of easements shown on the plan, or required by this Decision, shall be submitted to the Town Planner and the

- Town Engineer for approval as to form. Documents shall be submitted no less than twenty-one (21) days prior to the date scheduled for endorsement.
- b. If any revisions to the plan are required by this Decision, the applicant shall submit the revised plan to the Commission no less than twenty-one (21) days prior to the date scheduled for endorsement, in order to allow the review of the plan for compliance with this decision.
 - c. All easements shown on the plan or required by this Decision shall be recorded simultaneously with the plan. The applicant shall provide the Commission with three (3) copies of each easement as recorded in the Registry of Deeds.
5. The Applicant shall submit to the Town Planner and Town Engineer the following at least twenty-one (21) days prior to endorsement of the plans:
- a. Roadway Coordinates,
 - b. Land Traverse

Prior to Recording:

The applicant shall provide a washoff Mylar of the subdivision plan, as endorsed for the Engineering Department files. A received transmittal of said document sent to the Engineering Department shall be copied to the Community Planning and Development Commission and the Building Inspector.

Prior to the release from the Covenant:

The applicant shall continue to provide for the construction of ways, the installation of municipal services, and any and all other site improvements, all shown or referenced in the plans noted above, by securing one, or in part by one of another of the methods described in the following clauses (1), (2), and (3), which method or combination of methods may be selected and from time to time varied by the Applicant at the regular scheduled meeting of the Reading Community Planning and Development Commission (written request for such approval and review must be made at least seven (7) business days prior to a meeting to the Town Planner):

1. By a proper bond, sufficient in the opinion of the Community Planning and Development Commission to secure performance of the construction of ways and the installation of municipal services and other site improvements required for lots in the subdivision show on the plan, and the Community Planning and Development Commission may require the Applicant to specify the time within which the construction shall be completed. No bond shall terminate within this established completion date of the Community Planning and Development Commission; but shall remain current for at least sixty (60) days beyond the actual completion date to allow for final inspection. The Town Planner, Town Counsel and the Reading Town Treasurer shall approve such bonding instrument.
2. By a deposit of money of negotiable securities, sufficient in the opinion of the Community Planning and Development Commission to secure performance on the construction of ways and the installation of municipal services and other site improvements require for lots in the subdivision shown on the plan, and the Community Planning and Development Commission may require the Applicant to specify the time within which the construction shall be completed. The Reading Town Treasurer shall approve the form of this type of security.

3. By delivery to the Community Planning and Development Commission of an agreement executed after the recording of the first mortgage covering the premises shown on the plan or a portion thereof given as a security for advances to be made to the Applicant by the lender, which agreement shall be executed by the Applicant and the lender shall provide for the retention by the lender of funds sufficient in the opinion of the Community Planning and Development Commission and otherwise due to the Applicant, to secure construction of ways, the installation of municipal services and any other site improvements. Said agreement shall also provide for a schedule of disbursements which may be made to the Applicant upon completion of various stages of work, and shall further provide in the event the work is completed within the time set forth by the Community Planning and Development Commission, any funds remaining shall be made available for completion. Any such agreement under this clause shall be approved as to form by Town Counsel through the Town Planner.

Prior to the Issuance of a Building Permit:

1. The above-noted transmittal of received washoff Mylar to the Engineering Division shall be received by the Building Inspector.
2. The Building Inspector receives evidence of release from covenant and the posting of security for the completion of ways, the installation of utilities and other site improvements from the Town Planner.
3. All utilities are available to the lot for which it shall be built upon, with the current right of way construction standard conformance to the Subdivision Rules and Regulation of those utilities to be approved by the Town Engineer.
4. The Applicant must comply with the Town's 2:1 Inflow/Infiltration (I/I) reduction program prior to granting of any building permits.
5. The Applicant must comply with the Town's MWRA capital buy in requirements prior to granting of any building permits.
6. The Applicant shall submit to the Engineering Division a copy of the required DEP sewer extension application.
7. Upon finalization by the Reading Municipal Light Department (RMLD), the proposed electric utilities shall be submitted for review and approval by the Engineering Division prior to any construction on the site.
8. Upon finalization by National Grid, the proposed gas utilities shall be submitted for review and approval by the Engineering Division prior to any construction on the site.
9. Evidence of Recording of all easements, deed restrictions, and the definitive plan is filed with the Community Planning and Development Commission and the Building Inspector.
10. Evidence shall be submitted to the Building Inspector that all necessary permits and approvals have been obtained, including appropriate but not necessarily limited to:

Street Opening Permit, Street Tree Removal Permit, Sewer Extension Permit, Lot Releases, Curb-Cut Permits and Jackie's Law excavation permits. It is the burden of the Applicant to ensure all other local/state/federal permit requirements have been met.

11. Individual site plans for each lot shall be submitted to the Engineering Department for review and approval indicating location of proposed utilities; driveway location and width; and final lot grading upon application of the building, utility and curb cut permits.
12. Section 7.6.2 of the Reading Subdivision Rules and Regulation specifies requirements for Tree Preservation and Replacement. The Applicant shall comply in full with these requirements.

Prior to the Issuance of Occupancy Permit:

1. The roadway base course and binder have been constructed properly and approved by the Town Engineer.
2. The stormwater infiltration system is properly constructed, operational, and inspected by the Town Engineer, the Town Planner, and the Conservation Administrator.
3. The following shall be adhered to, subject to approval by the Town Planner or his/her designee:
 - a. Turning radii for fire vehicles must be 27-feet inside and 44-feet outside.
 - b. Evidence of island maintenance by property owners conditioned as part of the deeds.

Conditions on Construction:

1. A pre-construction meeting with, at a minimum, the Town Engineer, the Town Planner and Tree Warden shall be coordinated by the Applicant.
2. The Engineering Department shall be notified 72 hours in advance of excavations to mark out Town owned utilities.
3. All utility work shall be installed and tested in accordance with Town of Reading standards.
4. All utility and site work shall be inspected prior to backfilling by the Engineering Department. The Department shall be notified 36 hours in advance of required inspections.
5. All utilities and roadway construction and materials shall conform to the most recently amended Subdivision Rules and Regulations (1997).
6. Hours of Construction shall be adhered to as per Section 8.9 of Rules and Regulations of the General Bylaw and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site. The hours Are:

Hours of Construction Operations:

Construction activity shall not take place in any subdivision or in any building contained therein except during the following hours:

Mondays through Fridays includes: 7:00 AM to 6:00 PM.

Saturdays: 9:00 AM to 5:00 PM

Sundays and Legal Holidays: None

7. As per Section 7.6 of the Subdivision Rules and Regulations, all tree removal/vegetation clearing and street tree installation shall be coordinated by the Applicant to accommodate surveillance and approval by the Tree Warden and Town Planner.
8. Limit of Work line shall be demarcated by the installation of snow fence prior to the commencement of construction.

General Conditions:

1. This approval is limited to the number of lots shown on the referenced plan. Any additional lots created with the legal frontage shall be considered a major modification to this subdivision as per Section 6.2.5 of the Subdivision Rules and Regulations.
2. When establishing the ownership of the road, the Applicant shall hold interest in the road and not transfer it to the abutters. Deeds shall be submitted to demonstrate this.
3. Digital as-built plans shall be provided for all utility and site work and shall be certified by a Registered Professional Engineer or Surveyor. The plan shall be in accordance with Town standards and shall depict all final improvements, utilities and shall be submitted in paper and ACAD electronic format.

Waivers:

The following waivers from the Subdivision Rules and Regulations are hereby granted:

Section 7.1.2.c Requires vertical curves be provided for a design speed of 30 miles per hour.

All encumbrances, mortgages and restrictions shall be subordinated to this Decision and the covenant described herein as a matter of records.

Signed as to accuracy of the vote:


Jean Delios, Assistant Town Manager – Community Services


Date

Cc: Applicant, Town Clerk, Town Engineer, Tree Warden, Town Manager, Building Inspector, Assessors Office, Board of Health, Police Department, Fire Department, Town Treasurer