



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

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**February 26, 2018**

## **Minor Modification to Approved Definitive Plan DECISION**

Project: 364 Lowell Street – “Lyle Estates”  
Applicant: Jamieson Properties LLC

*To the Town Clerk:*

*This is to certify that, at a public meeting of the Community Planning and Development Commission held on February 26, 2018, by a motion duly made and seconded, it was voted:*

“We, the Reading Community Planning and Development Commission, upon request from Jamieson Properties LLC, under Section 6.2.5 of the Subdivision Regulations of the Town of Reading, to consider the application for Modifications to the 4/20/17 Definitive Subdivision Plan Approval, which include a decrease in the roadway layout width, amendments to the requested list of waivers, and revised easements pertinent to maintaining the road as a private way, at 364 Lowell Street (Assessors Map 26, Lot 157) – as shown on the materials submitted – do hereby vote 5-0-0, to **approve** the Minor Modification to the Approved Definitive Plan, inclusive of the approved and proposed waivers listed, subject to the Findings and Conditions below.”

### Materials Submitted:

The following materials were submitted into the public record:

- a) Public Meeting – Courtesy Notice, sent by mail as a courtesy to abutters.
- b) Form B - Modifications, dated January 27, 2018, stamped by Town Clerk February 21, 2018.
- c) Memo from Applicant’s Attorney to Community Development Director describing modifications, dated December 2017.
- d) Letter from ASB Design Group to Community Development Director responding to comments and conditions, dated 12/14/17.
- e) Revised Waiver List, dated 12/14/17.
- f) Letter from Applicant’s Attorney to Town Engineer, dated 3/11/17.
- g) Stormwater Calculation Sheet, dated 3/30/17.
- h) TSS Calculation Sheet, dated 4/1/17.
- i) Draft Electrical and Water/Sewer Easements, prepared by Applicant’s Attorney, submitted 12/2017.
- j) Revised Definitive Plan Set:
  - a. C1: Cover Sheet – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
  - b. C2: Existing Conditions – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.

- c. C3: Tree Inventory Plan – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- d. C4: Lotting Plan – Definitive Subdivision & Notice of Intent, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC and Donohoe Survey, Inc., dated 1/3/17, revised 1/31/18.
- e. C5: Layout, Utilities & Pavement Marking/Signage Plan – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- f. C6: Site Grading & Drainage Plan – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- g. C7: Wetland and Buffer Zone Mitigation Plan – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- h. C8: SWPPP & Erosion Control Details – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- i. C9: Site Details – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- j. C10: Utility Details – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- k. C11: Headwall #1 and BMP #1 Details – Definitive Subdivision, Lyle Estates, prepared for: Jamieson Properties LLC, prepared by: ASB Design Group LLC, dated 1/3/17, revised 1/31/18.
- k) Memo from Town Engineer to Community Development Director, dated 12/20/17.
- l) Draft Decision, dated 2/26/18.

**Subdivision Regulations Section 6.2.5 – Modifications to an Approved Definitive Plan**

CPDC may consider modifications to an approved Definitive Subdivision Plan, upon written request of an applicant accompanied by plans and other information sufficient to explain such modifications clearly. CPDC shall determine, in its sole judgment, whether such modification is minor or major.

If minor, CPDC shall consider the substance of the request at a public meeting at its earliest convenience, and if it finds any or all modifications requested to be acceptable according to the standards set forth in these Regulations, CPDC may grant, with or without conditions, approval to any such modification; if it finds any modification so to be unacceptable, it shall deny such modification; in either case it shall notify the Town Clerk of such decision within seven days thereafter.

→ Town staff are of the opinion that the proposed modifications are minor in nature.

**Findings:**

1. Roadway Layout:

- a. Approved Condition: 40' layout width, 24' pavement width, 45-46' radius cul-de-sac bulb.
- b. Proposed Modification: 36' layout width, 24' pavement width, 45-46' radius cul-de-sac bulb.

- **The existing house and proposed garage will not require Variances from the ZBA.** [Condition #1 under 'Prior to Plan Endorsement' on page 6 of the 4/20/17 Decision of Approval will no longer be applicable].
- **The road will not be adopted as a public way by the Town.** [Condition #2 under 'Prior to Plan Endorsement' on page 6 of the 4/20/17 Decision of Approval will no longer be applicable. The Town will still provide snow ploughing, trash/recycling pick-up, and maintenance of Town-owned utilities].

2. Easements:

- a. Approved Plan: electrical, fire hydrant, roadway maintenance, tree planting, drainage.
- b. Modified Plan: electrical, fire hydrant, water/sewer/drainage\* easements across entire roadway layout required for maintenance of utilities; **roadway maintenance and tree planting easements are no longer required.**

\*The Town has agreed to be responsible for cleaning the catch basins in the roadway and for street sweeping; drainage features on the private lots will be maintained by the Homeowners Association. The Town will maintain the water/fire/sewer infrastructure, which ties into the municipal system, and the RMLD will have an easement to maintain the electric utility. The Town may also perform snow plowing to keep the road clear for public safety, and provide trash pickup.

➔ **All proposed easement language shall be accepted by the Town Engineer and is subject to review by Town Counsel.**

3. List of Waivers:

a. Approved Waivers:

- i. *Section 7.1.1a – to provide a 40' right-of-way where 60' is required; the existing right-of-way on the property is 40' wide and existing homes on either side restrict the width.*
- ii. *Section 7.1.3a – to provide a pavement width of 24' where 30' is required; reduced per the reduced right-of-way width, but still wide enough for emergency vehicles.*
- iii. *Section 7.1.3b – to provide no sidewalks where sidewalks are required on both sides of the right-of-way; removed per the reduced right-of-way width and to allow the pavement to shift further from the wetlands.*
- iv. *Section 7.1.3b – to provide a 4' wide tree planting easement to the Town outside of the right-of-way where a 10' wide tree lawn is required within the right-of-way; proposed due to the reduced right-of-way width.*
- v. *Section 7.1.3b – to offset the pavement from the centerline of the right-of-way where it is required to be on center; shifted to push paved area further from wetlands.*
- vi. *Section 7.1.4b – to provide curb radii of 20' where 30' is required; reduced per the reduced right-of-way and pavement widths.*
- vii. *Section 7.2a – to provide no sidewalks where sidewalks are required on both sides of the right-of-way; removed per the reduced right-of-way width and to allow the pavement to shift further from the wetlands.*

b. Proposed Waivers:

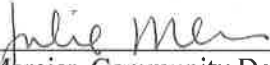
- i. *Section 7.1.1a – to provide a 36' right-of-way where 60' is required; the existing right-of-way on the property is 40' wide and existing homes on either side restrict the width; **further reducing it to 36' removes the need for Variances from the ZBA.***
- ii. *Section 7.1.3b – from providing a tree lawn or tree planting easement where a 10' wide tree lawn is required within the right-of-way; **removed due to the reduced right-of-way width, Town no longer planning to adopt road as public way.***
- iii. *Section 6.1.1.b.5 – to provide an aerial locus map at 1" = 100' for adjacent sites and roadways only, where a locus inset showing all properties within 1,000 feet of any portion of the subject property, and other details, is required. [NEW]*

- iv. *Section 6.1.1.b.10 – to provide topography on-site and as necessary off-site only, where topography is also required for all lands within 100' of the subdivision tract. [NEW]*

**Conditions:**

- 1. Subdivision Road:** The subdivision road shall remain private and shall not be adopted by the Town as a public way.
- 2. April 20, 2017 Decision of Approval:** All conditions listed in the April 20, 2017 approval remain in full force and effect to the extent that they are not rendered obsolete by the Modifications herein.

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

  
\_\_\_\_\_  
Julie D. Mercier, Community Development Director  
*Cc: Applicant, Town Clerk, planning file*

2/27/18  
Date