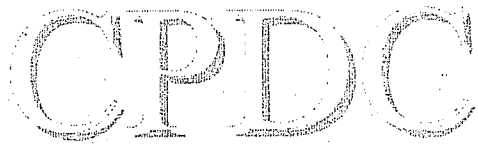


Town of Reading



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COMMUNITY PLANNING AND DEVELOPMENT COMMISSION

September 13, 2010

Final Site Plan Review Decision

Project: 30 Haven Street, Oaktree Development

To the Town Clerk:

This is to certify, at a public hearing of the Reading Community Planning and Development Commission (CPDC) opened on May 10, 2010 continued to May 24, 2010, June 14th, 2010, August 23rd, and closed on September 13, 2010, by a motion duly made and seconded, it was voted:

"We, the CPDC, as requested by Oaktree Development, under the provisions of Section 4.12 of the Zoning By-Laws of the Town of Reading, to consider the contemplated site plan development for property addressed at 30 Haven Street (Assessors Map 16, Lot 347), as shown on the plans entitled "Site Development Plans 30 Haven Reading, MA" set indexed A1 through A25 dated August 11, 2010 and sheets C-1 through C-7 dated August 11, 2010 and revised on September 7, 2010, prepared by DeVellis Zrein Inc. for Oaktree Development, do hereby vote; 4-0-1 to approve the said plans, subject to the Findings and Conditions below.

MATERIALS:

The following materials in addition to the plans as recorded were submitted into the public record on the following dates:

- | | |
|----------------|--|
| March 26, 2010 | Stormwater Management & Operation & Maintenance Plan for 30 Haven St, Reading, MA prepared by DeVellis Zrein Inc. of Foxboro dated March 26, 2010. Revised August 5, 2010 |
| April 12, 2010 | Site Development Plans for 30 Haven Street, Reading, MA prepared by DeVellis Zrein Inc. of Foxboro. Sheets C-1, C-2, C-3, C-4, L1, L2, A1, A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20 dated April 12, 2010. |
| April 12, 2010 | Existing conditions site plan for 30 Haven Street, Reading, MA prepared by John F. McQuilkin Jr. of JM Associates dated March 9, 2010. |

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April 12, 2010 Cover letter and development narrative dated April 12, 2010 and Downtown Smart Growth District (DSGD).
Site Plan Review application form, abutter's list and envelopes.

April 12, 2010 Sample affordable housing application.

April 12, 2010 Development Review Team notes from April 5th, 2010.

April 27, 2010 Memorandum from Conservation Administrator Fran Fink to the Community Planning & Development Commission Re: 30 Haven Street, Downtown Smart Growth District Application dated April 27, 2010.

April 28, 2010 Electronic Email from Fire Chief Greg Burns to Staff Planner Abby McCabe Re: 30 Haven St – Site Plan Review Comments dated April 28, 2010.

May 5, 2010 Certification of Completeness/ Advisory Report dated May 5th, 2010 to Gwendolen Noyes of Oaktree Development from CPDC Chair Nick Safina.

May 13, 2010 Electronic Mail from Town Planner, Jean Delios, to Gwen Noyes of Oaktree Development dated Thursday May 13, 2010.

May 17, 2010 Memorandum from Peter Hechenbleikner to CPDC dated May 17, 2010 RE: Board of Selectmen Comments – Oak Tree.

May 20, 2010 Ten page letter from Phil Terzis of Oaktree Development to Jean Delios Re: 30 Haven Street: Response to Comments dated May 20, 2010.

May 20, 2010 Shadow Study prepared by DeVellis Zrein Inc. and Oaktree Development dated May 24, 2010 for 30 Haven Street.

May 20, 2010 Mitsubishi Electric Mr. Slim specification sheets for the air conditioning system.

May 20, 2010 Maverick Cooling Unit Systems and physical acoustical data.

May 20, 2010 Informational HVAC Acoustical Diagram prepared by DeVellis Zrein Inc. dated May 24, 2010 for 30 Haven Street.

June 3, 2010 Electronic Mail from Ann Ward to Jean Delios Subject: Trees dated Thursday June 3, 2010.

June 4, 2010 Electronic Mail from Mary Ellen O'Neill to Jean Delios Subject: Trees at Former Atlantic Site dated Friday June 4th.

June 6, 2010 Electronic Mail from Gwen Noyles to Mary Ellen O'Neil Subject: Trees at Former Atlantic Site dated June 6, 2010.

June 9, 2010 Density Waiver Request letter from Gwendolen G. Noyes of Oaktree Development to the Reading Planning Board dated June 9, 2010.

June 14, 2010 Revised site plan entitled, "Site Plan Parking Concept for 30 Haven Street" prepared by DZI DeVillis Zrein Inc. sheet C-1 dated April 12, 2010.

June 23, 2010 Memorandum from Town Engineer, George J. Zambouras, to Community Services Director/Town Planner, Jean Delios Re: Oaktree Development – 30 Haven Street dated June 23, 2010.

July 13, 2010 Trip Generation Assessment – Reading prepared by TEC, Inc. dated July 12, 2010.

July 26, 2010 Site Plan Review Extension Request from Oaktree Development filed with the Town Clerk on July 28, 2010 approved by the CPDC on July 26, 2010.

August 10, 2010 Traffic Engineering Support prepared by TEC, Inc. dated August 10, 2010

July 26, 2010 Site Plan Review Extension Request from Oaktree Development filed with the Town Clerk on July 28, 2010 approved by the CPDC on July 26, 2010.

August 11, 2010 Cover Letter from Oaktree Development Phil Terzis to Community Services Director/Town Planner Jean Delios Re: 30 Haven Street dated August 11, 2010.

August 11, 2010 Revised Site Development Plans for 30 Haven Street Reading, MA prepared by DZI DeVellis Zrein Inc. for Oaktree Development LLC dated August 11, 2010 sheets C-1 through C-6 and A1 through A25.

August 11, 2010 Traffic Report prepared by TEC of Lawrence, MA for Oaktree Development, LLC for 30 Haven Street entitled Traffic Engineering Support for Proposed Mixed Use Development 30 Haven Street – Reading, Massachusetts dated August 10, 2010.

August 11, 2010 Stormwater Management and Operation and Maintenance Plan for 30 Haven Street Reading, MA dated March 26, 2010 and revised on August 5, 2010.

August 18, 2010 Memorandum from Town Engineer George Zambouras to Community Services Director/Town Planner Jean Delios and CPDC Members RE: Oaktree Development – 30 Haven Street dated August 18, 2010.

August 23, 2010 August 23, 2010 Oaktree Development Site Plan Review – Checklist of Outstanding Issues prepared by Town Planner Jean Delios.

September 7, 2010 Cover Letter from Gwendolen Noyes of Oaktree Development to Community Services Director/Town Planner Re: 30 Haven Street Redevelopment dated September 7, 2010.

September 7, 2010 Site Development Plans for 30 Haven Street, Reading, MA dated August 11, 2010 and revised on September 7, 2010 sheets C-1 through C-7.

September 9, 2010 Electronic Mail from Reading Tree Warden Bob Keeting to Staff Planner Abby McCabe Subject: Planting Plan for 30 Haven Street email sent September 9, 2010.

September 13, 2010 Memorandum from Town Engineer George Zambouras to Town Planner Jean Delios and the CPDC Re: Oaktree Development – 30 Haven Street dated September 13, 2010.

September 13, 2010 Test Boring Log for Atlantic Food Store 30 Haven Street, Reading, MA prepared by Soil Exploration Corp. dated August

31, 2010 provided to the CPDC during the September 13th public hearing.

FINDINGS:

1. This four story project is being proposed under the Downtown Smart Growth Zoning Overlay District (DSGD). The Applicant is proposing a mixed use development. The first floor will include Business and Service Uses, and the upper 3 floors will be residential. The site plan depicts the first floor commercial/retail uses as a restaurant, retail, consumer services and possibly an office space in accordance with Section 4.12.7 of the Zoning By-Law. The plans show upper stories as three floors of multi-family residential. Parking for the building's residential tenants will be in the underground private parking garage. The proposed uses are permitted as-of-right according to the Section 4.12.5.1. "Allowed Uses" of the DSGD.
2. The Site Plan Review Application fee for this project, which was due upon application submission, has been deferred per an agreement with the Town Manager. A condition of the deferral states that it must be paid to the Town in full by October 31, 2010 or prior to the issuance of a building permit, whichever comes first.
3. CPDC opened the public hearing on May 10, 2010 and continued the public hearings until a vote to close the public hearing was made on September 13, 2010. At the June 14th CPDC meeting, the CPDC voted to grant the density waiver request to exceed the 20 units per acre dimensional limitation of the DSGD zoning by-law with the following conditions:
 - a. Waiver is granted subject to Section 4.12.12 "Waivers" of the Zoning By-Law;
 - b. A major reason for granting the waiver is because of the commitment of the applicant to make substantial improvements to the public parking (Brande Court Municipal Parking Lot) being made by the applicant;
 - c. The Waiver shall be for this development to have a maximum of 56 total residential units at a density of 73 units per acre
 - d. The Waiver is subject to the successful resolution of both the Site Plan Review and the issues outlines in the Certificate of Completeness/ Advisory Report from the Community Planning and Development Commission to Oaktree Development dated May 5, 2010.
 - e. This waiver was granted with the condition that a transportation management plan and pedestrian connection between the rear

and front of the building / site be provided and subject to the approval of this Site Plan Review Decision.

4. The proposal meets the dimensional requirements of Section 4.12.6 "Dimensions and Other Requirements" of the DSGD. The proposed building height is 45 feet, the building's fourth floor step-back is a minimum of 5 feet from the primary building face in accordance with Section 7.1.2. of the DSGD Design Standards and Guidelines, the floor area ratio (FAR) is 2.78, the front setback is 0 feet, and the minimum lot frontage is over 50 feet.
5. **Parking** - According to Section 4.12.8.1. "Off-Street Parking" of the DSGD Zoning By-Law, retail stores, offices and consumer service establishments located within 300 feet of a public off-street parking facility shall be exempt from off-street parking requirements. Residential units are required to provide 1.25 parking spaces per unit. The Applicant is proposing 76 parking spaces for the residential units in the underground parking garage and thus this proposal meets Reading's parking requirements.
6. **Off-Street Loading & Delivery** -This proposal includes a 23 ft loading space at the rear of the building off of Brande Court. The Applicant has requested and the CPDC hereby voted 4-0-1 on September 13, 2010 to allow a waiver from Section 4.12.8.2. which requires at least five loading spaces. According to Section 4.12.8.2 of the Zoning By-Law, front door and on street deliveries are not allowed for non residential establishments on Haven Street.
7. **Parking and Site Circulation** - At their sole expense, the Applicant has agreed to make improvements to the rear municipal parking lot and the Haven Street streetscape that will result in a total of 117 public parking spaces (a reduction of three spaces from the existing layout), maintain the two way right of way between Haven Street and the rear of the site to improve vehicular and pedestrian circulation, create a pedestrian-friendly sidewalk bump out on Haven Street and add a 5 foot sidewalk along the east side of the property connecting the municipal lot to Haven Street as shown on the site development plans submitted by the Applicant on sheets C-1 through C-7 dated April 12, 2010 and revised on September 3, 2010. The changes to the municipal parking lot and public ways are subject to the review and approval of the Board of Selectmen.
8. **Geotechnical Report and Ground Water Report** - A Geotechnical Report and Ground Water Report shall be submitted to the Town Engineer and Town Planner. The Report shall address all items stated in the Town Engineer's memo to the Town Planner and CPDC dated September 13, 2010 and is subject to the approval of the Town Engineer. Any modifications to the plans as submitted, resulting from additional information pertaining to the geotechnical and ground water reports will require review and approval from the Town Engineer and Town Planner. If there is a need for additional equipment or structures to be added to handle the subsurface water, it will be required to be done within the

boundaries of the existing building. No exterior pump houses or other potential water related structure/equipment will be allowed.

9. **Drain Line Conflict** – Based on the information furnished, it is possible that the existing drain line traversing the property could be at an elevation that conflicts with the proposed underground parking area. The status of the potential grade conflict shall be reviewed and approved by the Town Engineer to verify this condition. Should the conflict be unavoidable a relief drain of equal capacity will be required to be re-routed around the building to the discharge point of the existing drain so that the Town will not lose drainage carrying capacity of the current drainage system.
10. **Shared Parking for Visitors & Employees** – A letter from Oaktree Development dated September 7, 2010 proposes one underground parking space for each tenant/owner of the building's commercial or retail space and allows the property manager to assign overnight guest parking spaces when available.
11. **Public Access / Pedestrian Connection** – Sheet C-1 Layout and Parking Plan dated April 12, 2010 and revised on September 3, 2010 proposes a five (5) foot sidewalk along the east side of the property next to the building and the right of way. The sidewalk allows for safe pedestrian travel between Haven Street and the municipal parking lot to the rear of the property.
12. **Consistency with 2005 Master Plan** The Reading Master Plan (adopted February 25, 2006) was the result of several years of work by the Master Plan Advisory Committee. The proposal for 30 Haven Street meets many of the goals and objectives stated in the Master Plan, such as; increasing Reading's affordable housing units, promoting diversity in housing types and households, introduces mixed use in the downtown, and enhances the economic vitality of the downtown.
13. **Consistency with the Goals of the Downtown Smart Growth District (DSGD)**
 - Provides mixed-use development in the downtown.
 - Promotes pedestrian friendly redevelopment downtown.
 - Provides a diversified housing stock at a variety of costs within walking distance to public transportation.
 - Generates positive tax revenue for the Town and allows the Town to benefit from the financial incentives of Mass. Gen. Laws Ch. 40R.

The following conditions shall be required at the Applicant's sole expense, unless otherwise noted.

CONDITIONS:

Prior to Applying for Building Permits (including demolition permits):

1. The Site Plan Review fee in the amount of \$14,048 must be paid in full.

2. Twenty percent (20%) of all the dwelling units shall be affordable units as per Zoning By-Law Section 4.12.10.1 and shall comply with all of the requirements of Section 4.12.10. The Applicant is required to submit evidence to the Town Planner that the project meets the cost and eligibility requirements.
3. Prior to the issuance of a building permit and marketing of any units, the affordable units are subject to an **Affirmative Fair Housing Marketing Plan** approved by the Massachusetts Department of Housing and Community Development (DHCD). The Affirmative Fair Housing Marketing Plan and the DHCD approval must be submitted to the Approving Authority (CPDC) through the Town Planner before any building permits are issued as proof that all conditions of Zoning By-Law Section 4.12.10.5. have been satisfied.
4. Prior to the issuance of building permits, an **Affordable Housing Restriction Form** must be submitted to the Approving Authority (the CPDC) through the Town Planner with DHCD's approval verifying compliance with the 40R requirements under 760 CMR 56.00 and Reading Zoning By-Laws Section 4.12.10.5.
5. In accordance with Section 4.12.10.3 "Design and Construction" of the Zoning By-Laws, the affordable units must be dispersed throughout the Development Project and be comparable in initial construction quality and exterior design to the unrestricted units.
6. The total number of bedrooms in the affordable units must be at least proportionate to the total number of bedrooms in all units of the project of which the affordable units is part as per Section 4.12.10.4 "Unit Mix" of the Zoning By-Laws.
7. **Façade:** According to the Building Design Standards in Section 7.1.2. of the DSGD Design Standards and Guidelines, the front and rear façades of four story buildings shall step back a minimum of five feet from the primary building face at either the second or fourth floor levels over 50% of their length, or offer alternative strategies for scaling building height as shown on the approved plans. The building façade shall be substantially as indicated on the architectural plans and elevations dated April 12, 2010 and updated August 11, 2010 on sheets indexed A3 - A12 for 30 Haven Street prepared by DeVellis Zrein Inc. for Oaktree Development LLC. Any changes to these plans shall have prior approval by the CPDC. As design of the façade becomes more finalized, materials and rear elevation design specifics shall be provided for review by the CPDC at the Design Development Stage.
8. **Drainage & Storm Water Management:** Per Zoning By-Laws Section 4.3.3.5.4. and DSGD Design Standards and Guidelines Section 8.6, the drainage design must conform to DEP storm water regulations and Best Management Practices (BMP), subject to the approval of the Town Engineer. The Operations and Maintenance Plan shall include a map of the system, easements required, a

schedule for maintenance activities, and all provisions of the Town Engineer's memo to the CPDC dated September 13, 2010 shall be adhered to subject to the approval of the Town Engineer.

9. **Grading and Utilities:** The CPDC approves the plans entitled "Site Development Plans for 30 Haven Street" sheet C-1 Grading and Utilities Plan prepared by DeVellis Zrein Inc. dated April 12, 2010 and lastly revised on September 3, 2010. The plans shall be updated to show the changes recommended in the Town Engineer's September 13, 2010 memo to the CPDC and subject to the approval of the Town Engineer.

10. **Landscaping:** The Planting Plan on sheet C-5 and C-6 of the Site Development Plans for 30 Haven Street plans dated April 12, 2010 and revised on September 3, 2010 shows fifteen 3 - 3.5 inch caliber deciduous trees proposed along Haven Street, along the sidewalk at the rear of the building and in the municipal parking lot. A further revised landscaping plan shall be submitted to the Town Planner and approved by the Town Engineer and Tree Warden. The revised landscape plan should replace the five October Glory Red Maples proposed for the municipal lot with Armstrong Maples. The five Red Oaks proposed on Haven Street should be substituted with a variety of Pin Oaks. The location of all trees along the sidewalk or street shall be located to allow for a minimum of a five (5) foot clearance. A detail of the landscaped planting beds shall also be provided on the revised landscape plan.

The property owner shall be responsible for the survival of all the trees (both on and off site) for one year after they have planted, thereafter, they will be maintained by the Town of Reading. However, the planting beds and landscaped areas (both on and off the Applicant's property) shall be maintained by the property owner or property manager. The existing street trees on Haven Street shall be preserved through a plan for relocation to be included in the final landscape plan submitted to the Town Planner. Contact information for the individual responsible for maintenance of the landscaped areas shall also be provided to the Town Planner.

11. **Sustainable Design:** The Applicant has agreed to use sustainable construction techniques and materials for the new construction consistent with the Guiding Principles of the DSGD Design Standards and Guidelines Section 6.5. Specification sheets for the air conditioning system were submitted with this application and during the public hearing.
12. **Dumpster Enclosure:** The details of the dumpster enclosure shall be submitted to the Town Planner and the Health Department for review and approval. A dumpster permit from the Health Department is required.
13. In accordance with Zoning By-Law Section 4.12.16, proof that this Site Plan Review Decision has been filed with the Middlesex South District Registry of Deeds should be submitted to the Town Planner.

14. Full construction documents shall be submitted for a plan review by the Fire Chief or his designee prior to the issuance of a building permit. The fire alarm must be connected to a master box connection to the municipal fire alarm and have monitoring by a Central Station service. The fire alarm must be a Class A system and the fire sprinkler system must meet the requirements of N.F.P.A.13.
15. **Public Access:** According to Section 4.3.3.5.6. of the Zoning By-Laws, a certification that the proposal is in compliance with the Americans with Disabilities Act and the Massachusetts Access Barriers Board shall be submitted to the Town Planner and the Building Inspector prior to applying for building permits.
16. **Pre-Construction meeting:** The Applicant shall coordinate with the Town Planner a pre-construction meeting with Town staff at least 30 days prior to applying for building permits to review these conditions and any and all final construction sequencing, details and plans for this project.

During Construction:

1. Per Zoning By-Laws Section 4.3.3.6.j., Hours of Construction shall be adhered to as per Section 5.5.8. Construction Hours and Noise Limits of the Town of Reading General By-Laws and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site.
2. 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.
3. Per Zoning By-Laws Section 4.3.3.6., the Applicant and/or its contractor shall provide during construction complete, full coordination with local officials on making alterations to existing utilities, further all utilities on site shall be installed underground, subject to local utility approval.
4. Per Zoning By-Laws Section 4.3.3.6.j., construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods, subject to the approval of the Health Administrator or designee. The Applicant shall ensure that abutting local streets are kept clear of dirt and debris, which may accumulate as a result of construction activities for the Project, and documentation, shall be provided demonstrating ongoing pest management control, subject to the approval of and administration by the Health Administrator.
5. A bond shall be posted for the final As-Built plans and will be returned to the Applicant once the requirements of Condition number 15 under "Prior to the Issuance of a Permanent Certificate of Occupancy" are met. The bond amount shall be determined by the Town Engineer.

Prior to the Issuance of a Permanent Certificate of Occupancy:

1. **Signage:** Signs for each business requires a Certificate of Appropriateness or a Master Signage Plan for the property shall be submitted for review and approval by the CPDC before being submitted to the Building Inspector for a sign permit. The proposed signage must comply with Section 9 of the DSGD Design Standards and Guidelines. No signage is approved by this decision.
2. **Noise:** The rooftop mechanicals, or any exterior building equipment, shall be screened with sound control devices or construction that mitigates the equipment noise.
3. The façade of the proposed building shall be substantially as indicated on the architectural plans and elevations for 30 Haven Street Reading, MA sheets A-3 through sheets A-12, prepared by DeVelis Zrein Inc. for Oaktree Development LLC dated April 12, 2010 and revised on August 11, 2010.
4. The retail and commercial spaces on the first floor shall be primarily transparent façade elements to reinforce the public nature of the ground floor uses as shown on the submitted plans and elevations in accordance with Section 7.3.2 of the DSGD Design Standards and Guidelines.
5. Ground floor commercial and retail uses shall be a minimum of 60% glass and the view into the first floor windows shall be maintained with a view into the sales floor or seating area as indicated on the approved plans and elevations. The ground floor windows shall not be blocked as per Section 7.4.2. of the DSGD Design Standards and Guidelines.
6. Public bike racks shall be installed on the east side of the site as shown on the approved site plans.
7. According to the DSGD Design Standards and Guidelines Section 7.2.4., Rooftop mechanical equipment shall be set back from building facades so that it is not visible from street views, screened from view behind parapets enclosed within architectural elements that integrate it into the building design.
8. Proof that the Affordable Housing Restriction for each affordable unit has been recorded with the Middlesex South District Registry of Deeds.
9. **Lighting:** All site lighting shall confirm to the DSGD Design Standards and Guidelines Section 8.4 and shall conform to the dark skies standards. All site lighting shall be designed to cut off light at the property line. The proposed wattage for each fixture type shall be approved by the Approving Authority (CPDC) before the certificate of occupancy is issued. Fixture cut sheets shall be required to be approved by the Approving Authority (CPDC) in advance of ordering and installing to demonstrate compliance with DSGD Design

