



Town of Reading
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June 13, 2022

Downtown Smart Growth District (DSGD) Plan Review
M.G.L. Chapter 40R
DECISION

Project: 459 Main Street
Applicant: GC Fodera Contracting, Inc.

To the Town Clerk:

*This is to certify that, at a public hearing of the Community Planning and Development Commission opened on February 7, 2022, discussed on March 14, 2022, April 11, 2022, May 16, 2022 and closed on **June 13, 2022** by a motion duly made and seconded, it was voted:*

“We, the Reading Community Planning and Development Commission, upon request from the GC Fodera Contracting, Inc., under Section 10.5 of the Zoning Bylaws of the Town of Reading, and MGL Chapter 40R, to consider the application for 40R Development Plan Review at 459 Main Street (Assessors Map 17, Lot 62) – do hereby vote **XXX** to **APPROVE** a 40R Development Plan subject to the Findings and Conditions below.”

Materials Submitted:

The following materials were submitted into the public record:

General Findings:

- 1) **Zoning:** The subject site (“Site”) is located within the underlying Business-B Zoning District and the Downtown Smart Growth District (DSGD) / 40R Overlay District. Properties located to the north, south, and west of the Site are also within the Business-B and DSGD Zoning Districts. The property abutting the Site to the east is split-zoned between the Business-B/DSGD Zoning District and the S-15 Residential Zoning District.

As defined within the Downtown Smart Growth District Design Guidelines, the Site is considered a **Transitional Area** because it directly abuts a lot containing a two-family dwelling.

→Therefore, Section 10 of the Design Guidelines applies to any 40R redevelopment of the Site.

- 2) **Overview & Site Context:** The Site totals 10,256 square feet in area and maintains a combined ~192.57 linear feet of frontage along Main Street to the west and Washington Street to the south. The Site is abutted by: an existing 40R Mix-Use Development to the north; a two-

family dwelling to the east; Washington Street to the south, and; Main Street to the west. A series of residential balconies and windows on the south façade of the abutting 4-story building known as Rise475 are located very close to the lot line with the Site.

The Site currently contains an ~1,800 square-foot, single-story commercial structure that operates as an automotive repair facility. It also maintains three curb cuts (one along Main Street and two along Washington Street) and an associated at-grade parking area.

The Applicant is seeking Development Plan approval from the CPDC under Section 10.5 of the Reading Zoning Bylaw and the Downtown Smart Growth District Design Standards & Guidelines, pursuant to M.G.L. Chapter 40R.

- 3) Wetlands / Floodplain: There are no wetland resource areas or buffers on or near the site, and the site is not within a 100-year floodplain.
- 4) Commercial Parking: The site is NOT within 300' of a municipal lot and is NOT exempt from providing off-street commercial parking. There is no on-street parking along the building's frontage.
- 5) Signage: No building signage is approved herein. Any future signage shall require the submittal of a Sign Permit Application and shall comply with Section 8.0 of the Zoning Bylaw and Section 9.0 of the Downtown Smart Growth District Design Guidelines.

Waivers pursuant to Section 10.5.12 and DSGD Design Standards & Guidelines:

Upon request of the Applicant, the Commission, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the DSGD and the Reading Master Plan, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses and/or physical character allowed. The Commission shall take into consideration the following items when considering a waiver:

1. High performance energy efficient buildings and construction methods.
2. Projects with publicly accessible open space.
3. Projects that include retail and restaurants located on street level.
4. A demonstrated shared parking initiative that makes efficient use of land and existing parking supply.
5. The preservation or rehabilitation of historic properties or other buildings considered significant to the Town.

The CPDC has granted the following waiver from ZBL Section 10.5:

***Density:** The project may provide up to but no more than 5 residential units, which equates to a density of 21.24 units/acre where 20 units/acre is allowed by-right. A strict 20 unit/acre density would result in 4.7 units.*

Conditions:

General:

- 1) **Public Health, Safety and Welfare:** If, at any time, the site becomes a nuisance to public health, safety or welfare (i.e., traffic spillover, excessive noise, unreasonable site illumination beyond the hours of operation, etc.) – as shall be evidenced by substantiated complaints to the Police Department or Public Services Office – the Applicant/Owner shall agree to work with staff to rectify the problem. Should the situation warrant it, an additional Site Plan Review by the CPDC may be required.

- 2) **Utilities:** All utilities, structures, frames and covers shall meet the Town of Reading standards. All utilities shall be removed and reconnected from Washington Street. Electric, telephone and communication will also be extended from Washington Street. Natural gas connections shall be extended from Washington Street in coordination with respective utility companies and the Town. All proposed utilities will be underground.
- 3) **RMLD:** The electric utility plan, including transformer location and any proposed solar PV or high efficiency energy systems, shall be coordinated with and approved by the Reading Municipal Light Department (RMLD).
- 4) **Roof Mechanicals:** Mechanical units located on the roof shall be placed so that they are not viewable from the street level or abutting residential properties.
- 5) **Lighting:** If commercial is proposed, lighting shall be incorporated on the building to distinguish commercial entries from residential entries, as well as to provide a measure of public safety. Upper floor exterior lighting shall be designed to be Dark Sky compliant and mitigate impacts to abutting residential properties. The Applicant shall ensure that any proposed lighting is not occluded by the street trees along the frontage, and does not compete with existing street lighting. The Applicant shall submit specifications for each type of lighting fixture to the Community Development Director for approval.
- 6) **MS4 Permit:** The project shall comply with the most recent MS4 permit requirements.
- 7) **Drainage and Grading:** The site is relatively flat in grade and is currently 100% impervious due to the existing building and its associated parking. Redevelopment shall incorporate Best Management Practices (BMP's) and Low Impact Design (LID) strategies.

The site shall be graded in a manner to avoid puddling on the premises and to promote positive sheet flow away from the building.

Once the final stormwater system design is complete a long-term Operations and Maintenance Plan shall be prepared. The Plan shall detail measures to be taken by the property owner to ensure long-term sustainability of the system. The Plan shall include, but not be limited to: schedules for inspections and maintenance, estimated costs of maintenance, safety measures, and responsible entity. A separate construction phase BMP plan shall be drafted and followed.

- 8) **Sidewalk Improvements:** The existing sidewalk shall be replaced with new concrete sidewalk around the entirety of the site, and shall include 6" vertical granite curbing that lines the street.
- 9) **Bicycle Parking:** Bicycle parking shall be provided on-site or in an on-site garage.
- 10) **Loading / Deliveries:** Front door and on-street deliveries are not allowed to occur on Main Street or Washington Street. If commercial space is proposed, loading for commercial deliveries shall be managed on-site. The same is expected for both residential move-ins/outs, which shall be managed and scheduled by the property management company.
- 11) **Commercial Spaces:** It is strongly recommended that the Applicant prep any commercial space(s) with utility connections, grease traps, etc. in anticipation of future tenants.
- 12) **Limitations / Future Uses:** The 40R Development Plan Decision herein does not include approval for any future uses or site renovations that may – on their own merits and design – trigger the requirements of 40R plan review, or site plan review, and/or require a special permit. Pursuant to Section 10.5 of the Zoning Bylaw the following uses are permitted by right within the proposed commercial spaces: office, retail, restaurant, institutional and

consumer services.

Prior to Application for a Building Permit – Process for Staff Review of 40R Plan:

- 1) **Plan Submission:** In accordance with the Downtown Smart Growth District 40R Plan Application and Checklist, the Applicant shall submit all required documentation for a 40R Plan Approval to the Community Development Director.
- 2) **Compliance with ZBL Section 10.5:** The proposed 40R Plan shall comply with all provisions of Reading Zoning Bylaw Section 10.5 that constitute a by-right project, with the exception of the density waiver allowing for up to but no more than 5 residential units. No other waivers shall be sought or granted. Planning staff shall review and determine compliance; the Applicant shall submit revised plans if needed for compliance.
- 3) **Compliance with DSGD Design Guidelines:** The proposed 40R Plan shall comply with all provisions of the Downtown Smart Growth District Design Guidelines. No waivers shall be sought or granted. Planning staff shall review and determine compliance; the Applicant shall submit revised plans if needed for compliance.
- 4) **Development Review Team (DRT) Staff Review:** The Applicant and development team shall attend a Development Review Team (DRT) meeting to present the project to staff and receive comments and feedback.
- 5) **Plan Changes:** The Applicant shall submit revised plans as needed to comply with life safety codes, utility requirements, and engineering practices.
- 6) **DRT Staff Sign Off:** Once the DRT Staff are satisfied that the proposed 40R Plan complies with all bylaws, guidelines, codes, regulations, requirements and practices, Staff shall provide an official Sign Off of the 40R Plan.
- 7) **Time Limit/Bond:** The Plan Approval shall remain valid and run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate an appeal and which time shall be extended if the project proponent is actively pursuing other required permits or there is other good cause for failure to commence. The Approving Authority may require the posting of a performance bond to secure and/or screen a Development Project site in the event that demolition is undertaken but subsequent work lapses, for any reason within or outside the applicant's control, for a period longer than one year.

Prior to the Start of Any Construction (including Foundation):

- 1) **Building Permit Plans:** Upon completion of the Staff Review, the Applicant shall submit full building permit plans in accordance with the 40R Plan reviewed and signed-off on by Staff.
- 2) **Other Permits:** The Owner/Applicant is responsible for obtaining all other requirements and permits including but not limited to, utility connections, sewer, water, curb cut, street opening and Jackie's Law excavation permits from the Engineering Department (prior to excavation), and Board of Health approvals.
- 3) **Pre-Construction Meeting:** The Owner/Applicant and contractors shall coordinate with the Community Development Director to schedule a pre-construction meeting with Town staff prior to applying for demolition and/or building permits, in order to review these conditions and any and all final construction sequencing, details and plans for this project.

- 4) **Construction Management Plan / Contractor Parking:** The Applicant shall submit a Construction Management Plan which includes provisions for off-site parking.
- 5) **Construction Documents & Fire Safety:** Full construction documents must be submitted and approved by the Fire Department at 80% design. A building permit shall not be issued until the Fire Department has approved the plans.
- 6) **Master Box:** The Applicant shall coordinate with the Fire Department on the requirement for a Master Box that is to be tied to the fire alarm system.
- 7) **Materials:** The Applicant shall submit samples of proposed materials and colors to be used on the building prior to installation, for review and approval by the Community Development Director.

After Foundation and Prior to the Start of Vertical Construction:

- 1) **Garage As-Built:** If a parking garage or podium is included in the project, the Applicant shall provide, to the Building Commissioner and Community Development Director, an as-built of the foundation and garage, that shows an overlay of the location and size of structural columns, fire/building/energy code requirements, and dimensioned parking striping, proving that the parking as approved can work. If the parking cannot work as signed off on by Staff, the Applicant shall submit revised plans to the Community Development Director and seek an amendment from Staff prior to starting vertical construction.

During Construction:

- 1) **Construction Hours:** Construction shall be limited to the hours stated in Section 8.9.8 “Construction Hours” of the Reading General Bylaws and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site.
- 2) **Construction Activities:** 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 Agent or designee. The Applicant shall ensure that the abutting local streets are kept clear of dirt and debris, which may accumulate as a result of construction activities for the Project. Documentation shall be provided demonstrating ongoing pest management control, subject to the approval and administration by the Health Agent.
- 3) **Construction Management Plan / Contractor Parking:** Site operations shall comply with the aforementioned Construction Management Plan at all times. Contractors shall park in the locations designated and provided for within the CMP.
- 4) **Site Inspections:** Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision.
- 5) **Bond:** The Applicant/Owner shall furnish a bond for the final As-Built plans prior to the issuance of the final certificate of occupancy. The bond amount shall be determined by the Town Engineer consistent with the reasonable costs associated with a third party performing the work. The bond shall be returned once the requirements of this condition are met.
- 6) **Scaffolding:** Any scaffolding at the property lines shall be completely screened 100% of the time to maintain privacy and prevent materials/debris from falling/blowing or otherwise dropping onto the abutting properties.

Prior to the Issuance of a Certificate of Occupancy:

- 1) **Architecture:** The building façade on each elevation (north, south, east, and west) shall be substantially as indicated on the approved architectural plans and elevations.
- 2) **Stormwater O&M Plan:** An Operations and Maintenance Plan for the stormwater system shall be provided to the Town Engineer.
- 3) **Property Management / Leasing Documents:** A copy of the finalized Property Management / Leasing Documents shall be submitted to the Community Development Director for review and approval, and shall contain the following language:
 - a. **Fire Safety:** Language ensuring fire safety by prohibiting gas/propane grills on any balconies, etc.
 - b. **Delivery Vehicles & Times:** Language prohibiting commercial deliveries along Main Street and Washington Street, and prohibiting commercial deliveries to any commercial spaces between 10:00 PM and 5:00 AM.
 - c. **Management of Move-ins & Move-outs:** Language regarding management of move-ins and move-outs by the on-site property manager, specifically with regards to the size of moving vehicles allowed and the timing and use of any garage or on-site loading area.
 - d. **Drainage System Maintenance:** Language that requires the property management company to adhere to the requirements of the O&M Plan.
 - e. **Trash Removal:** Language detailing how trash and recycling will be managed on-site, including but not limited to schedule of pick-up days and times, and logistics for trash truck access to the site. Trash management for residential and retail uses shall be managed separately, as is practicable.
 - f. **Snow Removal:** Language detailing how snow will be managed and removed from the property, including the roof, and that snow storage shall not impact sight lines for vehicular traffic.
 - g. **Site Lighting:** Language that any commercial lighting (including for signage) shall be programmed to shut off at the close of business each day.
 - h. **Conditions for Ongoing Maintenance after Occupancy:** Language that the property management company shall adhere to the “Conditions for Ongoing Maintenance after Occupancy” as are stated herein below.
- 4) **Roof Mechanicals:** All rooftop mechanicals shall be set back from building facades and appropriately screened from view.
- 5) **Pedestrian Improvements:** Improvements along Main Street, Washington Street and abutting rights-of-way, as deemed necessary or advantageous to the Town Engineer and Community Development Director, to adjacent crosswalks, curbing and sidewalks, shall be installed at the Applicant’s expense in accordance with Town standards.
- 6) **Garage Striping:** If proposed, garage parking spaces shall be striped in accordance with the approved plans. Dimensions shall be measured from centerline to centerline. Striping of parking lanes, and directional arrows, consistent with current Manual on Uniform Traffic Control Devices (MUTCD), shall be installed within the garage.

- 7) **I/I Fee:** The Applicant is subject to the required Inflow/Infiltration Fee as the proposed sewer flow usage will be greater than historical usage. The Fee is calculated as twice the flow times \$4.00.
- 8) **Street Trees:** If street trees are proposed, the Applicant shall work with the Tree Warden. Both the species and location shall be approved by the Town Tree Warden.
- 9) **Lighting:** All exterior building and site lighting shall comply with the dark sky initiatives (light shall shine down only) with the light source being fully shielded (with cutoff shields) so that little to no light or glare spills onto abutting properties. Spec sheets of proposed lighting fixtures shall be submitted to the Community Development Director for review and approval.

Conditions for Ongoing Maintenance after Occupancy:

- 1) **Parking Utilization Data:** The Applicant shall provide reports to the Community Development Director indicating utilization of the on-site parking.
- 2) **Signage:** Prior to installation of any building or tenant signage, a Sign Permit Application and/or Master Signage Plan shall be submitted for review and approval.
- 3) **As-Built Plans:** Two full size paper copies and electronic AutoCAD final As-Built plans showing the building footprint, drainage systems and utility connections shall be submitted to the Community Development Director and Town Engineer to ensure compliance with this decision and other applicable Town standards. The bond held for this requirement will be returned to the Applicant once this condition has been fulfilled.
- 4) **Landscaping:** Landscaping on-site shall be maintained in a healthy condition in perpetuity. In the event that landscaping is damaged during snow removal operations, the property owner shall replace such landscaping during the next growing season.
- 5) **Lighting:** All exterior building and site lighting shall comply with the dark sky initiatives (light shall shine down only) with the light source being fully shielded (with cutoff shields) so that little to no light or glare spills onto abutting properties. Any exterior lighting that is required for security purposes may be illuminated by photocells and is not required to be extinguished at the close of business. All site and building lighting for commercial purposes, beyond what is needed for security purposes, shall be programmed to shut off at the close of business each day.
- 6) **Trash Removal:** All trash collection and disposal are the responsibility of the owner / property manager. The Applicant shall ensure daily that exterior areas of the site remain clear of debris, trash and any equipment used in connection with any commercial activities on site.

Plan Changes after Approval by the Commission:

Contemplated future changes to the plan approved herein shall be presented to the Community Development Director and the Building Inspector, or other relevant Town staff, for review prior to implementation of proposed changes.

10.5.13.1 Minor Plan Changes: After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Commission on redlined prints of the approved plan, reflecting the proposed change, and on application forms

provided by the Commission. The Commission may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Commission shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

10.5.13.2 Major Plan Changes: Those changes deemed by the Commission to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Commission as a new application for Plan Approval pursuant to Section 10.5.

Appeal:

Any person aggrieved by this Decision of the CPDC may appeal to the appropriate court in accordance with the provisions of M.G.L. Ch. 40A Section 17, pursuant to M.G.L. Ch. 40R Section 11, within twenty (20) days after the date of filing of this Decision with the Town Clerk. Notice of any appeal with a copy of the complaint must also be filed with the Town Clerk within such twenty (20) days as provided in M.G.L. Ch. 40A Section 17.

This Decision and the relief, terms, restrictions and conditions contained herein shall run with the land and all subsequent owners shall benefit from and be bound by the relief, terms, restrictions and conditions contained herein.

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

Andrew MacNichol, Staff Planner

Date

Cc: Applicant, Town Clerk, DRT Staff, planning file