



Town of Reading

16 Lowell Street, Reading, MA 01867

Community Planning & Development Commission

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readingma.gov/community-planning-and-development-commission

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March 11, 2024

Definitive Subdivision Plan DECISION

0 Annette Lane

Proposed Street Name: Annette Lane Extension

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 on October 16, 2023, and closed on March 11, 2024, by a motion duly made and seconded, it was voted:

“We, the CPDC, as requested by Peter Seibold, under the Town of Reading’s Subdivision Rules & Regulations, and MGL Chapter 41 Sections 81K through 81GG, to consider the 1-Lot Definitive Subdivision Plan for property located at 0 Annette Lane (Assessors Map 38, Lot 139), as shown on the plans prepared by Vineyard Engineering & Environmental Services Inc., originally dated 8/14/23, and most recently revised 2/2/24, in support of an application filed on August 15, 2023, do hereby vote 4-0-0 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 8/30/23
2. Cover letter, including list of waivers requested from Reading Subdivision Regulations, dated 8/15/23
3. Form G: Designer’s Certificate, dated 8/14/23
4. Certified List of Abutters, dated 8/14/23
5. Email from Senior Planner to Applicant with a statement deeming the submission Complete, and including a list of minor revisions to be made for the next plan submission, dated 8/30/23
6. Legal Notice, published in Daily Times Chronicle on 9/27/23 and 10/4/23
7. Definitive Subdivision Plans for 0 Annette Lane, prepared by Vineyard Engineering & Environmental Services Inc. and Somerville Engineering, dated 8/14/23 and most recently revised 2/27/24, including the following:
 - a. Sheet 1: Cover Sheet, dated 8/14/23
 - b. Sheet 2: Existing Conditions Plan, dated 8/14/23
 - c. Sheet: Proof of Concept Plan, dated 2/20/23
 - d. Sheet: Approved Preliminary Plan, dated 11/27/23, last updated 2/23/24

- e. Sheet: Proposed Planting Plan, dated 2/5/24
 - f. Sheet C-102: Site Improvement Plan, dated 8/14/23, last updated 2/2/24
 - g. Sheet C-501: Details, dated 8/14/23
 - h. Sheet C-502: Details, dated 8/14/23
 - i. Sheet C-503: Details, dated 8/14/23
8. Geotechnical report Summary from Aardvark Geotechnical Engineering & Testing, Inc. dated 7/20/23
 9. Drainage Report on Test pits from Somerville Engineering, dated 8/11/23
 10. Stormwater Permit Application, dated 9/27/23
 11. Memo from Town Engineer to Community Development Director, dated 9/20/23
 12. Memo Summarizing Plan Changes, from Applicant to Community Development Director, dated 2/23/24
 13. Memo from Town Engineer to CDD, dated 3/7/24
 14. Email from 20 Covey Hill Road, received 3/11/24
 15. Draft Decision, dated 3/11/24

FINDINGS:

1. **Existing Conditions:** The development tract is comprised of 0 Annette Lane, one parcel situated between the two dead end streets of Annette Lane and Applegate Lane. Applegate Lane is a 50' paved public way. Annette Lane is a 50' wide public way with 30' of paved roadway width serving three single-family homes. The 54,942SF tract is vacant of structures but maintains jurisdictional wetland area, as well as sewer and drain easements. The site is entirely within the S-20 Zoning District and the overlying Aquifer Protection District.
2. **Proposal:** The Applicant is proposing to subdivide the lot into one buildable tract and a second lot for the extension and layout of Annette Lane. Annette Lane will be extended by approximately 187' in length, with a 50' right-of-way width, and connects as a paper street to Applegate Lane. The extension provides the necessary frontage required for a single-family dwelling on the tract. The Applicant proposes to construct no extension of the roadway to serve the proposed single-family dwelling but to instead connect the driveway directly to the existing roadway. The extension of the way would exist on paper only. The dwelling will be accessed by a 19' wide x 146.8' long driveway, which is designed to meet engineering and public safety standards/requirements. A pedestrian boardwalk is proposed to connect Annette Lane with Applegate Lane. A series of waivers have been requested from the Subdivision Rules and Regulations and are described below. The application required a Notice of Intent (NOI) application and issuance of an Order of Conditions by the Conservation Commission.
3. **Zoning:** The site is within the S-20 Zoning District. A minimum total of 20,000 SF of area, 12,000 SF of upland area, and 120 linear feet of frontage is required. Proposed Lot B-1 complies with these requirements with 43,740sf of area (36,656 of it upland) and 186.06 ft of frontage. There are no known Special Permits or Variances relative to the subject property. A Zoning Compliance/Land Use Table is depicted on Sheet 3: Approved Preliminary Subdivision Plan.
4. **Upland Area:** ZBL Section 6.2.7 requires that any lot in the S-20 Zoning District must contain at least 12,000 SF of upland area outside of a Wetland Resource Area; Lot B-1 is proposed with 36,656 SF of upland area.
5. **Proof of Concept:** The proposed 50 ft right of way would extend and connect the existing 50 ft right of ways of Annette Lane and Applegate Lane. The connection would be served through a 145' long bridge between the 25' buffer zone limits on each end of the right of ways.

6. **Wetlands:** An Order of Resource Area Delineation was issued by the Reading Conservation Commission in December 2019, and set to expire on December 4, 2023. Bordering Vegetated Wetlands (BVW) are present on the site and work is proposed within the 100' buffer zones.
7. **Conservation Review Restriction:** The Application will require a Notice of Intent with the Conservation Commission, and the issuance of an Order of Conditions.
8. **Stormwater Permit:** Per Section 7.9 of the General Bylaw a stormwater permit application is required for developments that disturb 1 acre or more of land. An application was received on September 28, 2023 and was later determined that though the site is more than 1 acre, the area of disturbance is less than 1 acre, and as such the Stormwater Permit is not required.
9. **Easements:** There are existing drainage and existing sewer easements within the lot and project site.
10. **Proposed Right-of-Way:** The proposed right-of-way layout will be 50' wide and 187' long. A waiver has been requested for the construction of the way, the installation of a cul-de-sac, to reduce the right of way width from 60 ft to 50 ft, and to install sidewalks and granite monuments. Bituminous concrete shall be installed along the driveway for drainage design.
11. **Snow Storage:** The Applicant will determine an appropriate practice for snow storage and removal with the Conservation Administrator and the DPW Director.
12. **Traffic:** Due to the proposal of a single buildable tract, a waiver has been requested from providing a full Traffic Study.
13. **Trees/Landscaping/Screening:** Deciduous and Evergreen trees with 6" and greater diameter have been depicted on the plan set. A grass lawn will be installed. All trees proposed to be removed from, and all replacement species proposed, within the 100' wetland buffer have been approved by the Conservation Commission.
14. **Lighting:** No street lighting has been proposed. A waiver was requested due to the limited scope of the project. Typical driveway and house mounted lights will be provided at the proposed lot.
15. **Utilities:** Both Town water and sewer are proposed to be extended and connected to the proposed house lot. Electric, Telephone and Cable service shall also be provided. All utilities are proposed to be underground and extended through the proposed driveway. The existing hydrant is being relocated to allow driveway access.
16. **Drainage:** The proposed site improvements will result in a land disturbance of approximately 13,000 FT and a net increase of 4,131 SF of impervious area on site. Two leaching fields, one to collect roof runoff and one to collect driveway runoff are proposed. Additionally, a 370 linear foot long stone trench is proposed to contain the impervious area and mitigate the conversion of surface cover from Woods to Grass.
17. **Boardwalk/Trail Connection:** The Applicant proposes 4-foot-wide boardwalk, elevated 2-feet above the ground, and spanning 160+ feet in length from Applegate Lane to Annette Lane through the Bordering Vegetated Wetland (BVW) system. The boardwalk will provide a direct pedestrian access and connection for the two neighborhoods. Existing sidewalk along Martin Road and Forest Street provide access to the Birch Meadow School Complex. The boardwalk details and specific location (i.e. footings, material, etc.) will be reviewed and approved by the Conservation Commission, Conservation Administrator, and additional stakeholders as required. Necessary easements for public access will be provided as required. Following the boardwalk's construction, the Applicant will turn the ownership and maintenance of the boardwalk over to the Town of Reading.

18. **Rooftop Solar:** The Applicant shall consider orienting the homes so that future owners can benefit from potential rooftop solar installations and/or passive heating.
19. **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 approved (4-0-0) the following waivers from the Town of Reading Subdivision Regulations:

1. A waiver from Section 6.1.1.c.3 requiring detail of profile existing and proposed right of ways.
 - a. *The Applicant is proposing no physical extension of Annette Lane. Because the road would exist as paper street, the Applicant requests that this requirement be waived.*
2. A waiver from Section 6.1.1.d.3 requiring a full traffic study.
 - a. *The Applicant requests relief from the requirement due to the modest scope of one additional single-family home.*
3. A waiver from Section 6.1.1.d.4 requiring an Environmental Impact Report.
 - a. *The Applicant requests relief of this requirement due to the limited scope of the project and the opined minimal impact of one additional home on resources. The project has received an approved Notice of Intent from the Conservation Commission.*
4. A waiver from Section 7.1.1.a requiring a right of way width of 60-feet.
 - a. *The existing layout of Annette Lane is 50-feet wide and the Applicant proposes to extend the layout of Annette Lane at the 50-foot width, because of such the Applicant requests relief of this requirement.*
5. A waiver from Sections 7.1.7 and 7.1.8 requiring the installation of granite curbing and monuments respectively.
 - a. *The Applicant requests a waiver of this requirement due to the limited scope of the project and because the road will exist on paper only.*
6. A waiver from Section 7.1.11 requiring the installation of street lighting.
 - a. *The Applicant requests a waiver of this requirement because the road would exist as a paper street only.*
7. A waiver from Sections 7.1.5(c) and 7.1.5(e) requiring a turning circle and landscaped cul-de-sac island respectively.
 - a. *The Applicant requests a waiver from this requirement due to the limited scope of the project and that the proposed right of way extension would be connected as a paper way from Annette Lane to Applegate Lane.*

8. A waiver from Section 7.2 requiring sidewalks along both sides of the roadway.
 - a. *The Applicant requests a waiver from this requirement due to the limited scope of roadway expansion proposed.*

9. A waiver from Section 7.6 requiring the installation of street trees.
 - a. *The Applicant requests a waiver from this requirement due to the proposed extension of Annette Lane shall remain on paper. All proposed plantings are to be reviewed and approved by the Conservation Commission.*

10. A waiver from Section 8.0 requiring the construction of a way.
 - a. *Due to the modest scope of the project, and the presence of wetlands in the surrounding area in which a way would be constructed, the Applicant requests a waiver of the requirement.*

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: a NPDES Permit; utility permits for sewer, water, electric, etc.; curb cut, driveway, MassDOT and Jackie’s Law excavation permits; Board of Health approvals; and an Order of Conditions from the Conservation Commission.
3. **Order of Conditions:** At all times throughout construction of the project and occupancy of the site, the Applicant and/or future owners shall comply with all provisions of any Order of Conditions issued for the project by the Reading Conservation Commission. As part of the Purchase and Sale Agreement, the Applicant shall provide a copy of the Order of Conditions to the buyer for each lot.
4. **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.
5. **Property Maintenance:** The Applicant shall maintain the property in a neat and orderly fashion while the development is pending, and during construction. The Applicant is responsible to perform all snow and ice removal operations, as well as all other maintenance operations, as required prior to any Town acceptance of the Right of Way.

Prior to Plan Endorsement:

1. **Plan Revisions:** The Applicant shall revise the Definitive Plan pursuant to any conditions imposed herein and submit 2 full-size (24x36) copies of the revised plans to the Community Development Director for review and approval prior to the issuance of a Building Permit. Revisions include but are not limited to:
 - a. The Applicant shall remove references to the 42” fence placed at the end of the right of way and note on the plans that the final location of the boardwalk will be determined in the field.

2. **Engineering Comments:** The Applicant shall coordinate with the Town Engineer to resolve any necessary outstanding comments listed in their memo.
3. **Snow Storage:** The Applicant shall coordinate with the Conservation Commission, Town Engineer and DPW Director to determine the most appropriate location on-site for snow storage and removal practice.
4. **Electric Utility:** The electric utility plan shall be approved by the Reading Municipal Light Department (RMLD). Locations of light poles, transformers, etc. shall be added to the plans and approved by RMLD.
5. **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.
6. **Owner of Record:** The Applicant shall have become the owner of record of the subject land to be subdivided and shall provide acceptable documentation of such to the Community Development Director.
7. **Trees/Landscaping/Screening:** All trees proposed to be removed from within the 100' wetland buffer shall be approved by the Conservation Commission. Proposed Street Trees will not count towards this requirement. All plantings / tree removal shall be approved by the Conservation Commission and/or Tree Warden, as appropriate.

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:** A surety in the form of a bond or deposit of money or negotiable securities sufficient in the opinion of the CPDC to secure the construction of ways and the installation of municipal services may be provided, acceptable to the CPDC at any time prior to the completion of the subdivision. The value of the surety shall be based on the total estimated costs, including engineering, management, supervisory, inspections, inflation, and contingencies, and the costs to prepare as-built plans, to complete all remaining required improvements in the subdivision over a period of time extending to four years from the date of the establishment of the surety, together with the costs of any restoration of affected lands and properties. The Applicant shall secure said surety via any of the following methods of performance guarantee:
 1. Performance Bond – Secured by Deposit (Form I); or
 2. Performance Bond – Secured by Surety Company (Form J); or
 3. Retention of Funds by Lender – Three Party Agreement (Form K).

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 outstanding comments listed in the memo dated 9/20/23.
2. **Soil Boring:** Soil boring and analysis shall be conducted and results shall be submitted to the Town Engineer and Community Development Director. Any necessary changes to the drainage design shall be redlined and summarized for approval.
3. **Pre-Construction Meeting:** The Applicant shall contact the Community Development Director to set up a pre-construction meeting with Town staff.
4. **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.
5. **Erosion Controls:** Any erosion controls shown on the plans approved herein and/or approved by the Conservation Commission shall be installed to the satisfaction of the Conservation Administrator and Town Engineer.
6. **Notification:** The Engineering Division shall be notified 72 hours in advance of excavation work to mark out Town-owned utilities.
7. **Trees:** Any trees requiring removal need to be identified and approved by the Conservation Commission and/or Tree Warden, as appropriate.

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 memos dated 9/20/23 and 3/7/23.
2. **Driveway Permits:** The Applicant shall receive approvals for the proposed driveways from the Engineering Division.
3. **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.
4. **Plot Plans:** Individual plot plans for each lot shall be submitted to the Town Engineer and Conservation Administrator for review and approval. These plans shall indicate locations of proposed utilities, driveway locations and widths, final lot grading, and delineations of any resource areas or resource area buffers.
5. **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. **Order of Conditions:** The Applicant shall ensure that all requirements of the Order of Conditions issued by the Conservation Commission are complied with at all times.
2. **Utilities:** All utilities, structures, frames and covers shall meet Town of Reading standards.
3. **Materials:** All project materials shall be stockpiled safely.

4. **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.
5. **Reduction of Performance Guarantee:** The Applicant may submit at any time a Request for Reduction or Release of Surety Amount (Form M) to reflect the actual expected cost of work remaining to be completed.
6. **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:

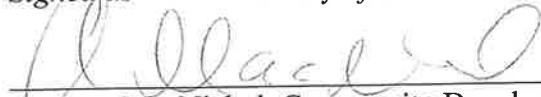
1. **Conveyance of Easements and Utilities:** The Applicant shall execute a Conveyance of Easements and Utilities (Form N) transferring to the Town valid, unencumbered title to all sanitary sewers, stormwater drains, water mains and all appurtenances thereto constructed and installed in the subdivision. All easements, as reviewed by the Town Engineer and Town Counsel, shall be properly written and recorded. In no instance shall any lot be sold until all easements and utilities are properly conveyed to the Town.
2. **Right-of-Way Ownership:** When establishing ownership of the right-of-way, the Applicant shall hold interest in the right-of-way and not transfer it to the developed tract. Upon sale/occupancy of the lot, deeds shall be submitted to the Town to demonstrate compliance with this.
3. **Drainage:** The stormwater infiltration system shall be properly constructed, operational, and inspected by the Town Engineer and Conservation Administrator.
4. **Closing Documents for Homeowners:** An O&M Plan shall be prepared for the catch basins, infiltration basins, sewer grinder pumps and force mains, which shall include language specifying that the Town will NOT be able to service these systems in case of emergency or power outage. A copy of the O&M Plan shall be provided to the Community Development Director, and to homeowners as part of the closing materials.
5. **Boardwalk Completion:** The proposed boardwalk detailed in Finding #17 above shall be fully constructed and installed to the satisfaction of the Conservation Administrator, Community Development Director and Town Engineer prior to the issuance of occupancy permit.
6. **Boardwalk Easement:** If required, draft language of the proposed easement for public use of the proposed boardwalk shall be provided to the Community Development Director and Conservation Administrator for review and approval. Any easement will require a positive vote from the Select Board prior to its full establishment.

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. **Final Release of Performance Guarantee:** The Applicant shall submit a Form M for review by the Town Engineer and Community Development Director. The CPDC shall not release the performance guarantee unless and until written documentation from the Town Engineer and Community Development Director have been provided verifying the durability of required improvements as outlined under Section 9.5.2.1 of the Subdivision Regulations.
3. **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:



Andrew MacNichol, Community Development Director

5/12/24
Date

Cc: Applicant, Town Clerk, CPDC, planning file