

**TOWN OF READING  
BOARD OF APPEALS**

**M.G.L. Ch. 40B Comprehensive Permit  
DECISION**

Please take notice that in the matter of the APPLICATION OF EATON LAKEVIEW DEVELOPMENT, LLC, for a Comprehensive Permit, under Massachusetts General Laws Chapter 40B, to construct an eighty-six (86) unit multi-family residential project comprised of seventy-four (74) rental units and twelve (12) for-sale townhome units, with twenty-two (22) units deed restricted for rent or sale to households earning at or below 80% of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area Median Income, at 23-25 Lakeview Avenue and 128 Eaton Street, Reading, Massachusetts, the Board of Appeals has this day rendered a decision GRANTING said application, and the record therein has this day been filed with the Town Clerk, Town Hall, Reading, Massachusetts. Appeals, if any, shall be made pursuant to Section 17 of the Zoning Act, Chapter 40A of the Massachusetts General Laws, or Section 22 of said Chapter 40B, as applicable, and in either case shall be filed within 20 days after the date of this notice.

\_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR

\_\_\_\_\_  
DATE

**TOWN OF READING  
BOARD OF APPEALS**

The APPLICATION OF EATON LAKEVIEW DEVELOPMENT, LLC, for a Comprehensive Permit, under Massachusetts General Laws Chapter 40B, to construct an eighty-six (86) unit multi-family residential project comprised of seventy-four (74) rental units and twelve (12) for-sale townhome units, with twenty-two (22) units deed restricted for rent or sale to households earning at or below 80% of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area Median Income, at 23-25 Lakeview Avenue and 128 Eaton Street, Reading, Massachusetts.

**RECORD OF PROCEEDINGS**

The Applicant, EATON LAKEVIEW DEVELOPMENT, LLC, filed its application for 23-25 Lakeview Avenue and 128 Eaton Street with the Board of Appeals on January 9, 2018.

The Board determined that the following constituted the parties interested in the application and the owners of all property affected thereby, as they appear upon the most recent tax list:

1-15 Lakeview Avenue LLC  
3G Development LLC  
Abruzzio Grace A Trustee, Grace A Abruzzio Revoc Trust  
Anzuoni Thomas R  
Black Patricia E Trustee, The 18B Carnation Realty Trust  
Brown Lisa Rinaldi  
Brown Marcia  
Burchill Richard D & Debra A  
Burns Sandra M Etal Trustees, Sandra M Burns Rev Trust  
Butler Timothy P & Janice T  
Calareso Joseph Jr Etal Trs  
Campbell Shelley  
Cannon Cheryl A & David J  
Carney Kevin  
Cashins Dennis  
Cesario James D & Jacqueline B  
Cesario Raymond I Etal Trs, Cesario Realty Trust  
Chan Cedric H & Elizabeth E Lam  
Collins Eileen C Etal Trustees, Eileen C Collins Living Trust  
Connearney Joseph T & Carol Arena  
Conroy Stephen J  
Corkum Margaret I Trustee, Margaret I Corkum Nominee Tr  
Craven David A  
Dargie Alison  
DeCicco Gary S & Gloria  
Della Porta Alfred E  
DeLucia Allan J  
Denham Dale F  
Dennis Stephen D  
Deus Lucia M  
Downing John J & Faith M

Dugan Raymond Joseph  
Dulong Joshua Etal  
Dyment Jean E  
Eaton Street Properties LLC  
Eckert John O  
Feldstein Marcy  
Fidalgo Lawrence F Etal (LE), McDonough Lauren T Etal Ttees  
Flynn Jay J  
Fraine Daniel E & Lesley A  
Fulgoni Elizabeth M & Batty William  
Fuoco Carol A (LE), Fuoco Arnold Etal  
Gaines Melissa J  
Galli Michelle M  
Garcia Raymond M & Kathleen Murphy-Garcia  
Gershinsky Robert Z & Etelvina Q  
Guay Nancy H  
Hamburger Marcia A  
Harff Ronald M & Darlene J Harff  
HD Development of Maryland Inc, Home Depot USA Inc  
Holland Kenneth J & Darlene R  
Humphrey Jean Trustee, The Jean Humphrey Trust  
Humphries Paul  
Indiciani Daniel A  
Indigaro Kathleen & Francis J Terranova  
Jackson Gregory L  
Jodice Linda  
Jordan's Furniture Inc, Attn A/P Department  
Kelliher Kevin A & Frances E  
Kimball Robert L & Irene A  
Klein Ann M  
Kludjian Dana J & Susan A  
Krekorian Kay K Etal Trs, Krekorian Realty Trust  
Krushenick Jevon J & Sandra A  
Kuliopulos Christos & Julie  
Latowsky Gretchen P  
Lepore John N  
Lim Ji-Lien  
Lucci Alfonso A Etal (LE), Woods Lisa A Trustee  
Lynch Carla E Trustee, Viv Realty Trust  
Mantini Daniel S  
Marra Evelyn D (LE), Peter N Marra Etal  
Marshall David S  
Masucci Lori  
McCarthy Jeanette  
McDonough James Etal Trustees, McDonough Family Trust  
McKenna Dorothy M Trustee, Dorothy M McKenna Rev Trust  
Meehan David A & Margaret S  
Migliore Lisa  
Milanova Borianana L

Miller Scott D & Nancy K  
Mirabelli Anna M, Trustee Anna M Mirabelli Trust  
Mullen Frederick L  
Nola Rose Marie A Trustee, Nola Nominee Trust  
Pappas Elaine & Nick  
Parish Benjamin D III, Barbara B Parish Trs  
Park Kimberly  
Peri Lakshmi & Davuluri Sairama  
Perry Judith A & Richard T  
Pinelli Joan M  
Portman Stanley J & Diane M  
Rocheleau Lawrence W & Paula F  
Romano Clorinda J  
Rudolph Teresa  
Shah Nikhil & Varsha  
Smith Sheila  
Thistle Carol L  
Thistle Rosemarie S Etal Trees, Rosemarie S Thistle Etal Livtr  
Toppi William & Lorraine A  
Two Walkers Brook Crossing LLC, c/o The Wilder Companies  
Vichnupad Naomi  
Vijayan Sajith & Meera Gopalakrishnan  
Visconti Grace L Trustee, Visconti Realty Trust  
Wang Song & Yongmei Zhao  
Wang Zhengyu & Meng Zhang  
Weiner Laurie S  
White Maureen A  
Xu Jinglin  
Zanni Angelo  
Zanni Dorothy M Etal Trustees, 16 Lakeview Avenue Trust  
Zanni Edward J Trustee, Zanni New Reading Nominee R Tr  
Zanni Mary E (LE) Etal Trs, Mary E Zanni 1990 Realty Trust  
Zanni William R Etal Trustees, D&W Eaton St Realty Trust  
Zecher Isabel

The Board set the 7<sup>th</sup> day of March, 2018 at 7:00 PM as the time, and the Selectmen's Meeting Room at Town Hall, 16 Lowell Street, Reading, Massachusetts, as the place of the public hearing for said application. The hearing was opened on March 7, 2018, and continued to March 21, 2018 (postponed due to weather), March 29, 2018, May 2, 2018, July 18, 2018, September 5, 2018, October 24, 2018, December 12, 2018, January 10, 2019 (continued without presentation from the Applicant), January 24, 2019, February 20, 2019 and February 28<sup>th</sup>, 2019. The hearing was closed on February 28, 2019.

The Applicant granted the Board: on January 9, 2018, an extension of time to not later than March 15, 2018, to open the public hearing; on February 26, 2018, an extension of time to conduct the public hearing, vote, and issue and file its decision with the Town Clerk to February 23, 2019; and on January 24, 2019 an extension of time to conduct the public hearing, vote, and issue and file its decision until March 25, 2019.

Notice of the hearing was published in THE READING DAILY TIMES CHRONICLE in the issues of February 15, 2018 and February 22, 2018, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

The Board retained the following peer reviewer consultants for specified aspects of the Application:

Site Engineering – Nitsch Engineering  
Traffic – Green International Affiliates, Inc.

The Board thereupon took the following action:

**VOTED:** To GRANT the application of EATON LAKEVIEW DEVELOPMENT, LLC, for a Comprehensive Permit, under Massachusetts General Laws Chapter 40B, to construct an eighty-six (86) unit multi-family residential project comprised of seventy-four (74) rental units and twelve (12) for-sale townhome units, with twenty-two (22) units deed restricted for rent or sale to households earning at or below 80% of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area Median Income, at 23-25 Lakeview Avenue and 128 Eaton Street, (Assessors Map 17, Lots 131, 274, 275 and 276 & Assessors Map 18, Lots 1 and 2) Reading, Massachusetts, together with parking, related infrastructure and amenities as shown on the approved plans referenced in this Decision, in accordance with the requirements set forth in the MassHousing Project Eligibility Letter dated October 24, 2017, and subject to the findings, waivers and conditions set forth herein.

The motion carried by a vote of \_\_\_ - \_\_\_ (Jarema, Caouette, Hagstrom, Pernice, Redfern AYE, \_\_\_ NAY).

Materials Submitted:

Approval is based on the following materials, which were submitted into the public record:

- a) Comprehensive Permit Site Approval Application submitted by Eaton Lakeview Development, LLC to MassHousing, dated 4/3/17.
- b) Letter from Town Manager to MassHousing (**for 160-unit rental project**), dated 6/8/17, including:
  - Development Review Team meeting notes, dated 5/10/17.
- c) Letter from Town Manager to MassHousing (**for 120-unit rental project**), dated 9/30/17, including:
  - Development Review Team meeting notes, dated 7/19/17.
- d) Application for Comprehensive Permit (**for 120-unit rental project**), submitted 1/9/18, including:
  - Binder Cover
  - Section 1: Board of Appeals Application Form and Application Fee
  - Section 2: Project Narrative
  - Section 3: Project Eligibility Letter (PEL) from MassHousing to Eaton Lakeview Development, LLC, dated 10/24/17
  - Section 4: Evidence of Site Control: Deeds for All Parcels and Owner's Assignment of Development Rights
  - Section 5: Limited Dividend Entity Status
  - Section 6: Applicant and Development Team Information
  - Section 7: Reading Town Map, Aerial Photograph Noting Site Location, and Assessor's Map

- Section 8: Preliminary Site Engineering Plans (11" x 17") and Summary of Stormwater Treatment Report, prepared by Williams & Sparages, dated 10/2/17.
    - Full-Size Engineering Plans (24" x 36") (Separate Enclosure)
    - Full Stormwater Treatment Report (Separate Enclosure)
  - Section 9: Tabulation of Proposed Buildings by Type, Size, and Ground Coverage
  - Section 10: Existing Site Conditions Narrative for Subject Site and Adjacent Area
  - Section 11: Photographs of Site and Adjacent Uses
  - Section 12: Preliminary Architectural Plans (11" x 17"), prepared by Curtis DiBenedetto and Associates, Inc., dated 10/2/17.
    - Full-Size Architectural Plans (24" x 36") (Separate Enclosure)
  - Section 13: List of Requested Exceptions (Waivers)
  - Section 14: Certified List of Abutters, dated 12/19/17
  - Section 15: Traffic Report (Summary), prepared by TEPP LLC, dated 1/2/18.
    - Full Traffic Report (Separate Enclosure)
- e) Letter from Regnante, Sterio & Osborne LLP to ZBA granting the Board an Extension of Time to March 15, 2018 to open the public hearing, dated 1/9/18.
- f) Letter from Regnante, Sterio & Osborne LLP to ZBA recognizing the Town's Certification status ("safe harbor") pursuant to 760 CMR 56.03(1), 56.05(3), and 56.03(8), allowing the ZBA to maintain the right to deny the permit, or impose conditions or requirements, until February 22, 2019, and granting the ZBA an Extension of Time to close the public hearing, vote, and issue and file its decision with the Town Clerk until February 23, 2019, dated 2/26/18.
- g) Neighborhood Response to Eaton Lakeview Apartments Chapter 40B Comprehensive Permit Application, dated 2/28/18, with Resident Petition attached.
- h) Development Team Presentation to ZBA, dated 3/7/18.
- i) Letter from Miyares & Harrington to Eaton Lakeview Development, LLC, with DHCD copied, notifying them pursuant to 760 CMR 56.05(3) and 56.03(8)(a) that the ZBA believes a denial of the comprehensive permit or the imposition of conditions or requirements would be consistent with local needs; however that the ZBA will continue with the public hearing and retain the ability to issue a denial, or to impose conditions or requirements consistent with local needs, through February 22, 2019, dated 3/19/18.
- j) Memo from Community Development Director to ZBA, dated 3/28/18.
- k) Neighborhood Presentation to ZBA, dated 3/29/18.
- l) Phase II Environmental Site Assessment, prepared by EBI Consulting (for former property owner), dated 12/4/15, submitted 4/18/18.
- m) Draft Scope of Services for Traffic Peer Review, dated 4/24/18.
  - Feedback on Scope of Services from TEPP LLC, dated 5/1/18.
- n) Memo from Community Development Director to ZBA, dated 4/30/18.
- o) Phase I Environmental Site Assessment, prepared by Geological Field Services, Inc., dated 5/25/18.
- p) Phase II Environmental Site Assessment, prepared by Geological Field Services, Inc., dated 6/4/18.
- q) Correspondence from Residents:
  - Letter from D'Arezzo, dated 5/8/17; Milenova email, dated 11/15/17; Flynn email, dated 11/21/17; Cignetti email, dated 11/27/18; Ellis email, dated 11/30/17; Donovan email, dated 12/7/17; Cunniff email, dated 12/7/17; Foley email, dated 2/20/18.
  - Neighborhood Response to Eaton-Lakeview Apartments Letter, dated 2/28/18.
  - Petition to Moderate Proposed Eaton-Lakeview Development, dated 2/28/18.
  - John Street Petition and Compliance and Risk Report, dated 7/16/18.

**REVISED SUBMITTAL – PROJECT REDUCED TO 86 UNITS, submitted 6/28/18:**

- a) Civil Engineering Plans – Eaton Lakeview Apartments, 23-25 Lakeview Avenue & 128 Eaton Street, Reading, MA, prepared by Williams & Sparages LLC:
- Drawing C1.1: Location Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C2.1: Existing Condition Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C2.2: Existing Condition Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C2.3: Existing Condition Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C3.1: Grading & Drainage Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C3.2: Grading & Drainage Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C4.1: Utility Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C4.2: Sewer Profile, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C5.1: Survey & Layout Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C6.1: Photometric Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C7.1: Landscape Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C7.2: Landscape Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C8.1: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C8.2: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C8.3: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C8.4: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C8.5: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
  - Drawing C8.6: Site Details Plan, dated 12/2/18, most recently revised 2/20/2018.
  - Drawing W1: Existing Condition Watershed Map, dated 10/2/17, revised 11/19/18.
  - Drawing W2: Proposed Condition Watershed Map, dated 10/2/17, revised 11/19/18.
  - Stormwater Report, dated 8/10/17, most recently revised 11/16/18.
  - Engineering Narrative describing site plan changes, dated 7/11/18.
- b) Architectural Plans – Eaton Lakeview Apartments, Reading, MA, prepared by Curtis DiBenedetto and Associates:
- T1: Title Sheet, dated 6/19/18, most recently revised 2/20/19.
  - A1.1: Floor Plans Townhouse Units 1-2 & 7-8 Lot A, dated 6/19/18, most recently revised 2/20/19.
  - A1.2: Floor Plans Townhouse Units 3-6 Lot A, dated 6/19/18, most recently revised 2/20/19.
  - A1.4: Floor Plans Townhouse Units 9-12 Lot A, dated 6/19/18, most recently revised 2/20/19.
  - A1.6: Floor Plans for Lot B Building 1, dated and most recently revised 2/20/19.
  - A1.7: Floor Plans for Lot B Building 2, dated and most recently revised 2/20/19.
  - A1.8: Floor Plans for Lot B Building 3, dated and most recently revised 2/20/19.
  - A1.9: Floor Plans for Lot B Building 3, dated and most recently revised 2/20/19.
  - A2.1: Lot A Townhouse Units 1-2 Elevations, dated 6/19/18, most recently revised 2/20/19.
  - A2.2: Lot A Townhouse Units 3-6 Elevations, dated 6/19/18, most recently revised 2/20/19.
  - A2.3: Lot A Townhouse Units 7-8 Elevations, dated 6/19/18, most recently revised 2/20/19.
  - A2.4: Lot A Townhouse Units 9-12 Elevations, dated 6/19/18, most recently revised 2/20/19.
  - A2.5: Lot B Buildings 1 & 2 Elevations (12 units), dated 6/19/18, most recently revised 2/20/19.
  - A2.7: Lot B Building 3 Elevations (50 units), dated 6/19/18, most recently revised 2/20/19.
  - A3.1: Lot A Townhouse Units 1-12 Rendering, dated 10/24/18, most recently revised 2/20/19.

- A3.2: Lot B Buildings 1 & 2 Rendering (12 units), dated 10/24/18, most recently revised 2/20/19.
- A3.3: Lot B Building 3 Rendering (50 units), dated 10/24/18, most recently revised 2/20/19.
- Architectural Narrative describing architectural plan changes, dated 7/11/18.

**Additional Materials Submitted:**

- Memo from Green International Affiliates, Inc. to Assistant Town Manager, re: Peer Review of Traffic Impact and Access Study (TIAS) and site plans, dated 6/26/18.
- Memo from Staff Planner to ZBA, dated 7/18/18.
- Memo from Fire Chief to Assistant Town Manager, dated 7/26/18.
- Revised requested Waiver List submitted by Applicant, dated 8/28/18
- Memo from Staff Planner to ZBA, dated 9/5/18.
- Development Review Team (DRT) Notes, dated 10/3/18.
- Letter from Nitsch Engineering to Assistant Town Manager, re: Civil Engineering Peer Review, dated 10/19/18.
- Memo from Staff Planner to ZBA, dated 10/24/18.
- Memo from Town Engineer, dated 11/29/18.
- Response to Civil Peer Review, submitted 12/3/18.
- Parking and Loading Regulations Plan, submitted 12/3/18.
- Snow and Ice Removal Plan Eaton Lakeview Development, submitted 12/3/18.
- Comments from Reading Police Department, dated 12/11/18.
- Memo from Reading Fire Department, dated 12/11/18.
- Letter from Nitsch Engineering to Assistant Town Manager, re: Civil Engineering Peer Review, dated 12/12/18.
- Memo from Staff Planner to ZBA, dated 12/24/18.
- Conservation Commission Response Letter, dated 1/21/19.
- Finalized Scope of Work for Walkers Brook Drive Corridor Study and Analysis, dated 1/23/19.
- Memo from Staff Planner to ZBA, dated 2/19/19.
- List of Representative Building Materials, dated 2/20/19.
- Draft Operations & Maintenance Manual, dated 2/13/19.
- Order of Conditions, issued 2/14/19
- Correspondence from residents:
  - Smallwood email, dated 8/24/18; Powers Letter to Town Administrators, dated 8/27/18; Loud email, dated 9/4/18; Skeper email, dated 9/5/18; Powers Letter to Town Administrators, dated 10/4/18; Milenova Letter to ZBA, dated 11/15/18.
  - Parking Response Presentation, dated 12/12/18.
- Letter from Nitsch Engineering re Civil Engineering Peer Review, dated 2/28/19.
- Final revised requested Waiver List submitted by Applicant, dated 2/20/19.
- Draft Decision, dated 2/28/19.

**Findings:**

- Project Eligibility: The Applicant received a Project Eligibility Letter from MassHousing, dated October 24, 2017, indicating that the site and the Applicant qualify for a Comprehensive Permit in the development of affordable housing under the New England



Fund (NEF) Program of the Federal Home Loan Bank of Boston (FHLBB). The Project must still undergo a Final Review of Eligibility and receive a Final Approval from MassHousing.

- 2) Applicant: The Applicant, Eaton Lakeview Development, LLC, is qualified to make an Application for a Comprehensive Permit because it is a limited dividend organization that will be subject to the profit limitations set forth in the Regulatory Agreement by and between the Applicant and MassHousing. The Applicant has also demonstrated site control of the property.
- 3) Subsidizing Agency: MassHousing is acting as the Subsidizing Agency per Part V: “Housing Programs In Which Funding Is Provided By Other Than A State Agency” of the Department of Housing and Community Development (DHCD) Comprehensive Permit Guidelines.
- 4) Site: The proposed Project site is composed of six (6) parcels of land located in the Town of Reading: Assessor’s Map 17, Lots 274, 275, 276 and 131, and Assessor’s Map 18, Lots 1 and 2. These parcels are developed with an existing commercial structure and three existing residential structures. Combined, the six (6) parcels comprise approximately 4.33 acres (188,615 square feet) of land area.
- 5) Zoning: The site is located mostly within the S-15 Single-Family Residential Zoning District, partially within the Industrial Zoning District, and partially within the PUD-I Industrial Planned Unit Development Overlay Zoning District; the multi-family residential use is not an allowed use in any of these zoning districts or overlay districts.
- 6) Statutory Minima: The Town of Reading has not met any of the Statutory Minima set forth in M.G.L. Chapter 40B, Section 20 or 760 CMR 56.03(3). The number of low or moderate income housing units in the Town of Reading constitutes less than ten percent (10%) of the Town’s total housing stock according to the latest decennial census (2010) and the DHCD’s latest Subsidized Housing Inventory for the Town.
- 7) Certification (“Safe Harbor”): The Department of Housing and Community Development (DHCD) has Certified that the Town of Reading is in compliance with its Housing Production Plan, having permitted the required number of Subsidized Housing Inventory (SHI) eligible units (96) in one calendar year to qualify for a two-year Certification (“Safe Harbor”). This Certification is effective through February 22, 2019.
- 8) Housing Stock: The Board finds that the types of housing proposed – especially the for-sale affordable units – are needed in the community and region, and will broaden the Town’s housing stock.
- 9) Public Health, Safety & Welfare: The Board finds that development of this Project does not endanger the public health, safety or welfare, or the environment, or impair critically needed open space.
- 10) Wetlands: Areas of Bordering Wetland Vegetation (BVW) are present at the north, east and south of the project. A Notice of Intent was filed with the Conservation Commission on November 14<sup>th</sup>, 2018 and the hearing opened on January 9, 2019.

11) Project Overview: The Project will include demolition of three (3) existing homes and a garage to allow construction of 12 townhouse units, two 3-story 12-unit apartment buildings, and one 4-story 50-unit apartment building, for a total of ~141,000 gross square feet. The 50-unit apartment building will include a community room, two elevators, a lobby, a rental office, a standard mail room, and a package concierge. The Project will provide 129 parking spaces (25 on the townhouse lot and 104 on the apartment lot), 3 enclosed trash/recycling areas, bike racks, and walkways. The apartment lot will provide one dedicated loading space, and a portion of the parking spaces on this lot will be used as “flex” space, to be reserved as a secondary loading zone by management (with notice to residents) if needed. All walkways and ramps on the site will be fully ADA compliant. Site work will include, but not be limited to: grading, paving, stormwater improvements, and landscaping. Transformer design will be in accordance with Reading Municipal Light Department requirements. Mechanical equipment will be located on the roof of the buildings. Sprinkler rooms will be included in the 50-unit apartment building, 12-unit apartment buildings, and in the 4-unit townhouse buildings. Utility meter rooms will be provided in the 50-unit apartment building, and 12-unit apartment buildings if permitted by the utility providers.

- a. Dwelling Units: The project will include 86 dwelling units, 12 of which will be townhouse-style condominium ownership units and 74 of which will be rental apartments. All 12 of the ownership units will be three-bedroom units, three of which will be affordable. Of the 74 rental apartment units, twenty-two (22) will be one-bedroom units, forty-four (44) will be two-bedroom units and eight (8) will be three-bedroom units. Of the 74 rental apartment units, six (6) one-bedroom units will be affordable units, eleven (11) two-bedroom units will be affordable, and two (2) three-bedroom units will be affordable.
- b. Interior Space: The proposed buildings will comprise a total of 141,000 gross square feet. The gross square footage will be provided as follows: 38,000 gross square feet (townhouses); 15,500 gross square feet (Building 1); 15,500 gross square feet (Building 2), and 72,000 gross square feet (Building 3).
- c. Height: The proposed townhouses will be a max of 40’ in height; Buildings 1 and 2 will be 33’ in height; and Building 3 will be 46’ in height.
- d. Density: The construction of 86 units on 188,615 square feet of land will result in a Project density of approximately 19.86 units per acre.
- e. Parking: The Project includes 129 parking spaces, spread across the site. Twenty-five (25) spaces are associated with the townhouses on Eaton Street (12 garage and 13 surface), and the remaining 104 spaces are associated with the multi-family apartment buildings on Lakeview Avenue. The surface parking spaces on Lot B are proposed to be 9’ x 18’ with 27 8’x18’ compact spaces and 7 van-accessible 8’x18’ handicap spaces. A 24-foot wide two-way drive aisle provides access to the surface parking spaces and through the site. The parking ratio for the townhouses is 2.08 spaces per unit, and for the multi-family buildings will be 1.4 spaces per unit. Overall the project has a 1.5 spaces per unit ratio. The Zoning Bylaw requirement for multi-family

residential development is 1.5 spaces per unit. No designation of dedicated guest/visitor parking spaces is proposed.

The Applicant proposed to construct an open space park area on Lot B located between Building 1 and Building 2. The Applicant proposed to have ten (10) “land banked” parking spaces located in this same area on the plans, and further proposed that it would have the ability to convert the park to ten (10) surface parking spaces if the parking demand on the site so required. If the Applicant were to count the ten (10) “land banked” parking spaces, it would satisfy the 1.5 parking ratio required for multifamily developments and would not require a waiver.

After considerable discussion, however, the Board determined that the park area was an important amenity to the future residents and the neighbors in the area, and that the Project was otherwise lacking in open space. Stated differently, without the park, the Board would have found this Project to lack adequate open space, and would have required the Applicant to revised its plans to address this concern. Accordingly, the Board found that the open space park area shown on the plans was a key component of this Project. In the event that the Applicant is of the opinion after construction of the project and occupancy of the units that there exists a need for additional parking in the open space between buildings 1 and 2, a request for such change shall be made to the Board as a **substantial** change pursuant to 760 CMR 56.07 (4)(c). In such event, the Applicant must demonstrate by substantial and compelling evidence such need for additional parking and overcome a presumption that such open space in an important amenity that should be preserved.

As a consequence of this determination, it shall be the responsibility of the Applicant to manage parking on site so that the 104 surface parking areas adequately serve this Project.

- f. Loading: The plans show one dedicated loading/unloading or pick-up/drop-off area in the southwest corner of Lot B. In addition, on the east side of Building 3 on Lot B, four (4) parking spaces are shown as “18x36 Live Loading Area.” This Live Loading Area can be temporarily restricted by management during daytime hours, as needed, to allow for loading and unloading, and at all other times will be available for parking. A Parking and Loading Regulations Plan was submitted in which the management company can coordinate move-ins/move-outs during the day when fewer residents are at home by designating the Live Loading Area” as a secondary loading zone during daytime hours if and when needed. Based on the Operations and Maintenance Plan dated 2/20/19 the loading zones shall be restricted to be used during the times of 9AM-4PM Monday through Saturday for moving events. The Live Loading Area shall be used as overflow parking only between the hours of 7PM and 8AM at ELD Management discretion.
- g. Traffic: As found by Green International Affiliates, Inc., which provided traffic peer review for the Project, the Project is expected to generate 866 average weekday daily trips (less since the Project has been reduced from 120 to 86 units since the application

was filed), with a weekday AM peak of 57 trips and a weekday PM peak of 69 trips. On Saturdays, the Project is expected to generate 1,160 trips, with a midday peak of 96 trips. This data is considered conservative as it was not adjusted to account for the 28% reduction in units, or the likely use of public transportation by some residents.

- h. Lighting: A Photometric Plan has been provided that shows four different types of fixtures proposed in specific locations throughout the parking lots on Lot A and Lot B. At the time of construction of the Project, the Applicant will provide the Planning Department the specifications for each lighting fixture shown on said Photometric Plan to confirm that they reasonably comply therewith. Additional lighting shall be provided as needed to adequately provide for safety and security at the building egresses and stairwells. The Project lighting design shall be subject to any/all conditions as may be required by the Reading Conservation Commission in the Order of Conditions for the Project.
- i. Landscaping/Screening: A landscaping plan has been provided, including a detailed planting schedule, which identifies the native species, quantity, and planting size. The applicant is working closely with the Conservation Commission relative to tree and shrub planting and has agreed to conform with the Commission's replacement tree policy to the maximum extent practicable. Project landscaping shall be in accordance with the final landscaping plan filed by the Applicant.
- j. Retaining Walls: A series of retaining walls are proposed along the back edges of the parking lots where the grade drops down to Walkers Brook and the wetland areas. Such retaining walls shall be built to the specifications set forth in the final Project plans.
- k. Open Space: The amount of usable open space on the site is limited to the park area shown between Building 1 and Building 2 on Lot B. As noted above, the Applicant proposed that it would have the ability to convert this park area to ten (10) additional surface parking spots. The Board considered this proposal at length, and found that the park area was an important amenity to the residents of the Project and to mitigate the visual impacts of the Project on the neighbors in the area. The Board further found that but for the park, the Project would contain insufficient usable open space to meet with the Board's approval.

In the event that the Applicant is of the opinion after construction of the project and occupancy of the units that there exists a need for additional parking in the open space between buildings 1 and 2, a request for such change shall be made to the Board as a substantial change pursuant to 760 CMR 56.07 (4)(c). In such event, the Applicant must demonstrate by substantial and compelling evidence such need for additional parking and overcome a presumption that such open space is an important amenity that should be preserved. It will be incumbent upon the Applicant to adequately manage parking on Lot B so that the 104 surface parking spaces adequately serve the residents of the Project.

- l. Drainage: The Applicant has submitted a drainage and stormwater management plan, which has been reviewed and approved by the Town Engineer.
- m. Utilities: The site will be served by Town water, sewer and electric, and by private gas, telephone, internet/communications, and cable.
- n. Fire Dept.: The Fire Department provided comments in a letter to the Assistant Town Manager, dated 7/26/18. The comments are summarized as follows:
  - i. One-way access into the property off of Eaton Street shall be a minimum of 20' wide;
  - ii. Turning radii shall be shown on the plans; the minimum inside radius for the ladder truck shall be 27';
  - iii. Townhouse units 3-6 and 9-12 shall be sprinklered;
  - iv. The floor plans for townhouse units 3-6 and 9-12, and for the three multi-family buildings, shall depict rooms for sprinkler valves and controls;
  - v. Fire hydrants shall be added to the plans along Lakeview Avenue, behind Building 3, and to service the townhouse units.
  - vi. Roadways of 24 feet or less must be posted with 'no parking' signs and permission must be granted to the Reading Police Department to ticket vehicles in 'no parking' areas.
  - vii. Consistent roadway width must be maintained around the proposed buildings.

The Fire Department provided additional comments in a letter to the Assistant Town Manager, dated 12/11/18. The comments are summarized as follows

- i. Site plans to show a fire hydrant behind Building 3, Fire Department connections for Building 2 on Lot B and for Units 3-6 and 9-12 on Lot A.
  - ii. Site plans to show widths of roadways; single-lane access to Lot A from Eaton Street to be not less than 20 feet wide; two-lane access roads to be 24 feet wide; plans to show turning radii; roadways of width 24 feet or less to be posted with no parking signs and permission granted to Reading Police Department to ticket vehicles in no parking areas. Loading zones shall not present an obstacle to emergency access or constrict the roadway width.
  - iii. Snow storage is not permitted to reduce roadway widths or block access to Fire Department connections; snow removal plan to address clearing snow from Fire Department sprinkler connections.
  - iv. Lakeview Avenue and Eaton Street to be posted with no parking signs in front of Lots A and B.
- o. Police Dept.: The Reading Police Department provided comments in a letter to the Community Development Department on 12/11/18. The comments are summarized as follows:

- i. Stop signs shall be added to:
  1. The site exit onto Lakeview Ave from Lot A.
  2. The Northwest corner exit of Lot B onto Lakeview Ave.
- p. Complete Streets Policy: Improvements to Lakeview Avenue are proposed to bring the road up to Town standards in order to be accepted as a public way. The improvements will include a sidewalk along the south side of the street, which will accommodate pedestrians. Bike racks will be proposed on site and locations have been added to the site plans.
- q. Pedestrian Access: Sidewalks are proposed along the Eaton Street and Lakeview Avenue site frontages, and are connected to a network of 5' walkways throughout the site.
- r. Signage: Project signage shall conform to the proposed signage plans filed in support of the Project, which include two 4'x6' monument signs. At the time of construction, the Applicant shall submit the proposed design for this Project signage for review and approval by the Planning Department, which shall not be unreasonably withheld.
- s. Noise: The Project is not anticipated to generate noise beyond what is typical for a multi-family housing development with associated parking.

**Waivers:**

The following waivers have been requested and are **granted** herein, and are waived as shown on the approved plans:

**Requested Waivers from the Town Zoning Bylaw- as noted in Site Plan Set submittal dated**

**2/20/19** Eaton Lakeview Apartments, 23-25 Lakeview Avenue & 128 Eaton Street, Reading, MA, prepared by Williams & Sparages LLC:

1. *ZBL Section 4.6 Site Plan Review* – Waiver from Site Plan Review by CPDC.
2. *ZBL Section 5.3.1 Table of Uses for Business & Industrial Districts* – Waiver to allow multi-family dwellings in the Industrial and PUD-I Zoning Districts.
3. *ZBL Section 5.3.2 Table of Uses for Residence Districts* – Waiver to allow multi-family dwellings in the S-15 Zoning District.
4. *ZBL Section 5.4 Accessory Uses* – Waiver from this section in its entirety to allow such ordinary accessory uses to multifamily residential use (which is not an allowed use in the relevant zoning districts) as are outlined in the Approved Plans (as defined below).
5. *ZBL Section 5.5 Accessory Buildings or Structures* – Waiver from this section in its entirety to allow such structures (as defined in ZBL Section 2.0) associated with the recreational areas and Project support/maintenance systems (including trash/recycling enclosures, stormwater management structures, etc.) as are outlined on the Approved Plans.
6. *ZBL Section 6.2.7 Buildings Per Lot* – Waiver to allow multiple buildings on the same lot, with a distance between them that is less than 50', all as shown on the Approved Plans.
7. *ZBL Section 6.3 Table of Dimensional Controls – Generally* – Waiver from this section to the extent it would apply individually to each of the 6 lots comprising the property; as shown on the Approved Plans, these 6 lots will be combined and considered together as two lots (Lot A

and Lot B). Waiver from the dimensional requirements of the IND and PUD-I zoning districts, to the extent they would apply to this project and the proposed multi-family use, which is not permitted in either of these districts.

8. *ZBL Section 6.3 Table of Dimensional Controls – Minimum Lot Size* – Waiver from the 100,000 square foot lot size requirement for multi-family dwellings in the S-15 Zoning District. Lot A is approximately 74,520 square feet. Lot B is approximately 114,156 square feet, of which approximately 65,600 square feet is within the S-15 Zoning District (the remainder is within the IND and PUD-I districts).
9. *ZBL Section 6.3 Table of Dimensional Controls – Required Front Yard* – Waiver from the 20 foot front yard setback requirement for multi-family dwellings in the S-15 Zoning District. The front yard setback is waived so as to allow for a 6.2’ front setback on Lot A, and a 17.0’ setback on Lot B as shown on the Approved Plans.
10. *ZBL Section 6.3 Table of Dimensional Controls – Maximum Lot Coverage* – Waiver from the 25% maximum lot coverage limit in the S-15 Zoning District. The waiver is granted so as to allow a lot coverage of 39.2% on Lot A and 67.5% on Lot B.
11. *ZBL Section 6.3 Table of Dimensional Controls -Maximum Building Height* – Waiver from the 35-foot height limit in the S-15 Zoning District. The waiver is granted so as to allow for building heights of 40’ for the townhouse buildings on Lot A; 33’ for Buildings 1 and 2, and 46’ for Building 3 on Lot B, all as shown on the Approved Plans.
12. *ZBL Section 6.4 Special Cases – Transitional Areas* – Waiver from the additional dimensional controls outlined in Sections 6.1.4.1.1 and 6.4.1.2, and from the buffer strip requirement outlined in Section 6.4.1.3.
13. *ZBL Section 6.5 Landscape Standards* – Waiver from the landscape requirements and CPDC review process.
14. *ZBL Section 8.0 Sign Regulations* – Waiver from this section to the extent necessary to allow the signage shown on the Approved Plans.
15. *ZBL Section 9.1.1.7 Off-Street Parking and Loading/Unloading Requirements* – Waiver to construct 104 parking spaces, including 6 accessible spaces, on Lot B where 111 spaces are required based on the requirement for 1.5 spaces per unit for multifamily projects. Waiver to provide 2 loading spaces on Lot B (1 designated loading zone at the southwest corner of Lot B and 1 “18x36 Live Loading Area” on the easterly side of Building 2 on Lot B) where 4 are required based on the requirement for 1 loading space per 20 rental units.
16. *ZBL Section 9.2 Off-Street Parking and Loading Design Requirements* – Waiver to allow 27 of the 104 surface spaces on Lot B (26%) as 8’ x 18’ compact spaces.
17. *ZBL Section 10.1 Floodplain Overlay District* – Waiver from this section in its entirety.
18. *ZBL Section 11.1 Planned Unit Development* – Waiver from this section in its entirety.

**Requested Waivers from the Town’s General Bylaw:**

1. *GBL Section 7.1 Wetlands Protection*– Waiver from this section in its entirety, including the wetlands regulations promulgated pursuant thereto.
2. *GBL Section 8.1.7 Driveway Permits Required* – Waiver from obtaining permit from Public Works Director.
3. *GBL Section 8.3.2 Fire Lanes* – Waiver from fire lanes designated by Select Board with recommendations given from Select Board and Fire Department.

## **Conditions:**

### **General:**

- 1) **Approved Plans:** The development (hereinafter the “Project”) shall be constructed in accordance with the following plans, subject to all revisions specifically provided for in this Decision:

#### **Architectural Plans - Eaton Lakeview Apartments, Reading, MA, prepared by Curtis DiBenedetto and Associates:**

- T1: Title Sheet, dated 6/19/18, most recently revised 2/20/19.
- A1.1: Floor Plans Townhouse Units 1-2 & 7-8 Lot A, dated 6/19/18, most recently revised 2/20/19.
- A1.2: Floor Plans Townhouse Units 3-6 Lot A, dated 6/19/18, most recently revised 2/20/19.
- A1.4: Floor Plans Townhouse Units 9-12 Lot A, dated 6/19/18, most recently revised 2/20/19.
- A1.6: Floor Plans for Lot B Building 1, dated and most recently revised 2/20/19.
- A1.7: Floor Plans for Lot B Building 2, dated and most recently revised 2/20/19.
- A1.8: Floor Plans for Lot B Building 3, dated and most recently revised 2/20/19.
- A1.9: Floor Plans for Lot B Building 3, dated and most recently revised 2/20/19.
- A2.1: Lot A Townhouse Units 1-2 Elevations, dated 6/19/18, most recently revised 2/20/19.
- A2.2: Lot A Townhouse Units 3-6 Elevations, dated 6/19/18, most recently revised 2/20/19.
- A2.3: Lot A Townhouse Units 7-8 Elevations, dated 6/19/18, most recently revised 2/20/19.
- A2.4: Lot A Townhouse Units 9-12 Elevations, dated 6/19/18, most recently revised 2/20/19.
- A2.5: Lot B Buildings 1 & 2 Elevations (12 units), dated 6/19/18, most recently revised 2/20/19.
- A2.7: Lot B Building 3 Elevations (50 units), dated 6/19/18, most recently revised 2/20/19.
- A3.1: Lot A Townhouse Units 1-12 Rendering, dated 10/24/18, most recently revised 2/20/19.
- A3.2: Lot B Buildings 1 & 2 Rendering (12 units), dated 10/24/18, most recently revised 2/20/19.
- A3.3: Lot B Building 3 Rendering (50 units), dated 10/24/18, most recently revised 2/20/19.

#### **Engineering Plans - Eaton Lakeview Apartments, 23-25 Lakeview Avenue & 128 Eaton Street, Reading, MA, prepared by Williams & Sparages LLC:**

- Drawing C1.1: Location Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C2.1: Existing Condition Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C2.2: Existing Condition Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C2.3: Existing Condition Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C3.1: Grading & Drainage Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C3.2: Grading & Drainage Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C4.1: Utility Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C4.2: Sewer Profile, dated 10/2/17, most recently revised 2/20/19.
- Drawing C5.1: Survey & Layout Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C6.1: Photometric Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C7.1: Landscape Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C7.2: Landscape Plan, dated 10/2/17, most recently revised 2/20/19.



- Drawing C8.1: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C8.2: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C8.3: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C8.4: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C8.5: Site Details Plan, dated 10/2/17, most recently revised 2/20/19.
- Drawing C8.6: Site Details Plan, dated 12/2/18, most recently revised 2/20/2018.

**Others:**

- Drawing W1: Existing Condition Watershed Map, dated 10/2/17, revised 11/19/18.
- Drawing W2: Proposed Condition Watershed Map, dated 10/2/17, revised 11/19/18.
- Stormwater Report, dated 8/10/17, most recently revised 11/16/18.
- Architectural Narrative describing architectural plan changes, dated 7/11/18.
- Engineering Narrative describing site plan changes, dated 7/11/18.
- List of Representative Building Materials, dated 2/20/19.
- Draft Operations & Maintenance Manual, dated 2/13/19.
- Eaton-Lakeview Residences Final List of Waiver Requests from Local Zoning Bylaws and Town Bylaws 40B Comprehensive Permit Application - Waiver List Based Upon Revised Plans Dated February 20, 2019

Collectively, the “Approved Plans.”

- 2) **Development:** The Project shall be limited to eighty-six (86) dwelling units, comprised of seventy-four (74) rental units and twelve (12) for-sale units. All twelve (12) of the ownership units will be three-bedroom units. Of the 74 rental apartment units, twenty-two (22) will be one-bedroom units, forty-four (44) will be two-bedroom units, and eight (8) will be three-bedroom units. Three (3) of the ownership units (or 25% of the total number of ownership units), all of which will be three (3) bedroom units, and nineteen (19) of the rental units (or 25% of the total number of rental units), including six (6) one-bedrooms, eleven (11) two-bedrooms, and two (2) three bedrooms, (hereinafter, the “Affordable Units”) shall be restricted in perpetuity, or for so long as the Project is not in full compliance with the Town’s Zoning Bylaw, for rental or sale to households whose maximum income does not exceed eighty percent (80%) of the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development (HUD). Subject to the approval of the Subsidizing Agency, the Affordable Units shall be located as shown on Architectural Plan sheets A1.1 through A1.8 (part of the Approved Plans). Notwithstanding the foregoing, the Affordable Units shall in no event be situated so as to be segregated from the market rate units and shall be dispersed proportionally amongst the 1-, 2-, and 3-bedroom units. The Applicant shall construct and make available for lease or sale affordable and market-rate units proportionately based upon the 25%/75% ratio.
- 3) **Documentation:** One hard copy and an electronic version of any documentation submitted to MassHousing in compliance with their requirements shall be submitted to the Community Development Director. This shall include but not be limited to: the Affirmative Fair Housing Marketing Plan, the Tenant Selection Procedure, the Regulatory and Use Agreement, and the Deed Rider for each affordable unit.
- 4) **Affirmative Fair Housing:** The Applicant shall comply at all times with all provisions of its Affirmative Fair Housing Marketing Plan (the “AFHMP”), including, without limitation the

initial lottery and other tenant selection procedures, as required by the Guidelines for G.L. c.40B Comprehensive Permit Projects applicable to the Project promulgated by DHCD (the “40B Guidelines”).

- 5) **Local Preference:** To the extent permitted by applicable law, the AFHMP shall include a local selection preference for 15 units or up to 70% of the Affordable Units for the following categories: (a) current residents of Reading, (b) employees of Reading (i.e., municipal, Public Schools, RMLD, etc.), (c) employees of local businesses, and (d) households with children attending schools in Reading. An annual report of rental, leasing or sales activity to such local preference categories shall be submitted to the Community Development Director.
- 6) **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, street opening and Jackie’s Law excavation permits; an Order of Conditions from the Conservation Commission, and Board of Health approvals, as needed for the Project.
- 7) **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.
- 8) **Building Design and Materials:** The building shall be constructed as designed and depicted on the approved architectural plans, utilizing materials of a quality and durability appropriate for multi-family construction within a New England neighborhood setting and consistent with the list of representative building materials dated February 20, 2019 and submitted to the Board by the Applicant.
- 9) **Utilities:** All utilities, structures, frames and covers shall meet Town of Reading standards.
- 10) **Electric:** The electric utility plan is subject to approval by the Reading Municipal Light Department (RMLD).
- 11) **Sewer:** The Applicant is proposing to extend the Town sewer infrastructure down Lakeview Avenue along the property frontage for Lot B, and to add a section of sewer force main behind townhouse units 9-12. A sewer lift station will be installed to pump sewage from the townhouses up to the main line in the road.
- 12) **Lakeview Avenue Street Improvements:** As part of this Project, the Applicant has agreed to make improvements to Lakeview Avenue sufficient to bring it up to Town standards for acceptance as a Public Way. These improvements shall include, without being limited to, adding a sidewalk to the south side of the street, adding vertical granite curbing, repaving, etc. The Applicant has filed as part of the Project plans a proposed typical roadway composition. At the time of construction, the Applicant shall submit a final plan of the proposed improvements, which shall be consistent with typical Town roadway construction standards for public ways, and shall be subject to review and approval by the Town Engineer, which shall not be unreasonably withheld. The Applicant shall complete all such work, and shall obtain the approval of the Town Engineer that all such work has been completed to the Town Engineer’s satisfaction, prior to issuance of a Certificate of Occupancy for the final rental building. Upon completion of such work, the Applicant shall notify the Reading Select Board and request a hearing on a Town Meeting warrant article, to be sponsored by the Reading Select Board, to authorize the taking of Lakeview Avenue as a public way of the Town of

Reading. Upon such taking by the Town, the staircase located to the east of Lakeview Avenue shall be removed by the applicant with the Town's consent.

- 13) **Walkers Brook Drive – Road & Intersection Analysis & Redesign:** In recognition of the fact that this project will add traffic to an already congested area with problematic intersections, the Applicant has agreed to contribute \$20,000 to the Town for the purpose of covering a portion of a comprehensive road and intersection analysis and redesign for the Walkers Brook Drive, Washington Street, John Street and Ash Street corridors. The funds for this analysis shall be provided prior to the issuance of the first building permit for the project, and it is anticipated that the analysis shall be completed prior to the issuance of a final certificate of occupancy for the project. In the event that no such study has been conducted by the Town within five (5) years after this decision becomes final, the funds shall be returned to the Applicant.
- 14) **Plan Changes:** The Applicant shall notify the Board in writing, copying the Community Development Director, of any proposed change to the Project. The Zoning Board of Appeals shall within twenty (20) days determine and notify the Applicant whether it deems the change substantial or insubstantial, with reference to the factors set forth at 760 CMR 56.07(4). If the change is determined to be insubstantial, the Decision shall be deemed modified to incorporate the change. If the change is determined to be substantial, the Zoning Board of Appeals shall hold a public hearing for purposes of considering the proposed change.

Pursuant to 760 CMR 56.07(4)(c) the following will generally be substantial changes:

1. An increase of more than 10% in the height of the building(s);
2. An increase of more than 10% in the number of housing units proposed;
3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed;
4. A change in building type (e.g., garden apartments, townhouses, high-rises); or
5. A change from one form of housing tenure to another.

Pursuant to 760 CMR 56.07(d), the following will generally not be substantial changes:

1. A reduction in the number of housing units proposed;
2. A decrease of less than 10% in the floor area of individual units;
3. A change in the number of bedrooms within individual units, if such changes do not alter the overall bedroom count of the proposed housing by more than 10%;
4. A change in the color or style of materials used; or
5. A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspect of the proposal.

#### **Prior to the Commencement of Site Work and the Issuance of a Demolition Permit:**

- 1) **Stormwater:** A Stormwater Operations and Maintenance Plan shall be submitted for review and approval by the Engineering Division. The Plan shall include construction and post-construction procedures and shall be provided in a report rather than added onto the construction plans.
- 2) **Engineering Concerns:** The Applicant shall work with the Engineering Division to address any outstanding concerns outlined in the Town Engineer's memo dated 12/5/18.
- 3) **Construction Schedule & Staging Plan:** The Applicant shall submit a Construction Management Plan (CMP) as well as a Construction Management Schedule (CMS) that

generally conforms to industry standard practice and addresses all construction-related conditions specifically set forth in this Decision. The CMP shall be subject to review and approval by the Community Development Director and shall include:

- a. Construction phasing plan, which shall include a construction schedule in order to provide guidance and facilitate inspections. Such construction schedule shall, at a minimum, be revised quarterly to reflect work completed and changes in construction timing. The Applicant intends to complete the construction of the Project in two phases, with construction of the townhouse ownership units (Lot A) proposed to proceed before construction of the rental apartment units (Lot B). The procedures and requirements set forth in this section and in those below with respect to CMPs and CMSs, the future filing of plans and other documentation, code reviews, obtaining building permits and other approvals, inspections, certificates of occupancy, etc. shall apply to each phase of construction, and may be undertaken separately for each phase of construction.
- b. Trucking plan, which shall specify (i) planned truck routes (ii) estimated volumes of any imported and exported materials (iii) estimated truck trips and (iv) construction period mitigation measures consistent with the conditions stated herein, including without limitation details and locations of crushed stone entrance pads, street sweeping protocols and dust control measures to be implemented.
- c. Construction administration (hours of construction, hours of deliveries, trash and debris removal).
- d. Communication (designated contacts on site), as well as outreach/coordination with the neighborhood (via a website, community meetings, etc.).
- e. A complaint tracking system shall be developed as part of the CMP and maintained by the Construction Supervisor, or other project management staff that represents the Developer and not the Town of Reading.
- f. Noise and dust control.
- g. Blasting.
- h. Erosion control (silt sacks, hay bales, silt fences, etc., tree protection plan, drainage infrastructure).
- i. Identification of existing underground utilities.
- j. Construction staging (staging areas, trailer locations, open storage areas, truck holding locations, re-fueling areas).
- k. Traffic and parking during construction (on-site locations, snow removal, warning signs, police details).
- l. Fire and emergency.
- m. **Police Details** - A police detail may be required any time there is a need to close or restrict the public's use of public roadways and/or sidewalks, and other areas the public has the right of access to, for heavy construction use. The determination that such a police detail is needed shall be made by the police safety officer after consultation with the Department of Public Works. During a police detail, when a section of roadway is closed, a minimum of two officers shall be hired. The detail officers on scene shall determine which section of roadway to close to assure safety. The detail officers shall notify dispatch and all police and fire units of this road

closure. Further, during the detail the officers may require additional detail officers to provide additional public safety resources. Public safety details are at the discretion of the Chief of Police. Any questions or clarification if a police detail is needed please contact the Traffic and Safety Officer at the Reading Police Department.

- 4) **Pre-demolition Meeting:** The Applicant and contractors shall coordinate with the Community Development Director to schedule a pre-demolition meeting with Town staff in order to review Town procedures for demolition, and site safety and security.

#### **Prior to the Issuance of a Building Permit and the Start of Construction:**

- 1) **Final Plan of Record:** The Applicant shall submit a Final Plan of Record that is substantially in accordance with the Approved Plans, except that they shall be updated to construction level detail and shall be updated in accordance with the requirements and conditions of this Decision.
- 2) **Foundation Plan:** Prior to the Issuance of a Building Permit for each building, the Applicant shall submit a scaled, dimensioned foundation plan, with all setbacks as approved herein, to the Building Commissioner for review and approval. It is the Applicant's responsibility to ensure that each foundation plan shows the location approved by the Zoning Board of Appeals, with the setbacks and dimensions approved herein.
- 3) **As-Built Foundation Plan:** Prior to the Commencement of Vertical Construction for each building, a stamped As-Built Plan for each foundation shall be submitted to the Building Commissioner for review and approval. It is the Applicant's responsibility to ensure that each foundation is poured in the location approved by the Zoning Board of Appeals, with the setbacks and dimensions approved herein.
- 4) **Final Approval by MassHousing:** The Applicant shall obtain from MassHousing Final Approval of the Project in accordance with the Comprehensive Permit Rules, and with 760 CMR 56.04(07), and with the 40B Guidelines, including Part III thereof concerning Affirmative Fair Housing Marketing and Resident Selection.
- 5) **Vacant Properties Bylaw:** The property shall be kept neat and clean while vacant, per General Bylaw Section 8.10 Maintenance of Vacant Buildings and Land. The property is also expected to comply with this bylaw after demolition and prior to the issuance of a Building Permit.
- 6) **Development Review Team (DRT) Comments:** The Applicant shall ensure reasonable compliance with any and all requirements noted by Town staff members during DRT meetings and provided to the Applicant in the most recent memo from the Community Development Director dated October 3, 2018 to the extent required by the conditions of this Final Decision and as incorporated in the final Project plans.
- 7) **Peer Review Recommendations:** The Applicant shall address the peer review recommendations in the various peer review reports when conducting its final design.
- 8) **Building, Handicapped, Energy and Fire Code Consultants:** The Town of Reading will hire Code Review consultants for this Project to review the plans, issue permits, inspect construction activities, and ensure compliance with this Comprehensive Permit. The Applicant shall be responsible for the reasonable costs associated with these consultants.
- 9) **Building Code Plan Review:** The Applicant shall submit for review and approval two (2) sets of stamped detailed construction drawings, and a check payable to the Town of Reading,

in the amount specified, to cover the cost of an outside Building Code Plan Review consultant.

- 10) **Building Code Concerns:** The Applicant shall work with the Code Review consultant, and with the Building Inspector as needed, to address any concerns that arise during the Code Review.
- 11) **Fire Code Plan Review:** The Applicant shall submit for review and approval two (2) sets of stamped detailed construction plans from a Fire Protection Engineer for the fire alarm system, and all other components of the project relating to fire safety. The Applicant shall also submit a check payable to the Town of Reading, in the amount specified, to cover the cost of an outside Fire Code Plan Review consultant.
- 12) **Fire Code Concerns:** The Applicant shall work with the Fire Code Plan Review consultant, and with the Fire Chief as needed, to address any concerns that arise during the Fire Code Plan Review.
- 13) **Regulatory and Use Agreement:** The Applicant shall submit a Regulatory and Use Agreement for the rental units and continuing affordability of the Project, in the form required by MassHousing, to the Community Development Director.
- 14) **Utility Meters:** Proposed locations for all necessary meters for the Project shall be depicted on the plans submitted for review as part of the Building Permit process. Utility meter rooms will be provided if permitted by the applicable utility provider.
- 15) **Rooftop Mechanicals:** Normal mechanical equipment associated with the apartment buildings located on Lot B may be located on the roof of the buildings. Rooftop mechanical equipment that will be visible from any residence or any neighborhood street shall be placed within screening to address impacts. To that end, the Applicant shall submit to the Planning Department a roof layout plan that depicts all rooftop mechanical equipment (including the height and other dimensional specifications thereof) and the shielding proposed for review and approval. The Applicant shall provide as part of the rooftop layout plan a certification from a qualified sound engineer that the equipment complies with DEP and Town noise regulations, and shall provide noise screening to the extent necessary to achieve compliance. There will be two elevator head houses on the roof of the 50-unit building on Lot B, none on the other buildings associated with this Project. No mechanical equipment (including the head houses) shall exceed 5' in height.
- 16) **Transformer:** The Applicant shall provide a dimensioned detail of the proposed transformer for approval by the RMLD and the Building Inspector and a plan for screening the transformers for review and approval by the RMLD and Community Development Director. Three transformers have been proposed; 1 within Lot A and 3 within Lot B.
- 17) **ADA/MAAB:** Certification shall be furnished to the Community Development Director and Building Inspector that the proposal is in conformance with the provisions of the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB).
- 18) **I/I Fee:** The Applicant is subject to the required Inflow/Infiltration Fees if it is determined that the new sewer flow usage will be greater than historical usage.
- 19) **Pre-construction Meeting:** The Applicant, contractors and/or OPM shall schedule a pre-construction meeting with the Community Development Director and Town staff. Town staff will review the CMP, the conditions herein, and all final construction sequencing, details and plans for the Project.

20) See General Condition #12.

**During Construction:**

- 1) **Construction Hours:** Construction shall be in compliance with Section 8.9.8 of the General Bylaws. Accordingly, no construction (as defined therein) associated with the Project shall occur except between the following hours, except that set-up and delivery may take place as early as 6:30 AM:
  - 7:00 AM to 8:00 PM, Monday through Friday;
  - 7:00 AM to 5:00 PM on Saturdays;
  - None on Sundays and legal holidays.
- 2) **Construction Activities:** Construction activities shall be conducted in a workmanlike manner at all times, and in accordance with the CMP approved by the Community Development Director. All construction workers associated with the project shall park their vehicles either on the property or on another lot, provided that any parking on another lot shall be otherwise allowed under the Town's bylaws and that such location shall be subject to review and approval by the Community Development Director. No construction workers shall park their vehicles on street. 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 of and administration by the Health Agent.
- 3) **Construction Dumpsters:** Any construction dumpsters needed for the Project will require a permit from the Board of Health, and, if located in a public way, will require approval by the Town Engineer and Police Department.
- 4) **Site Inspections:** Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision.
- 5) **Coordination with Town Officials:** The Applicant and all contractors shall allow – during construction – for complete, full coordination with Town staff regarding alterations to existing utilities. Proposed utilities shall be installed underground, subject to local utility approval.
- 6) **Water Services:** All water services and connections shall be in accordance with the Town of Reading's Water Department standards.

**Prior to the Issuance of any Certificate of Occupancy:**

- 1) **Certifications of Compliance:** The Applicant shall submit to the Building Code Review and Fire Code Review consultants, with a copy to the Community Development Director, Building Inspector and Town Engineer, certifications from professional engineers and architects that the Project has been constructed in compliance with approved construction drawings.
- 2) **Property Management:** The Applicant shall submit to the Community Development Director for review and approval a final Operations and Maintenance Plan substantially in the form of the draft Operations and Maintenance Manual approved as part of the Approved Plans for all interior and exterior common areas, with details regarding: loading and unloading by

moving trucks, vans, delivery vehicles, etc.; emergency vehicle access; snow management; trash/recycling management and removal; and landscaping, including the following:

- a. **Loading/Unloading:** No moving trucks, delivery trucks, or maintenance trucks shall be allowed to block access through the site. At all times, at least one side of the two-way access drive shall be kept clear and open to resident vehicles and emergency vehicles.
  - b. **Snow Management:** Snow shall be stored in the areas identified on the plan, and shall not impact pedestrian pathways, vehicular circulation and sight lines or on-site or off-site parking areas. If the accumulated snow exceeds the capacity of the snow storage areas or impedes pedestrian pathways or the parking lot, it shall be legally removed from the site as soon as practicable. Landscaped areas shall be preserved to the greatest extent possible during times of snow storage or snow removal.
  - c. **Trash/Recycling Management and Removal:** The management company is responsible for all trash collection and disposal, and for ensuring daily that exterior areas of the site remain clear of debris.
  - d. **Landscaping:** The landscaping as depicted on the approved plan shall be maintained in a healthy condition in perpetuity. In the event that landscaping is damaged during snow removal operations, or for any reason, the property management company shall replace such landscaping during the next growing season.
  - e. **Parking:** The Applicant shall prepare and administer a parking management plan that ensures the 104 parking spaces to be located on Lot B adequately serve the residents of that component of the Project, subject to the provisions set forth in Findings 10(e) and 10(k).
- 3) **Signage:** The Applicant may install traffic and directional signage as shown on the approved plans and/or as recommended in the written reports submitted by the Board's peer review engineers as part of the record of the public hearing. All other Project signage shall conform to the proposed signage plans filed in support of the Project, which show two 4'x6' monument signs. No other signage is approved by this Decision. Any signage proposed for the project shall be considered "Business or Commercial in Residential Zoning Districts" and shall comply with the Business B Zoning District regulations. Such signage shall be subject to review and approval by the Community Planning and Development Commission.
- 4) **Architecture:** The building façades on each elevation (north, south, east, west) shall be substantially as indicated on the approved architectural plans and elevations.
- 5) **Sight Lines at Project Driveway:** The Applicant will continue to work with the owner of the Lakeview Apartment property to arrange for the removal of one panel of fencing for the existing fence on the property line separating Lot B and the Lakeview Apartment property to the west along Lakeview Avenue, for the purpose of improving sight lines at the Project driveway.

**Prior to the Issuance of the Final Certificate of Occupancy:**

- 1) **Site Work:** All site work required for the Project, including landscaping, shall be completed or an assignment of security by performance bond in an amount determined by the Town Engineer and approved by the Board of Appeals, shall be submitted to the Town to assure completion of any site work which has not been completed. Said security may be reduced by the Board as the work is completed and will be released entirely after completion of all work.



- 2) **Recording:** The Applicant shall submit to the Community Development Director evidence that the Comprehensive Permit herein and the Regulatory Agreement have been fully executed and recorded with the Middlesex South Registry of Deeds.
- 3) **As-Built Bond:** The Applicant shall furnish a bond for the final As-Built plans. The bond amount shall be determined by the Town Engineer. The bond shall be returned once As-Built Plans are submitted and it is confirmed that the Project was constructed in compliance with this Decision and the approved plans.
- 4) **As-Built Plans:** Two full size paper copies and electronic PDF 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 the approved plans. The bond held for this requirement will be returned to the Applicant once this condition has been fulfilled.
- 5) **See General Condition #12.**

#### **Conditions for Ongoing Operation and Maintenance after Occupancy:**

- 1) **Lighting:** All exterior building and site lighting shall be installed using the specifications shown on the Approved Plans and shall comply with the requirements of the Reading Zoning Bylaw with respect to spillover of light onto abutting properties. To the extent reasonable and feasible, the Applicant will also seek to comport its lighting design with the dark sky initiatives (light shall shine down only) with the light source being fully shielded (with cutoff shields) so that no lighting or glare spills onto abutting properties, as depicted by the approved photometric plan. Any exterior lighting that is required for security purposes may be illuminated by photocells.
- 2) **Operations and Maintenance Plan:** The Applicant shall ensure that all provisions of the Operations and Maintenance Plan for the property are complied with, to the greatest extent practicable, at all times. Should a substantial change to any operating or maintenance procedure be needed, the management company shall notify the appropriate Town staff person prior to the change becoming effective.
- 3) **Hazardous Materials:** There shall be no on-site storage of fuels, oils, automotive fluids, fertilizers, pesticides, insecticides, herbicides, cleaning chemicals, and other hazardous materials of significant concern, other than quantities for domestic use.
- 4) **Storm Water Operations & Maintenance:** Annual O&M reports shall be delivered to the Town Engineer by January 15<sup>th</sup> of each year.
- 5) **Project Control:** This Comprehensive Permit shall control the development of the Project and – should there be any inconsistency between this Comprehensive Permit and any other instrument, document or agreement delivered as part of the Application for this Comprehensive Permit – the terms, conditions and limitations of this Comprehensive Permit and the Regulatory Agreement incorporated by reference herein shall govern and control.
- 6) **Assignment:** This Comprehensive Permit may be assigned or transferred only in accordance with the provisions of 760 CMR 56.05(12)(b).
- 7) **Successors and Assigns:** All references in this Decision to “the Applicant” shall apply to the Applicant, its agents, successors and assigns.

For the reasons stated above, the application for a comprehensive permit for the Project is approved subject to the foregoing findings, waivers, and conditions.

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John Jarema, Chair

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Damase Caouette

\_\_\_\_\_  
Erik Hagstrom

\_\_\_\_\_  
Nick Pernice

\_\_\_\_\_  
Robert Redfern

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

\_\_\_\_\_  
Julie D. Mercier, Community Development Director

\_\_\_\_\_  
Date

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