



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

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2019 MAY 14 AM 9: 14

May 13, 2019

## Definitive Subdivision Plan DECISION of APPROVAL

*116 West Street*

**Proposed Street Name: None (private driveway)**

*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 March 11, 2019, and closed on May 13, 2019 by a motion duly made and seconded, it was voted:*

“We, the CPDC, as requested by Joshua Latham, on behalf of Robert Biggio, under the Town of Reading’s Subdivision Rules & Regulations, and MGL Chapter 41 Sections 81K through 81GG, to consider the 2-Lot Definitive Subdivision Plan for property located at 116 West Street (Assessors Map 10, Lot 155), as shown on the plans prepared by Vineyard Engineering Inc., dated January 29, 2019, in support of an application filed on February 5, 2019, 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 2/5/19.
  - a. List of Waivers requested from Reading Subdivision Regulations, dated 1/29/19.
2. Form G: Designer’s Certificate, dated 1/29/19.
3. Certified List of Abutters, dated 1/24/19.
4. Email from Staff Planner to Applicant’s Engineer dated 2/5/19 with a statement deeming the submission Complete, and including a list of minor revisions to be made for the next plan submission.
5. Legal Notice, published in Daily Times Chronicle on 2/20/19 and 2/27/19.
6. Definitive Subdivision Plans for 116 West St, Reading MA, prepared for: Robert and Michelle Biggio, prepared by: Vineyard Engineering and Environmental Services Inc., dated 1/29/19, revised 4/29/19.
  - a. Sheet 1 of 7: Cover Sheet, dated 1/29/19, revised 4/29/19.
  - b. Sheet 2 of 7: Existing Conditions Plan, dated 1/29/19, revised 4/29/19.
  - c. Sheet 3 of 7: Proof of Concept Plan, dated 1/29/19, revised 4/29/19.
  - d. Sheet 4 of 7: Site Plan, dated 1/29/19, revised 4/29/19.
  - e. Sheet 5 of 7: Site and Utility Plan, dated 1/29/19, revised 4/29/19.

- f. Sheet 6 of 7: Proposed Grading and Drainage Plan, dated 1/29/19, revised 4/29/19.
  - g. Sheet 7 of 7: Typical Details, dated 1/29/19, revised 4/29/19.
  - h. Sheet 2 of 6: Planting Plan, dated 1/17/19.
7. Drainage Report for the Definitive Subdivision Plan for 116 West Street, Reading MA, prepared for: Robert and Michelle Biggio, prepared by: Vineyard Engineering and Environmental Services Inc., dated 1/29/19, revised 4/30/19.
  8. List of Requested Waivers, dated 1/29/19, revised 4/30/19.
  9. Letter from Historic District Commission to the CPDC, dated 1/15/19.
  10. Draft Homeowner's Association documents, submitted 3/11/19.
  11. Memo from Town Engineer to Community Development Director, dated 4/1/19.
  12. Revisions to Site Plan Letter to Staff Planner, received 5/2/19.
  13. Revised Stormwater Management/Drainage Design Plan, dated 4/30/19.
    - a. Soil Suitability Assessment Report.
  14. Draft Decision, dated 5/13/19.

## **FINDINGS:**

### **Project Summary:**

The Applicant is proposing a 2-lot subdivision at 116 West St, Reading, MA (Assessors Map 10, Lot 155), the lot contains an existing non-conforming dwelling in regards to rear and side yard setbacks within the S-15 Zoning District. The lot contains ~44,051 square feet of land, 84.63 linear feet of frontage on West Street, and a home built circa 1898 that is listed on the Town's Historical & Architectural Inventory. The entire property is also located within the West Street Historic District.

The Applicant has provided a Proof Plan which demonstrates that the lot can be properly subdivided in accordance with the Town of Reading Subdivision Regulations and Town of Reading Zoning Bylaw, without the need for any waivers or variances. The Proof Plan shows a 60' right-of-way layout, including 30' of paved road, and two lots: Lot 1 containing 16,417 square feet of land, and 212.92' of frontage on the proposed right-of-way; and Lot 2 contains 15,495 square feet of land and 191.39' of frontage on the proposed right-of-way, as well as the existing historic dwelling. The Proof Plan also required an affirmation from the Historic District Commission that conceptually they do not object to relocating the historical home in order to allow a standard subdivision of the property. The Applicant appeared before the HDC on January 14, 2019, and their findings are stated in the Letter from the HDC to the CPDC, dated 1/15/19.

As an alternative to creating a fully conforming subdivision road, the Applicant has also provided a Site Plan that demonstrates a lower impact approach to subdividing the lot, which will require waivers from the Town of Reading Subdivision Regulations. The Lot Plan shows a ~100' long, 32' wide right of way layout and two lots: Lot 1 containing 18,839 square feet of land, and 106.45' of frontage on the proposed right-of-way; and Lot 2 containing 20,147 square feet of land and 101.4' of frontage on the proposed right-of-way, and the existing historic structure. The right-of-way is proposed to be maintained by a Homeowner's Association between the two lots.

However, rather than construct the full 50' right-of-way depicted on the Site Plan, the Applicant is proposing that it exist on paper, and that additional waivers be granted to allow for the construction of a private 'common driveway' to serve both homes. The common driveway will lie mostly within the proposed 50' wide roadway layout, and will only be 'common' for a small portion of its length. It will utilize the existing 24' wide curb cut on West Street, which will accommodate two 14' wide

driveways, one for each lot. Lot 1 would maintain a 14' wide and 127.5' long driveway while the existing home utilizes its existing driveway.

The Applicant and staff recognize that there is no specific provision or guidelines for a 'common driveway' within the Subdivision Regulations or Zoning Bylaw. However, the proposed 'common driveway' is a rational and benign approach to providing access for one additional house lot that respects the historic nature of the property, reduces the amount of impervious surface, limits the amount of land disturbance, and allows for the preservation of a number of trees on the property. It also allows the existing historic dwelling to stay in place and be minimally impacted.

1. **Proposed Right-of-Way Layout:** The proposed right-of-way layout will be 32' wide, and will provide legal frontage for both Lot 1 and Lot 2. The proposed right-of-way layout will exist on paper only and will remain private and under the management of a Homeowners Association.
2. **Proposed 'Common Driveway':** The proposed 'common driveway' will be approximately 127.5' long with an apron width of 24'. Both driveways are proposed at 14' wide. The driveway will be stabilized and a T turnaround provided at the new house to support emergency vehicle access. The impermeable area of the site will increase by 912 square feet – though the common driveway is not expected to increase stormwater runoff because it will be constructed out of permeable pavement. The 'common driveway' will be maintained by the Homeowner's Association; the Town will not have to manage drainage or plowing. The owner can install a private driveway sign but should coordinate with the Engineering Division first. The 'common driveway' does not trigger a review by the Select Board. Both lots will have addresses off of West Street; mailboxes and trash removal will be located on West Street.
3. **Curb Cut:** The existing 24' wide curb cut on West Street will be utilized for the project.
4. **Fire Access and Safety:** Single and two-family dwellings are exempt from NFPA 1- 18.1.1.3 'fire access road' regulations. The Reading Fire Department did provide feedback at the Town DRT Meeting and the Applicant has agreed to construct the new driveway to withstand fire truck weight and access. Vineyard has located one existing hydrant (benchmark) and is proposing to install a hydrant at the roadway entrance.
5. **Trees:** All trees to be removed have been shown in area and depicted on Definitive Subdivision Plans for 116 West St, Reading MA, prepared for: Robert and Michelle Biggio, prepared by: Vineyard Engineering and Environmental Services Inc., dated 1/29/19, revised 4/29/19.
6. **Utilities:** Town of Reading water and sewer will be extended to the new lot. Telephone, electric and cable will be extended in coordination with RMLD. Though not depicted on the plans, it is presumed that gas will be extended as well.
7. **Drainage:** The topography of the site slopes towards the southwest, from a high of 276 feet to approximately 268 feet. The development includes the construction of a new dwelling and a permeable driveway. Though impervious area will increase approximately 912 square feet, stormwater runoff is not expected to increase due to the driveway being constructed out of permeable pavement and the removal of two impermeable patios and a shed totaling 1,359 square feet.

Drainage was designed to accommodate the entire new house and the rear half of the existing carriage house. Grading will be done to direct runoff to the Southeast and Southwest portions of the property. Test Pits were completed on April 23, 2019 and indicated depth to groundwater is about 9' below grade and contains well drained soils of sand and gravelly sand. The proposed driveway will be pitched to the southwest towards a detention area/swale adjacent to the

driveway. Stormwater runoff will be further mitigated through installation of stormwater infiltrators throughout both the existing and proposed dwellings; as well as proposed grade changes to direct runoff towards the southwest of the property, allowing it to infiltrate and irrigate lawn areas. A snow storage area has been proposed to the West of the private way and will be maintained by the Homeowners Association.

A storm water management design to manage water runoff from each of the dwellings has been proposed based on the findings of runoff calculations from 25 and 100 year storm events. Three areas of infiltration, comprising of five, three and two unit systems, are proposed to capture runoff from the proposed house. Downspouts will be connected directly to the system. An Operations and Maintenance Plan has been submitted for the recharge system. Annual inspections and reports will be required and maintained through the Homeowners Association.

8. **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 the following waivers from the Town of Reading Subdivision Regulations:**

1. Section 6.1.1.b.10 *Requires topography be shown with 100 feet of locus.* The applicant requests that the topography be limited to the site locus and West Street at the roadway as the topography on the properties will not significantly change and topography of newly created lot will be modified only in the area of the roadway (14').
2. Section 6.1.1.b.15 *Requires name, location, right of way width, sidewalk location of streets to be offered to the Town of Reading for acceptance.* The applicant requests relief from the requirement because the road will remain a paper road and access will be made to one single family home through a 14-foot wide roadway (driveway).
3. Section 6.1.1.b.17 *Requires a profile be created for each right of way.* The proposed way will be comprised of a relatively flat roadway and within 50 feet of the street; the driveway shall have a slight negative grade within 50 feet of West Street (per Section 7.1.1(b)). The grade is largely cross gradient to direct any possible stormwater runoff not draining through permeable pavement to a drainage swale south of the driveway. Because only the width of the roadway is to be increased, the Applicant requests relief from the requirement to prepare a profile of the roadway.
4. Section 6.1.1.d.3 *Requires a full traffic report/study.* Due to the limited scope of the project and the increase in traffic to the area from one additional home, the Applicant requests relief from the requirement to provide a traffic study.
5. Section 6.1.1.29 *Requires the location, layout, size of above and below ground utilities including gas, electric, cable and television including proposed lighting.* Electric, gas, cable and television will extend to the house from West Street and will be installed below ground along the side of the driveway.
6. Section 6.1.1.d.4 *Requires an environmental impact report be completed for the development.* The development is limited in scope and increased traffic, sewerage and any demand on water supply or other Town resources is likely to be insignificant. Accordingly, the Applicant requests relief from the requirement for completion of an environmental impact report.

7. Section 6.1.1.d.5 Requires test borings be completed to determine that materials are suitable for roadway construction. A subsurface investigation was completed under the supervision of a Geotechnical Engineer in accordance with approval from the Reading Town Engineer. A copy of the geotechnical engineering report was provided to Mr. Ryan Percival of the Town of Reading.
8. Section 6.1.1.d.7(c) Requires electrical service and street lighting. Lighting and electrical will be installed to the satisfaction and approval of the Town. Lighting of the roadway will be similar to that of a single-family home and for that reason, the Applicant requests relief from the requirement.
9. Section 7.1.1(a) Requires that the width of street right-of-ways shall be sixty (60) feet. Cul-de-sac terminations of street rights-of-way shall consist of a right-of-way circle with a radius of sixty (60) feet, the center of which radius shall coincide with the centerline of the roadway. Where appropriate for the needs of vehicular access and public safety, the CPDC may require a greater right-of-way width or radius. Due to the limited anticipated traffic from the new residence, the Applicant requests relief from the requirement and instead requests approval of a 14-foot wide paved way to accommodate access to the new house.
10. Section 7.1.2 (c) Requires that changes in grade or vertical curves of streets be designed in accordance with AASHTO based on a design speed of 30 MPH for secondary streets. The Applicant requests relief from the requirement, due to the limited size, length, and expected traffic capacity of the proposed 14-foot wide roadway (driveway) from the new residence.
11. Section 7.1.3 Requires a 30-foot minimum paved way. Due to the limited anticipated traffic from the new residence, the Applicant requests relief from the requirement to provide a 30-foot wide paved right of way and instead requests approval of a 14-foot wide paved way to accommodate residents from the new house.
12. Section 7.1.5 (a)(c)(e) Requires that an island be constructed with a maximum outside radius of 20 feet when a Cul-de-sac is built. In addition, requirements also include that the Cul-de-sac be designed with a minimum radius of not less than 45 feet and the paved way to be a minimum width of 30. Due to the limited anticipated traffic the new residence, the Applicant requests relief from these requirement and instead requests approval of a 14-foot wide paved way to accommodate residents from the new house.
13. Section 7.1.7 Requires granite curbing be installed. Due to the limited scope of the project, the Applicant requests a Waiver of the requirement.
14. Section 7.2 Requires sidewalks along the roadway. Due to the limited scope of the project, the Applicant requests a Waiver of the requirement.

**Pursuant to Section 3.8 Waivers, the CPDC voted 4-0-0 to approve all of the requested waivers.**

## **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: utility permits for sewer, water, electric, etc.;

curb cut, driveway, street opening and Jackie's Law excavation permits; and Board of Health approvals.

3. **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.
4. **Property Maintenance:** The Applicant shall maintain the property in a neat and orderly fashion while the development is pending, and during construction.
5. **Right-of-Way Layout:** The right-of-way layout shall be kept open and free of structures at all times. For example, the owner of Lot 2 will not be allowed to fence off any portion of the cul-de-sac bulb.
6. **Stormwater Reporting:** The annual stormwater report shall be submitted to the Town's Engineering Division by January 15<sup>th</sup> of each year.

**Prior to Plan Endorsement:**

1. **Engineering Comments:** The Applicant shall coordinate with the Town Engineer to resolve any necessary outstanding comments listed in the memo dated 4/1/19.
2. **Electric Utility:** The electric utility plan shall be approved by the Reading Municipal Light Department (RMLD).
3. **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.

**Prior to Plan Endorsement**, the Plans shall be revised and submitted to the Town Engineer and Community Development Director, as follows:

- i. **Lighting:** A note shall be added to the plan set that no street lighting has been proposed.
- ii. **Zoning Table:** This table shall also include a calculation of impervious area for each lot.
- iii. **Variances or Special Permits:** a note shall be added to the plans clarifying whether there are any existing variances or special permits associated with the site.

**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:** Due to the size and scope of this project, the Community Development Director and Town Engineer have determined that no surety is required.
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 necessary outstanding comments listed in the memo dated 4/1/19.
2. **Pre-Construction Meeting:** The Applicant shall contact the Community Development Director to set up a pre-construction meeting with Town staff.
3. **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.
4. **Notification:** The Engineering Division shall be notified 72 hours in advance of excavation work to mark out Town-owned utilities.
5. **Trees:** Any trees requiring removal need to be identified and approved by the Tree Warden.

### **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 memo dated 4/1/19.
2. **Driveway Permits:** The Applicant shall receive approval for the proposed driveway from the Engineering Division.
3. **Plot Plans:** Individual plot plans for each lot shall be submitted to the Town Engineer for review and approval. These plans shall indicate locations of proposed utilities, driveway locations and widths, final lot grading, and a calculation of all impervious area.
4. **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.
5. **Historic District Commission:** The Applicant must receive approval from the HDC for all items under their jurisdictional review.

### **During Construction:**

1. **Utilities:** All utilities, structures, frames and covers shall meet Town of Reading standards. All new utilities shall be undergrounded.
2. **Materials:** All project materials shall be stockpiled safely.
3. **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.
4. **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 the electrical utility installed within the subdivision. All easements, as reviewed by the RMLD

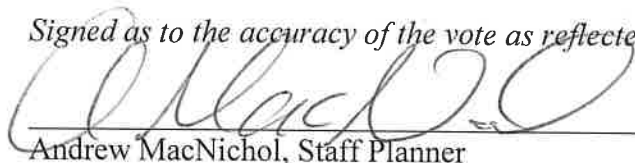
and Town Counsel, shall be properly written and recorded. In no instance shall any lot be sold until all easements and utilities (as applicable) are properly conveyed to the Town.

2. **Driveway:** The driveway base course and binder shall have been constructed properly and approved by the Town Engineer.
3. **Drainage:** The stormwater infiltration system shall be properly constructed, operational, and inspected by the Town Engineer and Conservation Administrator.
4. **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. **Homeowners Association Documents:** Draft documents were submitted 3/11/19 for review. Finalized documents shall be provided to the Community Development Director and shall include the following language:
  1. **Right-of-Way Layout:** No structures shall be allowed in the right-of-way layout.
  2. **Stormwater Management Plan (SWMP):** Reference shall be made in the Homeowner's Association documents to the Stormwater Management Plan (SWMP) for the site. Current and future owners of the lots shall be notified that they are responsible for maintaining the stormwater system, including but not limited to the permeable driveway, swale, and drainage structures.
  3. **Trash/Recycling:** Trash/recycling shall be placed curb side for regular pick up by the Town.

**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. **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, Staff Planner

5/14/19  
Date

*Cc: Applicant, Town Clerk, CPDC, Development Review Team, Building Inspector, planning file*