

**TOWN OF READING
BOARD OF APPEALS**

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

Please take notice that in the matter of the APPLICATION OF MKM READING, LLC, for a Comprehensive Permit, under Massachusetts General Laws Chapter 40B, to construct a seventy-two (72) unit multi-family residential rental project, with eighteen (18) units deed restricted for rent by households earning at or below 80% of the Boston Area Median Income, at 31-41 Lincoln Street and 2-12 Prescott 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 MKM READING, LLC, for a Comprehensive Permit, under Massachusetts General Laws Chapter 40B, to construct a seventy-two (72) unit multi-family residential rental community, with eighteen (18) units deed restricted for rent by households earning at or below 80% of the Boston Area Median Income, at 31-41 Lincoln Street and 2-12 Prescott Street, Reading, Massachusetts.

RECORD OF PROCEEDINGS

The Applicant, MKM READING, LLC, filed its application for 31-41 Lincoln Street and 2-12 Prescott Street with the Board of Appeals on January 7, 2016.

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:

Nicholas R & Jessica Aiello
Peter J & Joleen James Avtges
James & Julie Aylward
Stephen J & Deborah A Arena
Mark E Boucher & Laurie Reilly
Kevin M Brown
Marilyn I Cincotta
Mark A Latina, Trustee, Haven Junction Realty Trust
John J & Anne T Cronin
Kevin J Crowley
John & Shirley Davis
Peter D & Shirley J Doucette
Edward F & Patricia A Driscoll
Nicolas Jean Gagnon & Caroline Gauthier
Elias Giakoumidis & Harikla Speros
Mark G Hall, Trustee, Depot Realty Trust
GWT Haven Realty LLC
High Street Limited Partnership
Thomas J Keegan
Ma Yousheng et al, Trustees, Alpha Omega Realty Trust
Damon P Lusk & Christine E Tighe
David J & Edna I McDonald
William B & Geraldine F Mitchell
Candace M & Wayne P Muise
James A Palmer
Reading Orthodontics PC
Reading Antiquarian Society
Diane M Prince
Pellet & Mime LLC
PJC Realty MA Inc c/o Rite Aid
Stephen J Sampson
Lianne J & Paul Stoddard

John V III & Deborah Q Spencer
Leonidas Spyrou
TB Donovan LLC
Susan E Tasker, Trustee, Haven Street Trust
ZZW Realty LLC
Jeanne B Thomases
James J & Teresa M Thomaszewski
Town of Reading Boston & Maine RR
Town of Reading Park
John L & Lorraine Wilson
Ma Huibin P Wang Yousheng
Hurley Shah Realty LLC
Matthew DeCicco & Jenna Vozzella
Mary Ellen Carroll & Rohan C Goodsir
41-49 High Street LLC
James E & Suzanne P Newell
Joseph & Nicole R Barletta
John J Kilban Jr
Daniel & Elizabeth Oliphant
Karen G Stroman
Khozaima Shakir & Mongkolpornchai Pornthip
Matthew & Lysandra Richards
Josiah T & Alexis D Epps
Philip Dardeno et al, Trustees, PRD Realty Trust
James V D'Amico Jr, Trustee, Railroad Realty Trust
Alexander Koblansky & Lindsay B Avery
Gaetano & Melissa M Manganiello
Prescott St Investments LLC
Stephen G & Susan C Viegas

The Board set the 4th day of February, 2016 at 7:00 PM as the time, and the Great Room at the Pleasant Street Center, 49 Pleasant Street, Reading, Massachusetts, as the place of the public hearing for said application. The hearing was opened on February 4, 2016, and continued to March 17, 2016, May 12, 2016, June 23, 2016, July 21, 2016, August 25, 2016, September 22, 2016, October 20, 2016 and.....

The Applicant granted the Board, on May 26, 2016, a 90-day Extension of Time to October 31, 2016, and on August 25, 2016, a 45-day Extension of Time to December 15, 2016.

The following notice was published in THE READING DAILY TIMES CHRONICLE in the issues of January 19, 2016 and January 26, 2016, and a copy of said notice was sent by mail to each of the aforementioned parties in interest and property owners.

Insert legal ad

A hearing on said Application was held at the time and place above specified.

The following persons appeared at the public hearing(s):

John Halsey, 75 Beaver Road
Kevin Sexton, 20 Emerson Street
Barry Berman, 54 Longview Road
David Tuttle, 27 Heather Drive
John Weston, 10 Winthrop Avenue
Nicholas Safina, 221 South Street
Catherine Capozza, 138 Woburn Street
Eileen & Robert Manning, 78 Riverside Drive
Christine & Damon Lusk, 52 Washington Street
Karen & Peter Stroman, 46 Washington Street
Robert Mooney, 25 Sunnyside Avenue
Rhonda Holt, 46 Fairview Avenue
Stephan Weynicz, 38 Minot Street
Martha Jane & Steven Gagnon, 45 Pratt Street
Thomas Connery, 101 Beaver Road
David O'Sullivan, 87 Sunnyside Avenue
Julie Aylward, 25 Prescott Street
Ernest Bay, 144 Woburn Street
Nicholas Aiello, 92-94 Washington Street
Caroline Gauthier & Nicolas Gagnon, 76 Washington Street
Everett & Virginia Blodgett, 99 Prescott Street
Carl Mittnacht, 18 Cherry Lane Drive
Joan Cotter, 49 Riverside Drive
Kevin Brown, 588 Pearl Street
Linda Aiello, 106 Prescott Street
Kathleen Rovnak, 86 Sunnyside Avenue
Lois Bell, 35 Washington Street
Stephen Crook, 137 Pleasant Street
Sarah Picard, 187 Lowell Street
Ida Fitzgerald, 35 Sunnyside Avenue
Gordon McIntosh, 14 Plymouth Road
Susan Taylor, 521 Pearl Street
Lianne & Paul Stoddard, 96 Washington Street
William Brown, 28 Martin Road
Peter Avtges, 21-23 Prescott Street
Jon & Deborah See, 25 Lincoln Street
Ann Donohue, 84 John Carver Road
James Newell, 32 Prescott Street
Paul Kurker & Lynn O'Brien, 34 Washington Street
Jacqueline Carson, 2 Summit Drive
Margaret O'Sullivan, 78 Sunnyside Avenue
Roger & Nancy Borlasc, 518 Summer Avenue
Kathy Keen, 38 Victoria Avenue
Jonathan Barnes, 41 Pratt Street
Jean & Cadence Thomases, 21 Arlington Street
Khozaima Shakir, 86 Washington Street
Diana & Wayne Webber, 39 Howard Street
Marianne Downing, 13 Heather Drive
Gina Snyder, 11 Jadem Terrace
Mark Dockser, 110 Beaver Road
Tony Capobianco, 8 Gould Street
Joshua LeMaitre, 83 Prescott Street
Andrey Mykyta, 114 Prescott Street

Charles Adams, 13 Riverside Drive
Margaret Paquette, 49 Lincoln Street
Tiffany Freitas, 57 Prescott Street
Mona & James Lee, 64 Riverside Drive
Ann Cruickshank, 32 Copeland Avenue
Wayne Dwyer, 61 Ash Street
Alissa & Daniel Liteplo, 160 Grove Street
MaryEllen & Timothy O'Neill, 125 Summer Ave
Christine & Patricia Hansen, 30 Haven Street
Tara Giardina, 103 Village Street
Christine & Gary Hylan, 12 Boyce Street
Lenka Nicholls, 104 Ash Street
George McKenna, 52 Riverside Drive
Karen Richardson, 175 Prescott Street
Julie & Edward Ross, 16 Kensington Avenue
Amy Hennessy, 7 Pine Ridge Road
Peter Doucette, 108 Washington Street
Ralph D'Angelis, 26 Arlington Street
Joseph Barletta, 1-3 Fulton Street
Elizabeth Rieur, 3 Fulton Street
Stephanie & Brian Salerno, 101 Van Norden Rd
Pamela Adrian, 87 Ash Street
Rosemarie Debenedetto, 74 Haystack Road
Linda Smith, 17 Pratt Street
Izora Valihura, 12 Pratt Street
Joseph Gesmundo, 34 Sunnyside Avenue
Elizabeth Whitelam, 7 Gilmore Avenue
Carl Greenler, 32 Lincoln Street
Morgan Gager, 14 Mineral Street
Denise Muenzenmayer, 25 Green Street
Christina Moore, 75 Green Street
Raymond McHugh, 19 Sanborn Street
Thomas Wise, 181 South Street
Joshua Walker, 128 Woburn Street
Thomas White, 46 Grand Street
Joan Coco, 4 Fremont Street
Brandon LeFlem, 119 Middlesex Avenue
John Yurewicz, 10 Fairview Avenue
Helen Enos, 480 West Street
Grace Jakubowicz, 85 Sunnyside Avenue
John Ceros, 10 Fairview Avenue
Eileen Barrett, 90 Sunnyside Avenue
Guiseppe Fodera, 284 Ash Street
Roger Borlase, 518 Summer Avenue

The Board obtained the following peer review reports of specified aspects of the Application:

Architecture – TBA Architects, Inc.
Site Engineering and Water/Sewer Capacity Study – Nitsch Engineering
Traffic/Parking – Green International Affiliates, Inc.

The Board thereupon took the following action:

VOTED: To GRANT the application of MKM READING, LLC, for a Comprehensive Permit, under Massachusetts General Laws Chapter 40B, to construct a seventy-two (72) unit multi-family residential rental project, with eighteen (18) units deed restricted for rent by households earning at or below 80% of the Boston Area Median Income, at 31-41 Lincoln Street and 2-12 Prescott Street (Assessors Map 16, Lots 224, 225 & 226), Reading, Massachusetts, together with parking, related infrastructure and amenities, in accordance with the requirements set forth in the Mass Housing Project Eligibility Letter dated August 11, 2015, and including the waivers requested as set forth in Exhibit A, and subject to the Findings and Conditions herein.

Materials Submitted:

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

- a) Application for Site Eligibility submitted by MKM Reading, LLC to MassHousing, dated April 2015.
- b) Letter from Town Manager to MassHousing, dated 5/21/15, including:
 - Development Review Team meeting notes, dated 5/13/15.
 - Email from Fire Chief to Town Manager, dated 5/15/15.
- c) Project Eligibility Letter from MassHousing to MKM Reading, LLC, dated 8/11/15.
- d) ZBA Application for Public Hearing, submitted 1/7/16.
- e) Application for Comprehensive Permit, submitted 1/7/16, including:
 - Binder Cover
 - Section 1: Introduction – Request for findings of fact.
 - Section 2: Project Data Summary – Summary description of the Applicant, the proposed development, the development area and the need for regional and community housing.
 - Section 3: Applicant Status – Identification of the Applicant’s status as a qualifying limited dividend organization.
 - Section 4: Project Eligibility Letter – Site approval letter from MassHousing.
 - Section 5: Development Team – Identification of the development team members.
 - Section 6: Site Control – Purchase and Sale Agreement(s) indicating site control of the subject parcel by the Applicant.
 - Section 7: Department of Housing & Community Development Subsidized Housing Inventory – Most recently issued SHI relative to the Town of Reading.
 - Section 8: Sample Regulatory Agreement – A copy of the legal document that will govern the terms of affordability (executed post permitting).
 - Section 9: List of Exceptions / Waiver Requests – A list of exceptions being requested to the Town’s local zoning ordinance as well as any other local permits and approvals pertinent to this application.
 - Section 10: Traffic Impact Study – Prepared by Vanasse & Associates, Inc.; Appendix – Traffic Analysis, submitted separately.
 - Section 11: Engineering & Landscape Plans – Includes a set of engineering and landscape plans prepared by DeCelle-Burke & Associates [enumerated below].
 - Section 12: Existing Conditions Narrative – prepared by DeCelle-Burke & Associates.

- Section 13: Architectural Plans – Includes a full set of schematic architectural plans prepared by Cube 3 Studio [enumerated below].
 - Section 14: Aerial Photos & Locus Map
 - Section 15: Unit Summary Table
 - Section 16: Engineering Report [described below].
- f) Certified List of Abutters, dated 1/13/16.
- g) Civil Engineering Plans – Proposed Apartment Building, Proposed Site Plan - 2 Prescott Street and 39 Lincoln Street, Reading, MA, prepared by DeCelle-Burke & Associates:
- Sheet 1 of 9: Cover Sheet, dated 12/2/15;
 - Sheet 2 of 9: Existing Conditions, dated 12/2/15;
 - Sheet 3 of 9: Construction Management, dated 12/2/15;
 - Sheet 4 of 9: Proposed Conditions, dated 12/2/15;
 - Sheet 5 of 9: Proposed Layout, dated 12/2/15;
 - Sheet 6 of 9: Proposed Grading, dated 12/2/15;
 - Sheet 7 of 9: Proposed Conditions, dated 12/2/15;
 - Sheet 8 of 9: Construction Details, dated 12/2/15; and
 - Sheet 9 of 9: Construction Details, dated 12/2/15.
 - Site Engineering Report including: Project Narrative, Supporting Maps, Stormwater O&M Plan, Erosion and Sedimentation Control Plan, and HydroCAD Calculations for existing and proposed conditions; dated 12/22/15.
- h) Architectural Plans – Prescott Street Residential, Reading, MA, prepared by Cube 3 Studio, LLC:
- Unit Mix Summary, dated 12/16/15;
 - Affordable Mix Diagram, dated 12/16/15 [incorrectly showing 19 units];
 - Podium Plan, dated 12/16/15;
 - Courtyard Plan, dated 12/16/15;
 - Typical Floor Plan, dated 12/16/15;
 - Roof Plan, dated 12/16/15;
 - Building Section, dated 12/16/15;
 - North Elevation, dated 12/16/15;
 - East Elevation, dated 12/16/15;
 - A1 Unit – 833 SF, dated 12/16/15;
 - A2 Unit – 704 SF, dated 12/16/15;
 - A2-Group 2 Unit – 710 SF, dated 12/16/15;
 - A3 Unit – 810 SF, dated 12/16/15;
 - B1 Unit – 1,202 SF, dated 12/16/15;
 - B4 Unit – 1,202 SF, dated 12/16/15;
 - B4-Group 2 Unit – 1,202 SF, dated 12/16/15;
 - C1 Unit – 1,484 SF, dated 12/16/15;
 - C2 Unit – 1,417 SF, dated 12/16/15;
 - Shadow Studies – December 21/June 21/March 21/September 21 at 10 AM, 12 PM & 2:30 PM, dated 12/16/15;
- i) Letter from SEB LLC to ZBA clarifying parcel addresses, dated 1/14/16. [Original application incorrectly included the corner parcel, which later was purchased and added to the project site].
- j) Letter from SEB LLC to ZBA regarding DHCD SHI, dated 1/15/16.
- k) Updated SHI from DHCD, dated 1/14/16.

- l) Memo from Community Development Director to ZBA, dated 2/4/16.
- m) Email from Rebecca Schromm to ZBA, dated 2/4/16.
- n) Civil Engineering presentation, presented by DeCelle Burke at 2/4/16 hearing.
- o) Traffic presentation, presented by Vanasse & Associates at 2/4/16 hearing.
- p) Memo from Community Development Director to Applicant, dated 2/9/16.
 - Applicant response to CDD Memo, dated 3/10/16.
- q) Phase I Environmental Site Assessment for 39-41 Lincoln Street and 2-12 Prescott Street, prepared by FSL Associates, Inc., dated 11/20/2014.
- r) Phase II Environmental Site Assessment for 39-41 Lincoln Street and 2-12 Prescott Street, prepared by FSL Associates, Inc., dated 11/21/2014.
- s) Letter from Cube 3 Studio to Community Development Director regarding certain new construction provisions of the 8th Edition of the MA State Building Code (MSBC), dated 2/17/16.
- t) Architecture Peer Review Report, prepared by TBA Architects, Inc., dated 3/10/16.
- u) Civil Engineering Peer Review Report, prepared by Nitsch Engineering, dated 3/10/16.
- v) Traffic/Parking Peer Review Report, prepared by Green International Affiliates, Inc., dated 3/10/16.
 - Vanasse & Associates, Inc. response dated 3/16/16, on behalf of Applicant, to Traffic/Parking Peer Review Report.
- w) Memo from Community Development Director to ZBA, dated 3/14/16.
- x) Emails/Letters received from residents between 2/4/16 and 3/17/16 hearings: Denise Gagnon, Sarah McLaughlin, Amanda Rotondo, Ryan Gormandy, Teresa Teixeira, Tara Byrne, Julie Ross, Erin Gaffen, Beth Dimino, Sharon Olivardia, Ron McLaughlin, STAND 01867, Lianne Stoddard, Julie Aylward, Damon Lusk, Christine Lusk, and Gina DiRocco.
- y) Architecture Peer Review Presentation, presented by TBA Architects, Inc. at 3/17/16 hearing.
- z) Traffic/Parking Peer Review Presentation, presented by Green International at 3/17/16 hearing.
- aa) Memo from Community Development Director to ZBA, dated 5/10/16.
- bb) Emails/Letters received from residents between 3/17/16 and 5/12/16 hearings: Dianne Ferguson, Barbara Aucella, Thomas White, Margot Denoie, Justin Carreiro, Eileen Barrett, Julie Ross, Khozaima Shakir, Leah Monteiro, Suzanne Polizzi, James Newell, Gina Snyder, and Christine Hansen.
- cc) **REVISED PLANS submitted by Applicant to incorporate corner parcel:**
 - Sheet L-1 –Landscape Plan: Prentiss Street Residential [incorrect name], prepared by Kattman Corporation Landscape Architects, dated 6/21/16, revised 7/19/16.
 - Civil Engineering Plans: (waiting for additional revisions)
 - Sheet 4 of 9: Proposed Conditions, dated 12/2/15, submitted 6/21/16;
 - Sheet 1 of 8: Cover Sheet, dated 9/12/16;
 - Sheet 2 of 8: Existing Conditions, dated 9/12/16;
 - Sheet 3 of 8: Construction Management, dated 9/12/16;
 - Sheet 4 of 8: Proposed Building Layout, dated 9/12/16;
 - Sheet 5 of 8: Proposed Parking Layout, dated 9/12/16;
 - Sheet 6 of 8: Proposed Grading and Utility, dated 9/12/16;
 - Sheet 7 of 8: Construction Details, dated 9/12/16;
 - Sheet 8 of 8: Construction Details, dated 9/12/16;
 - Trash Removal Sketch, dated 9/12/16;
 - Automobile Access Sketch, dated 9/12/16;
 - Trash Removal Sketch (mislabeled, should be ‘Bike Path Sketch’), dated 9/12/16; and

- Site Engineering Report including: Project Narrative, Supporting Maps, Stormwater O&M Plan, Erosion and Sedimentation Control Plan, and HydroCAD Calculations for existing and proposed conditions; dated 9/12/16.
- Architectural Plans:
 - Unit Mix Summary, dated 6/15/16;
 - Ground Floor Plan, Second Floor Plan, Third Floor Plan, Fourth Floor Plan, Fifth Floor Plan, dated 6/14/16;
 - Lincoln Street Elevation, dated 6/14/16;
 - Prescott Street Elevation, dated 6/14/16;
 - Perspective Facing Northeast along Lincoln Street, dated 6/14/16;
 - Perspective Facing Northwest along Lincoln Street, dated 6/14/16;
 - Project Comparison, dated 6/15/16;
 - Plan Comparison Diagram, dated 6/23/16;
 - Elevation Comparison Diagram, dated 6/23/16.
- dd) Emails/Letters received from residents between 5/12/16 and 6/23/16 hearings: Marianne Downing, Julie Aylward, Lianne Stoddard, and Christine Lusk.
- ee) Applicant's Presentation of Revised Plans, dated 6/23/16, presented at 6/23/16 hearing, revised 6/28/16 to include: dimensions on the Ground Floor Plan; additional building elevations; and a revised Shadow Study.
- ff) Architecture Peer Review Report, prepared by TBA Architects, Inc., dated 7/15/16, revised 7/20/16.
- gg) Traffic/Parking Peer Review Report, prepared by Green International Affiliates, Inc., dated 7/13/16.
 - Vanasse & Associates, Inc. in-text response & Supplemental Response, dated 7/14/16, on behalf of Applicant, to Traffic/Parking Peer Review Report.
- hh) Parking Waiver Summary, submitted by Applicant prior to 7/21/16 hearing.
- ii) Figure P1 – Existing Parking Regulations & Parking Supply Map, prepared by Vanasse & Associates, Inc., submitted by Applicant prior to 7/21/16 hearing.
- jj) Revised Waiver Request List, submitted by Applicant prior to 7/21/16 hearing.
- kk) Memo from Community Development Director to ZBA, dated 7/21/16.
- ll) Emails/Letters received from residents between 6/23/16 and 7/21/16 hearings: Leah Monteiro and Christine Lusk.
- mm) Architecture Peer Review Presentation, presented by TBA Architects, Inc. at 7/21/16 hearing.
- nn) Traffic/Parking Peer Review Presentation, presented by Green International at 7/21/16 hearing.
- oo) Civil Engineering Peer Review Report, prepared by Nitsch Engineering, dated 9/30/16.
 - DeCelle-Burke & Associates, Inc. Response, dated 10/7/16, on behalf of Applicant, to Civil Engineering Peer Review Report.
- pp) Memo from Community Development Director to ZBA, dated 10/13/16.

WILL REVISE ALL OF THE ABOVE TO CLARIFY APPROVED PLANS & DOCUMENTS

Findings:

- 1) **Project Eligibility:** The Applicant received a Project Eligibility Letter from MassHousing, dated August 11, 2015, 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, MKM Reading, 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 comprised of three (3) parcels of land located in the Town of Reading: Assessor’s Map 16, Lots 224, 225 and 226. Each parcel is developed with an existing commercial structure. Combined, the three (3) parcels comprise approximately 42,658 square feet of land area. The site is relatively flat with some gently sloping areas.
- 5) Zoning: The site is located within the S-15 Single-Family Residential Zoning District; multi-family residential use is not an allowed use in this zoning district.
- 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) Rental Housing: The Board finds that the type of housing proposed – rental units – is greatly needed in the community and region, and will broaden the Town’s housing stock.
- 8) Public Health, Safety & Welfare: The Board finds that development of this Project will not endanger the public health, safety or welfare, or the environment, or impair critically needed open space.
- 9) Project Overview: The Project will include demolition of three (3) existing buildings to allow construction of a new 97,740 square foot, 45-foot, four-story multi-family rental building with seventy-two (72) parking spaces. The Project will include a vestibule with a leasing area and a clubhouse/mailroom area, an enclosed trash chute, two (2) elevators, a 3-phase transformer, mechanical equipment, and utility meter rooms. All walkways and ramps on the site will be fully ADA compliant, and bike racks will be located in the parking podium. Site work will include, but not be limited to: grading, paving, stormwater improvements, and landscaping.
 - a. Interior Space: The proposed building will comprise 97,740 gross square feet, with 62,979 net leasable square feet (not including parking). The gross square footage will be provided as follows: 24,462 (parking podium); [REDACTED] (1st floor); [REDACTED] (2nd floor), [REDACTED] (3rd floor), and [REDACTED] (4th floor).
 - b. Height/Shadows: The proposed building will be 45’-2” in height, with protrusions extending to approximately 47 feet; the existing Doucette storage building is about 44 feet in height. The proposed building is anticipated to cast shadows primarily onto the site itself and onto Prescott and Lincoln Streets, with the worst shadows occurring in

the evenings of March 21st, June 21st, September 21st, and December 21st and extending across the Reading Depot and/or across properties along Washington Street.

- c. Density: The construction of 72 units on 42,658 square feet of land will result in a Project density of approximately 73.5 units per acre.
- d. Parking: The first floor of the Project consists of a parking podium with seventy-three (73) total parking spaces (including four (4) van-accessible 8'x18' handicap spaces) accessed via a 24-foot wide drive aisle. The parking ratio for the Project is 1.01 spaces per unit, which is less than the Zoning Bylaw requirement of 1.5 spaces per unit, and which does not directly account for units that require more than 1 space, or for guest parking. The Applicant is exploring options to provide off-site parking.
- e. Loading: A [redacted] loading space is located at the front of the building along Lincoln Street.
- f. Traffic: The Project is expected to generate 560 average weekday daily trips, with 280 vehicles per day entering and 280 vehicles per day exiting the site. During the weekday morning peak hour, this will result in 8 vehicles per hour entering and 31 vehicles per hour exiting the site. During the weekday evening peak hour, this will result in 37 vehicles per hour entering and 20 vehicles per hour exiting the site. This data is considered conservative as it was not adjusted to account for the likely use of public transportation by some residents.
- g. Lighting: No information on lighting has been provided. (lighting plan to be provided)
- h. Landscaping/Screening: The Prescott Street and Lincoln Street façades will be planted with shade tolerant evergreen shrubs and sodded lawn areas; the south and west sides will contain a 6-foot tall privacy fence and be screened with strategically placed arbor vitae, evergreens, red maples, lilacs, and dogwoods to complement existing trees. (revised plan to be provided)
- i. Open Space: Open areas comprise approximately 22% of the site; however, the actual amount of usable open space on the site is very limited.
- j. Drainage: A Drainage Report was submitted and has been peer reviewed; comments have been provided to the Town Engineer. The Applicant shall work with the Town Engineer to ensure all design requirements are met.
- k. Utilities: The site will be served by Town water, sewer and electric, and by private gas, telephone, and cable. Upgrades to some services may be needed.
- l. Public Safety: The building will be fully sprinklered and fully alarmed, and fire trucks will be able to access the roof. EMS vehicles will not be able to enter the parking podium, but will gain sufficient access to the building from both Prescott and Lincoln streets. The interior common areas will be of adequate width for wheelchairs and stretchers. The building will be set back from property lines which should minimize the incidence of snow/ice from the roof falling onto sidewalks.
- m. Complete Streets Policy: Bike racks will be located in the parking podium.

- n. Pedestrian Access: Sidewalks are located along Prescott Street and Lincoln Street and connect pedestrians to the building entrance and parking entrance.
- o. Signage: No signage has been proposed at this time.
- p. Noise: The Project is not anticipated to generate noise beyond what is typical for a multi-family building with associated parking.

Waivers:

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

- *Table of Principal Uses*: waiver to allow apartments in the S-15 Zoning District.
- *Table of Dimensional Controls – Lot Size*: waiver from the 100,000 square foot lot size requirement for multi-family dwellings in the S-15 Zoning District. The total lot area is 42,931 square feet.
- *Table of Dimensional Controls – Building Height*: waiver from the 35-foot height limit in the S-15 Zoning District. The proposed building will be approximately 45’-2” in height.
- *Table of Dimensional Controls – Lot Coverage*: waiver from 25% lot coverage requirement for apartments within the S-15 Zoning District. The proposed building will cover 57% of the lot.
- *Table of Dimensional Controls – Side Yard Setback*: waiver from 20-foot side yard setback requirement in S-15 Zoning District. The proposed building will be set back **16’-7”** from the side lot line.
- *Table of Dimensional Controls – Front Yard Setback*: waiver from 15-foot front yard setback requirement in S-15 Zoning District. The proposed building will be set back **6’-6”** from Prescott Street and **4’-11”** from Lincoln Street.
- *Table of Dimensional Controls – Rear Yard Setback*: waiver from 20-foot side yard setback requirement in S-15 Zoning District. The proposed building will be set back **13’-3”** from the rear lot line.
- *Lot Shape*: waiver to allow unusually shaped lot.
- *Off-Street Parking Requirement*: waiver from providing 1.5 spaces per unit. The Project will provide 1 space per unit.
- *Off-Street Loading Requirement*: waiver from providing 1 space per 20 units. The Project will not provide any off-street loading spaces.
- *Off-Street Parking Design – Drive Aisle*: waiver from providing a 26-foot wide drive aisle. The proposed drive aisle will be 23-24 feet wide.
- *Site Plan Review*: waiver from separate site plan approval by Town.
- *Water Connection Permits*: waiver from obtaining separate water connection permits and associated charges. **[Awaiting response from Town Engineer, does ZBA want to waive this?]**
- *Sewer Connection Permits*: waiver from obtaining separate sewer connection permits and associated charges. **[Awaiting response from Town Engineer, does ZBA want to waive this?]**

Conditions:

General:

- 1) **Development:** The development (hereinafter “Project”) shall be limited to seventy-two (72) rental dwelling units, comprised of sixty (60) one-bedroom units, three (3) two-bedroom units, and nine (9) three-bedroom units. Eighteen (18) dwelling units (or 25% of the total number of units) within the Project (hereinafter, the “Affordable Units”) shall be restricted for 99 years, or for so long as the Project is not in full compliance with the Town’s Zoning Bylaw, for rental to households whose maximum income does not exceed eighty percent (80%) of the Boston Area Median Income (AMI), adjusted for household size, as published by the U.S. Department of Housing and Urban Development (HUD). The Affordable Units shall not 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 affordable and market-rate units proportionately based upon the 25%/75% ratio.
- 2) **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.
- 3) **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”).
- 4) **Local Preference:** To the extent permitted by applicable law, the AFHMP shall include a local selection preference for **13 units** or up to 70% of the Affordable Units for the following categories: (a) current residents of Reading, (b) parents and children of current residents of Reading, (c) employees of the Town of Reading (i.e., municipal, Public Schools, RMLD, etc.), (d) employees of local businesses, and (e) households with children attending schools in the Town of Reading. An annual report of rental or leasing activity to such local preference categories shall be submitted to the Community Development Director.
- 5) **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; and Board of Health approvals, as needed for the Project.
- 6) **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 historic New England downtown setting. Appropriate materials shall include but not be limited to: shingles, bracketed eaves, horizontally lapped cladding systems, smooth panel systems, brick veneer, masonry, and double-hung windows.
- 7) **Utilities:** All utilities, structures, frames and covers shall meet Town of Reading standards.
- 8) **Electric:** The electric utility plan is subject to approval by the Reading Municipal Light Department (RMLD).
- 9) **Water/Sewer:** As determined necessary by the Water/Sewer Capacity Analysis Peer Review, and the Town Engineer, the Applicant shall upgrade water and sewer infrastructure to meet

the capacity needs of the Project. This work shall be performed in full coordination with the Town and the MWRA, and at the Applicant's expense.

- 10) **Street Improvements:** As determined necessary or desirable by the Department of Public Works and the Town Engineer, and in compliance with Comments 21 and 22 of the July 13, 2016 letter from Green International Affiliates, the Applicant shall make improvements to streets within the Project area. This shall include but not be limited to: repaving, restriping, updating/adding crosswalks, and/or extending/upgrading sidewalks along Prescott Street, Lincoln Street, Washington Street and Fulton Street. This work shall be performed in full coordination with the Town, and at the Applicant's expense.

Where possible as relates to this Project, sidewalks should be widened to allow for provision of public amenities such as benches, bike racks, and parklets.

- 11) **Off-Site Parking:** The Applicant has agreed to continue working with Town staff and nearby private parking lot owners to find a solution to the lack of visitor parking provided on-site and to provide additional long-term tenant parking spaces on an as-needed basis.

- 12) **Passenger Loading/Unloading:** The Applicant shall work with Town staff to identify a space along Lincoln Street, or within the parking podium, that can be a designated passenger pick-up / drop-off area to be utilized by patrons of The Ride, Uber, taxi services, etc. Ideally, this space will be located such that it does not reduce the number of on-street parking spaces.

- 13) **Community Space:** The clubhouse space on the first level of the building is one of the only spaces on the property for potential collective enjoyment. The management company shall strategically program this space for both internal use by the residents (i.e., for private parties, meetings, etc.) and for external use by the greater community (i.e., local arts events, etc.).

- 14) **Plan Changes:** The Applicant shall notify the Community Development Director in writing of any proposed change to the Project. Should the Building Inspector and/or Community Development Director consider a change to be substantial, the Zoning Board of Appeals will be notified of such change, and shall schedule a public hearing for modification of the Comprehensive Permit herein, as set forth in 760 CMR 56.05(11). Any such change that is deemed to be insubstantial shall be automatically incorporated into this Decision by reference.

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

- 1) **Engineering Plan Review:** The Applicant shall submit for review and approval two (2) sets of stamped Site/Civil plans, as well as any reports and documentation required by the Town Engineer, prepared by a Licensed P.E. and/or a Registered P.L.S. The Applicant shall also submit a check payable to the Town of Reading, in the amount specified, to cover the cost of an outside Engineering Plan Review.
- 2) **Stormwater:** A Stormwater Operations and Maintenance Plan shall be submitted for review and approval by the Engineering Plan Review consultant. The Plan shall include construction and post-construction procedures and shall be provided in a report rather than added onto the construction plans.
- 3) **Engineering Concerns:** The Applicant shall work with the Engineering Plan Review consultant, and with the Town Engineer as needed, to address any concerns that arise during the Engineering Plan Review.

- 4) **Construction Schedule & Staging Plan:** The Applicant shall submit a detailed Construction Schedule and Staging Plan to the Community Development Director for distribution to Town staff for review and comment.
- 5) **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 Approval by MassHousing:** The Applicant shall submit to MassHousing a request for 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.
- 2) **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.
- 3) **Development Review Team (DRT) Comments:** The Applicant shall ensure compliance with any and all requirements noted by Town staff members during DRT meetings and provided to the Applicant in a memo from the Community Development Director dated 10/13/16.
- 4) **Peer Review Recommendations:** The Applicant is **strongly advised** to heed the peer review recommendations delineated in the various peer review reports, with special regard for the recommendations mentioned below. **What does ZBA want to require?**

a. Architecture

- i. Reconfigure the internal staircase so that it opens into the clubhouse area and is readily usable by residents;
- ii. Make the long internal hallway on each floor more comfortable and visually appealing wherever possible via the provision of nooks, recesses, artwork, natural light, etc.
- iii. Allow natural light to enter the building wherever possible;
- iv. Allow community programming of the clubhouse space;
- v. Reconfigure the apartment opposite the trash room so that the apartment entry is not directly across from the trash door;
- vi. Create outdoor spaces for residents wherever possible;
- vii. Depict the 4 required Accessible Units on the plans; and
- viii. Consider reconfiguring the units on the top floor to avoid awkward or difficult to furnish spaces due to the roof pitch and layout.

b. Traffic/Parking

- i. Vehicles exiting the Project site shall be placed under STOP-sign control with a marked STOP-line provided;
- ii. All signs and pavement markings to be installed within the Project site shall conform to the applicable standards of the MUTCD;

- iii. Provide marked crosswalks and wheelchair ramps for Project site driveway crossings and at pedestrian crossings within the Project site;
- iv. Coordinate with the Town to post “no parking” signs for a minimum distance of 20-feet on either side of the Project site driveways in order to maintain the required lines of sight for the driveways to operate in a safe manner;
- v. Consult with the Superintendent of Reading Public Schools to determine an appropriate location for a school bus waiting area;
- vi. Increase the width of the pedestrian walkways throughout the parking podium to 5-feet to meet ADA and MAAB requirements; and
- vii. Provide off-site mitigation per Comments 21 and 22 of the July 13, 2016 letter from Green International Affiliates.

c. Civil Engineering

i. Awaiting revised plans, and final review from Nitsch including W/S analysis

- 5) **Building and Fire Code Consultants:** The Town of Reading will hire a Building Code Review consultant and a Fire Code Review consultant 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.
- 6) **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.
- 7) **Building Code Concerns:** The Applicant shall work with the Building Code Plan Review consultant, and with the Building Inspector as needed, to address any concerns that arise during the Building Code Plan Review.
- 8) **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.
- 9) **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.
- 10) **Garage Access:** The Applicant shall include specifics on the construction drawings for how conflicts between vehicles entering/exiting the garage and pedestrians on the sidewalks will be prevented. Should any noise, signaling or lighting features be proposed, decibel levels and photometrics at each entrance/exit, as well as at the property lines, should be provided.
- 11) **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.
- 12) **Lighting:** The Applicant shall submit a photometric plan for the site, and specifications for each type of lighting fixture proposed for the site, to the Community Development Director for review and approval. All exterior building and site lighting shall comply with the dark sky

initiatives (light shall shine down only) with the light source being fully shielded (with cutoff shields) so that no lighting or glare spills onto abutting properties.

- 13) **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.
- 14) **Roof Mechanicals:** The Applicant shall submit a roof layout plan that depicts the rooftop mechanical equipment and any shielding proposed to prevent visual and auditory impacts. Rooftop mechanicals shall be screened with sound control devices that mitigate equipment noise. Equipment shall be set back from building facades so that it is not visible from the street or from abutting residential neighborhoods, or screened from view behind parapets enclosed within architectural elements that integrate it into the building design.
- 15) **Transformer:** The Applicant shall provide a dimensioned detail of the proposed transformer for approval by the RMLD and the Building Inspector.
- 16) **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).
- 17) **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.
- 18) **Pre-construction Meeting:** The Applicant, contractors and/or OPM shall provide a detailed Construction Management Plan to the Community Development Director and shall schedule a pre-construction meeting with Town staff. Town staff will review the Plan, the conditions herein, and all final construction sequencing, details and plans for the Project.

During Construction:

- 19) **Construction Hours:** Construction shall be limited to the hours stated in Section 8.9.8 “Construction Hours” of the Reading General Bylaws and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site.
- 20) **Construction Activities:** Construction activities shall be conducted in a workmanlike manner at all times. Blowing dust or debris shall be controlled by the Applicant through stabilization, wetting down, and proper storage and disposal methods, subject to the approval of the Health Agent or designee. The Applicant shall ensure that the abutting local streets are kept clear of dirt and debris, which may accumulate as a result of construction activities for the Project. Documentation shall be provided demonstrating ongoing pest management control, subject to the approval of and administration by the Health Agent.
- 21) **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.
- 22) **Site Inspections:** Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision.
- 23) **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.
- 24) **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:

25) **Certifications of Compliance:** The Applicant shall submit to the Engineering Plan Review, 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.

26) **Landscaping:** The Applicant shall work with abutting property owners to determine planting types and fencing appropriate to screen the Project from the neighborhood and vice versa. Any plantings or fencing proposed on abutting properties shall be paid for and installed by the Applicant in coordination with the abutting property owners. In addition, the Applicant shall consider revising the landscaping at the edge of the building; pavers with groundcover may survive better and require less maintenance than sod and bushes.

A **final Landscape Plan** shall be submitted to the Community Development Director that depicts all agreed upon landscaping/fencing between the Applicant and abutting property owners. The landscaping shall be installed as indicated on this final landscape plan. In the event that weather conditions prevent completion of the proposed landscaping prior to the desired date of occupancy, the Applicant shall submit a bond to cover the cost of installation of the remaining landscaping features.

27) **Property Management:** The Applicant shall submit documentation from the contracted management company for the property outlining the general Operations and Maintenance Plan 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 permitted to load or unload along Prescott Street between 5:30-8:30 AM or 4:30-7:30 PM Monday through Friday. Delivery by tractor-trailer shall be prohibited.
- b. **Snow Management:** Snow shall be stored in the areas identified on the plan, and shall not impact pedestrian pathways, 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 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.
 - i. **Roof Overhangs:** A detailed plan for managing snow and ice build-up on the roof shall be provided. Any snow and ice that poses the threat of falling onto a public sidewalk shall be removed by the management company immediately.
- c. **Trash/Recycling Management and Removal:** The O&M Plan shall include details regarding the specific size of trash bags handled by the trash chute system, methods for how residents will dispose of larger items, an estimate of trash/recycling generated by a residential building of this size, storage of trash/recycling at the garage level, and methods for trash 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. Trash removal by a hired hauler shall not occur along Prescott Street between 5:30-8:30 AM or 4:30-7:30 PM Monday through Friday.
- 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.

The documentation shall also include a description of how the management company intends to manage responses to resident issues on-site and shall provide contact information for after hour issues or situations.

- 28) **Off-Site Parking Arrangement:** The Applicant shall submit finalized documentation to the Community Development Director of any agreements with private or public entities for off-site parking, including management plans for both long-term and visitor parking.
- 29) **Signage:** No signage was proposed or is approved herein. Any signage proposed for the project shall be considered “Business or Commercial Signs 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.
- 30) **Architecture:** The building façade on each elevation (north, south, east, west) shall be substantially as indicated on the approved architectural plans and elevations.

Prior to the Issuance of the Final Certificate of Occupancy:

- 31) **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.
- 32) **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.
- 33) **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.
- 34) **As-Built Plans:** Two full size paper copies and electronic AutoCAD final As-Built plans showing the building footprint, drainage systems and utility connections shall be submitted to the Community Development Director and Town Engineer to ensure compliance with this Decision and the approved plans. The bond held for this requirement will be returned to the Applicant once this condition has been fulfilled.

Conditions for Ongoing Maintenance after Occupancy:

- 35) **Parking Updates:** At 60% occupancy, 80% occupancy, and 100% occupancy, the Applicant shall provide reports to the Community Development Director indicating utilization of the on-site parking as well as any required use of the established off-site parking arrangements, and shall work with Town staff to evaluate impacts and make any modifications to the system as needed, including the provision of Zip Car spaces if evidenced to be desired by tenants.

Hereafter, the management company shall provide a similar parking report to the Community Development Director every June 30th.

- 36) **Lighting:** All exterior building and site lighting shall comply with the dark sky initiatives (light shall shine down only) with the light source being fully shielded (with cutoff shields) so that no lighting or glare spills onto abutting properties. Any exterior lighting that is required

for security purposes may be illuminated by photocells. All site and building lighting, beyond what is needed for security purposes, shall operate on a motion sensor.

- 37) **Operations and Maintenance Plan:** The contracted management company 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.
- 38) **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.
- 39) **Storm Water Operations & Maintenance:** Annual O&M reports shall be delivered to the Town Engineer by January 15th of each year.
- 40) **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.
- 41) **Assignment:** This Comprehensive Permit may be assigned or transferred only in accordance with the provisions of 760 CMR 56.05(12)(b).

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

SIGNATURE PAGES FOR ZBA TO BE ADDED