



February 13, 2024

Town of Reading  
Conservation Commission  
16 Lowell Street  
Reading, MA 01867

Re: Request for a Variance  
0 Annette Lane (Map 38, Lot 139)  
Reading, MA 01867  
MassDEP File #270-0780

Members of the Reading Conservation Commission:

On behalf of the Applicant and Owner, Peter Seibold, and in association with Vineyard Engineering & Environmental Services, Inc., Lucas Environmental, LLC (LE) is submitting this Request for a Variance from the Town of Reading Wetlands Protection Bylaw (Section 7.1) for work associated with the proposed construction of a single-family dwelling on property located at 0 Annette Lane (Map 38, Lot 139) in Reading, Massachusetts.

Section 2.E. of the Bylaw Regulations describes the conditions under which a Variance may be granted by the Conservation Commission. The text of this Section is included below:

1. *The Conservation Commission may grant a variance from strict compliance with these regulations for a proposed activity when the Commission finds that:*
  - a. *There are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the performance standards in these Regulations; and*
  - b. *Mitigating measures are proposed that will allow the project to be conditioned so as to have no adverse impact upon the wetland values set forth in Section 7.1 of the Reading General Bylaws; and*
  - c. *The variance is necessary to accommodate an overriding community, regional, state, or national public interest. In the case of owner occupied single or two family residences, mitigation which improves the resource area quality may be considered to accommodate the public interest.*
2. *Any request for a variance shall be submitted to the Commission in writing as part of a Notice of Intent or a Request to Amend an Order of Conditions. The applicant shall submit an analysis of alternatives explored that would allow the project to proceed in compliance with these Regulations and an explanation of why each alternative is unreasonable. The applicant shall also submit a description of the mitigating measures to be used to prevent adverse impacts upon wetland values. The applicant shall also submit evidence that an overriding public interest is associated with the project that justifies the variance. After holding a public hearing on the Notice of Intent or Request to Amend an Order of Conditions, the Commission shall issue a written decision concerning the request for a variance as part of the Commission's decision on said Notice of Intent or Request to Amend an Order of Conditions.*

The proposed activities requiring a Variance include construction of the following:

1. An elevated boardwalk within the Bordering Vegetated Wetland (BVW) and 25-Foot Zone of Natural Vegetation (ZNV).
2. A portion of a retaining wall associated with the driveway within the 35-Foot No Structure Setback.
3. A portion of the driveway at the edge of the 35-Foot No-Structure Setback.

The following sections provide further detail as required per Section 2.E.1 a-c above.

### **Alternatives Explored**

#### *Boardwalk*

The boardwalk is proposed in response to a request by the Town Planner as a public benefit to the neighborhood to connect Annette Lane and Applegate Lane for foot traffic and utilizes the most direct route across the wetland and ZNV.

#### *Retaining Wall and Driveway*

The access point of the proposed driveway from Annette Lane is the only location possible that does not require direct impact to the BVW for access to the upland portions of the property. Access from Applegate Lane would require direct wetland impacts.

The driveway location is designed to keep as much of the driveway out of the Buffer Zones as possible. The driveway must be 19 feet wide to accommodate a ladder truck; therefore, the width of the driveway cannot be further reduced. The turn into the driveway from Annette Lane must have a radius large enough to accommodate the swing of the emergency vehicle. In other words, the driveway cannot have a hard right turn into the property and run along the eastern property line, because the emergency vehicle could not make that turn. Therefore, the configuration of the driveway cannot be located any further from the wetlands than now proposed. It should be noted that at its closest point, approximately eight linear feet of the edge of the driveway is located approximately 35 to 35.5 feet from the wetland edge.

Use of a retaining wall allows minimization of the land disturbance within the 35-Foot No Structure Setback and the ZNV. Without the wall, extensive grading would be required to make the edge of the driveway safe for vehicle/emergency vehicle access, which would extend grading into the 25-Foot ZNV. Approximately 50 linear feet of the proposed retaining wall is located within the 35-Foot No Structure Setback and it is approximately 31 feet from the wetlands at its closest point.

### **Proposed Mitigation to Prevent Adverse Impacts Upon Wetland Values**

The boardwalk is proposed to be elevated on helical piers in order to minimize impacts to the wetland and ZNV. Two trees proposed to be removed for the boardwalk within the wetland and ZNV will be replaced 1:1 within the wetland. Any disturbed soil will be seeded with a wetland seed mix to provide stabilization and habitat value.



500A Washington Street, Quincy, MA 02169

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All trees on the property greater than six inches in diameter that are proposed to be cut (26 trees) will be replaced on-site according to the Reading Replacement Tree and Shrub Schedule. Other than the two trees described above to be planted in the wetland, these plantings are proposed within the ZNV in suitable areas where the existing shrub density is appropriate for additional plantings.

An erosion control barrier is proposed to prevent erosion/sedimentation into the wetland during construction and until the site is fully stabilized.

### **Proposed Mitigation to Improve Resource Quality (Public Interest)**

The boardwalk itself will reduce potential impacts to the wetland by keeping foot traffic out of the wetland, thereby improving the resource area quality to accommodate a public interest. Planting trees and shrubs in the ZNV as replacements for trees cut outside the ZNV will enhance the habitat value within the ZNV.

Accordingly, the Applicant respectfully requests that the Conservation Commission approve this Request for a Variance per the requirements of the Town of Reading Wetlands Protection Bylaw and issue an Order of Conditions approving the project as proposed.

If you have any questions, please do not hesitate to contact me at 617.405.4118 or [jho@lucasenviro.com](mailto:jho@lucasenviro.com). Thank you for your consideration in this matter.

Sincerely,  
LUCAS ENVIRONMENTAL, LLC

Joseph H. Orzel, PWS  
Project Manager/Wetland Scientist

cc: Peter Seibold – Applicant/Owner (electronic copy)  
Vineyard Engineering & Environmental Services, Inc. (electronic copy)  
MassDEP – NERO