



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

**Julie D. Mercier**  
**Community Development Director**  
Phone: 781.942-6648  
Fax: 781.942-9071  
Website: www.readingma.gov

February 14, 2018

**Downtown Smart Growth District (DSGD) Plan Review**  
**M.G.L. Chapter 40R**  
**DECISION**

RECEIVED  
TOWN CLERK  
READING, MA.  
2018 FEB 14 PM 4:23

Project: 14 Chapin Avenue  
Applicant: Leonard Polonski

*To the Town Clerk:*

*This is to certify that, at a public hearing of the Community Planning and Development Commission opened on October 2, 2017, continued to December 11, 2017, January 22, 2018 and February 12, 2018, and closed on February 12, 2018, by a motion duly made and seconded, it was voted:*

“We, the Reading Community Planning and Development Commission, upon request from Leonard Polonski, under Section 10.5 of the Zoning Bylaws of the Town of Reading, and MGL Chapter 40R, to consider the application for 40R Development Plan Review to construct a 3-unit residential townhouse project at 14 Chapin Avenue (Assessors Map 17, Lot 179) – as shown on the Architectural & Site Plans prepared by O’Sullivan Architects, Inc. / Merrimack Engineering Services, Inc., dated 8/24/17 and most recently revised 2/5/18 – do hereby vote 4-0-0, to **approve** the 40R Development Plan, inclusive of the waivers, subject to the Findings and Conditions below.”

Materials Submitted:

The following materials were submitted into the public record:

- a) Certified List of Abutters, dated 8/22/17.
- b) DSGD Development Application Form and Site Plan Review Application [not required], filed with the Town Clerk 8/24/17.
- c) Redevelopment Narrative, submitted 8/24/17.
- d) Legal Notice, published in the Daily Times Chronicle on 9/13/17 and 9/20/17.
- e) Architectural & Site Plans:
  - a. Cover: 14 Chapin Avenue, Reading, MA, prepared by O’Sullivan Architects, Inc. / Merrimack Engineering Services, Inc., dated 8/24/17, revised 2/5/18.
  - b. Sheet 1: Existing Plan of Land, 14 Chapin Avenue, Reading, MA, prepared by Merrimack Engineering Services, Inc., dated 5/12/17.
  - c. Sheet 2: Site Development Plan of Land, 14 Chapin Avenue, Reading, MA, prepared by Merrimack Engineering Services, Inc., dated 8/18/17, revised 1/29/18.

- d. Sheet A0.01: Architectural Site Plan, 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 8/24/17, revised 2/5/18.
  - e. Sheet A1.01: Floor Plans – Ground Floor / Second Floor, 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 8/24/17, revised 2/5/18.
  - f. Sheet A1.02: Floor Plans – Third Floor / Attic Floor, 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 8/24/17, revised 2/5/18.
  - g. Sheet A1.03: Floor Plans – Roof, 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 8/24/17, revised 2/5/18.
  - h. Sheet A3.01: Elevations – South (Chapin Ave), East (Driveway Side), North (Rear), West (Mission of Deeds), 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 8/24/17, revised 2/5/18.
  - i. Sheet A4.01: Sections – Typical Longitudinal / Typical Transverse, 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 8/24/17, revised 2/5/18.
  - j. Sheet A4.02: Site Section Diagrams, 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 10/13/17, revised 2/5/18.
- f) Email from Community Development Director to Applicant with a statement deeming the submission Substantially Complete, and including a list of additional information needed, dated 8/28/17.
  - g) Memo from O'Sullivan Architects, Inc. to Community Development Director, dated 9-1-17, with the following additional materials:
    - a. Photographs of Abutting Properties
    - b. Sheet A0.02: Schematic Landscape Plan, 14 Chapin Avenue, Reading, MA, prepared by O'Sullivan Architects, Inc., dated 8/24/17, revised 2/5/18.
    - c. Description and Specifications for Proposed Exterior Lighting.
    - d. Project Drainage Report, 14 Chapin Avenue, prepared by Merrimack Engineering Services, Inc., dated 8/23/17.
  - h) Memo from Town Engineer to Community Development Director, dated 9/26/17.
  - i) Letter from Neighbors, dated 9/16/17.
  - j) Email from Project Architect to Community Development Director outlining plan changes, dated 11/29/17.
  - k) Test Pit Logs, dated 7/26/17, submitted 11/29/17.
  - l) Memo from Town Engineer to Community Development Director, dated 12/5/17.
  - m) Letter from Neighbors, dated 12/6/17.
  - n) Letter from O'Sullivan Architects to Community Development Director re: Summary of Plan Changes, dated 1/8/18.
  - o) Letter from Latham Law Offices to Community Development Director outlining waiver request for 3-unit project, dated 1/9/18.
  - p) Email from Town Engineer to Community Development Director, dated 1/11/18.
  - q) Memo from Project Architect to Community Development Director outlining plan changes, dated 2/5/18.
  - r) Email from Town Engineer to Community Development Director, dated 2/6/18.
  - s) Letter from Neighbors, dated 2/6/18.
  - t) Draft Decision, dated 2/12/18.

**General Findings:**

- 1) Overview: The Applicant is proposing a 32'-101" high, 4-story, 3-unit residential townhouse project on the ~6,000 square foot former Polonski Tree Service business property at 14

Chapin Avenue. Each unit will have a two-car garage on the ground floor and three floors of residential living space. The existing site contains a 1-½ story wood frame residential structure with a wood shed and two bituminous concrete paved driveways – one on either side of the structure. There is a stockade fence along the eastern property line. The existing back yard is comprised mainly of dirt and scrub; there are some small shrubs and bushes along the front of the structure. The Applicant is seeking Development Plan approval from the CPDC under Section 10.5 of the Reading Zoning Bylaw pursuant to M.G.L. Chapter 40R.

The site proposal also includes an exclusive use area at the rear of the property, closed-system stormwater management, a 0'-3' high versa lok block retaining wall with a 6' high solid wood fence between the wall and the eastern property line, a variable width two-way driveway (22.5' for the majority; 23.5' at its widest, surfaced with porous asphalt pavement, a driveway turn-around area with two visitor parking spaces, landscaping and exterior lighting. The curb cut to the west of the existing building will be closed off, and new vertical granite curbing will be provided along Chapin Avenue. Water, sewer, fire electric, telephone and cable will be extended underground from Chapin Avenue to the site.

- 2) Interior Space: The proposed project will comprise ~8,700 enclosed square feet. Each unit will have 2 bedrooms, a bonus space (practically speaking, a 3<sup>rd</sup> bedroom), and 3.5 baths, and will comprise a net of ~2,280 square feet across three floors of residential living space. Each unit will have a two-car garage on the ground floor that comprises 610 net square feet. Each garage space also includes a foyer, trash area, and an HVAC space; the Unit 1 garage has a mechanical closet and sprinkler room as well. Each second floor living space includes a kitchen / dining room, living room, half bath, and closet; each third floor living space includes two bedrooms, two full bathrooms, walk-in closets, and a laundry closet; each attic space includes a bonus room / loft space, full bathroom, and a crawl space / storage area. The building design also includes a joint rear deck with an exterior staircase for Units 1 and 2 that lead to a shared egress path out to Chapin Avenue, an exclusive deck for Unit 3 with an exterior staircase leading to the Unit 3 exclusive use area, and interior stairs for each unit.
- 3) Zoning: The site is located within a Business B Zoning District and the Downtown Smart Growth District (DSGD) 40R Overlay District. The property abuts an A-40 residential zone to the east and partly to the north.
- 4) Wetlands / Floodplain: There are no wetland resource areas or buffers on or near the site, and the site is not within a 100-year floodplain.
- 5) Parking: The project includes two-car garages for each unit, and two visitor spaces, for a total of 8 on-site parking spaces.
- 6) Traffic: The proposed use is not anticipated to generate an unreasonable amount of additional traffic to the neighborhood. Chapin Avenue is a two-way street.
- 7) Loading / Deliveries: Loading and deliveries can take place in the site driveway.
- 8) Retaining Wall / Fence: A 0-3' versa lok block retaining wall is proposed along the eastern property line, with a 6' solid wood fence between the wall and property line. The existing stockade fence will be removed. The abutter to the east has requested an 8' high solid wood

fence; the Applicant shall coordinate with abutters on each side regarding the height, style and material of the property line fencing.

- 9) Property Management: The building will likely be managed by a property management company initially; once sold, the unit owners can decide how it should be managed.
- 10) Snow Storage / Removal: Snow is proposed to be stored in the grassed area at the rear of the site, and to be hauled off-site as needed.
- 11) Fire Safety: Buildings with 3 units or more are required to be sprinklered.
- 12) Trash Disposal: Each garage will have an area for trash and recycling. Residents can carry the barrels out to the sidewalk on trash/recycling pickup days. Trash/recycling pickup will be by the Town's contracted hauler.
- 13) Storage Areas: Storage is available in the closets on each floor, and in the storage space on the attic floor.
- 14) Sewer: A shared sewer system will require a maintenance document.

#### **Findings pursuant to DSGD Design Standards & Guidelines:**

[NB: for the purposes of this review, the driveway side (east elevation) facade will be considered the primary face, and the Mission of Deeds (west elevation) and Chapin Ave (south elevation along property frontage) facades will be secondary faces, with the north elevation as the rear face.]

### **7. Building Design Standards**

#### **7.1 Massing**

**7.1.1 Front Façade Setback** – the Chapin Ave façade is setback 5.5' feet to allow for some landscaping, a farmer's porch, and a garage entry door for Unit 1.

**7.1.2 Building Step-Back Requirements** – the primary building face appears to be the side that abuts the residential district to the east. The proposed building meets the maximum building envelope ratio of 1:2 on the east elevation where the building abuts a residential district, and is setback 24' from the residential abutter. The west elevation is setback 5' to 6' from the business-zoned Mission of Deeds property, and the north elevation is setback 18' from the abutting property to the rear. All of these setbacks exceed their respective minimum requirements.

**7.1.3 Mixed-Use Building Proportions** – not applicable.

**7.1.4 Special Function Space Differentiation** – not applicable.

#### **7.2 Appearance**

**7.2.1 Defined Proportions** – all of the building faces have at least one of the following features: shed dormers, porch overhangs, bay windows, balconies/decks.

**7.2.2 Horizontal and Vertical Elements** – the building facades include horizontal elements such as shed dormers and porch overhangs, as well as vertical elements such as multi-story bay windows. Window boxes, shutters and a farmer's porch overhang have been added to the Chapin Avenue façade to emphasize the residential nature of the structure and the neighborhood.

**7.2.3 Continuous Façade Elements** – some of the elements of the primary building face continue on the Chapin Ave face (i.e., brick, red elements, window paneling, porch overhang). The Mission of Deeds face and the north elevation (at the rear of the property) are simpler.

**7.2.4 Rooftop Mechanical Setbacks** – not applicable.

**7.2.5 Incorporation of Existing Significant Building Facades** – not applicable.

**7.2.6 Franchise Architecture** – not applicable.

### **7.3 Entries**

**7.3.1 Articulation** – residential entries will be through doors and garages off the driveway; rear and side entries are articulated with stairs and small decks.

**7.3.2 Retail and Commercial Entry Transparency** – not applicable.

**7.3.3 Integrated Lighting & Signage** – not applicable.

**7.3.4 Upper Floor Entries** – not applicable.

### **7.4 Fenestration**

**7.4.1 Commercial Horizontality & Residential Verticality** – not applicable.

**7.4.2 Glazing** – not applicable.

**7.4.3 Overhanging Awnings or Canopies** – not applicable.

### **7.5 Materials**

**7.5.1 Exterior Finishes** – the proposed building materials include fiber cement lap siding, fiber cement shingle siding, fiber cement panel siding, fiber cement trim, clad windows, full course masonry, and an asphalt roof.

**7.5.2 Prohibited Materials** – no vinyl siding or EIFS are proposed.

**7.5.3 Changes in Materials** – changes in materials are intentional to break up the massing of the building.

**7.5.4 Continuity of Materials** – all four facades will be comprised mainly of fiber cement materials; the east façade and Chapin Avenue façade will also include full course masonry at the garage level.

**7.5.5 Blank Facades Not Permitted** – the rear building façade has the least amount of architectural features, as well as limited windows and doors, which is intentional to help maintain the privacy of the rear abutter.

## **8. Site Design Standards**

### **8.1 Sidewalks**

**8.1.1 Sidewalk Continuity** – one of the two existing curb cuts on Chapin Avenue will be closed off and a new sidewalk and vertical granite curbing are proposed. Sidewalks will be handicap accessible, and will be of like material to existing sidewalks.

**8.1.2 Pedestrian Amenities** – the building will be set back 5.5' feet from Chapin Avenue, which allows room for landscaping along the sidewalk.

**8.1.3 Usable Open Spaces** – the project does not include usable open spaces along the public sidewalk, but the project also does not include a commercial component.

**8.1.4 Pedestrian Improvements** – improvements to adjacent crosswalks, curbing and sidewalks may be requested by the Town Engineer.

### **8.2 Driveways and Parking**

**8.2.1 Sidewalk Continuity** – one of the two existing curb cuts will be closed which will allow for better sidewalk continuity.

**8.2.2 Parking Lots** – all of the proposed parking will be located on the ground floor or along the driveway.

**8.2.3 Parking Lots Behind Buildings** – not applicable.

**8.2.4 Below-grade Parking** – all of the proposed parking will be located at grade on the ground floor of the building.

**8.2.5 Parking Lot Screening** – the garages will be enclosed; the driveway will be screened from the abutting properties to the east and north by a retaining wall with a

solid wood fence. The Applicant shall coordinate with abutters on each side to determine the height, style and material of the property line fencing.

**8.2.6 Shared Parking** – not applicable.

**8.2.7 Pedestrian & Vehicular Safety** – the driveway will range from 22.5' to 23.5' in width, which will allow sufficient room for vehicles to back out of the garages safely. Two visitor parking spaces are proposed at the end of the driveway.

### **8.3 Landscaping**

**8.3.1 Street Trees** – street trees, if needed along this stretch of Chapin Avenue, shall be provided in coordination with the Town.

**8.3.2 Retail Frontages** – not applicable.

**8.3.3 Parking Areas** – no surface parking is proposed.

**8.3.4 Public Open Spaces** – none proposed.

**8.3.5 Native Species** – native species are proposed.

**8.3.6 Preservation of Healthy 6" Caliper Trees** – not applicable.

### **8.4 Lighting**

**8.4.1 Articulation of Building Uses & Entries** – recessed lighting will be provided in overhangs and porch ceilings to illuminate the entry points. Wall mounted fixtures with cut-off shields will be provided along the rear emergency egress paths.

**8.4.2 Coordination w/Town's Street Lighting & Trees** – all proposed lighting shall be coordinated with the Town's street lighting and street trees.

**8.4.3 Light Spillover** – no light fixtures will be installed above the first floor level; light is not anticipated to spill over into adjacent properties.

**8.4.4 Public Safety** – all lighting for public safety shall be added to the plans.

**8.4.5 Sign Lighting** – not applicable.

**8.4.6 Dark Sky Standards** – all lighting shall comply with dark sky standards.

### **8.5 Utility Areas and Utilities**

**8.5.1 Location** – trash/recycling bins, mechanical equipment and utility meters will be located in the garages where they are not visible from the street.

**8.5.2 Screening** – no rooftop mechanicals are proposed.

**8.5.3 Shared Utility Areas** – shared utility areas are not proposed.

**8.5.4 Aboveground Utilities Not Permitted** – all utilities will be underground.

**8.5.5 Underground Utilities Required** – all utilities will be underground.

### **8.6 Drainage and Storm Water Management**

**8.6.1 BMP/LID Strategies** – porous pavement is proposed for the driveway.

**8.6.2 System Elements** – the system will include a group of 2 Cultec R-180 infiltration chambers which will accommodate roof runoff. The driveway will be porous which will allow for on-site infiltration; in addition, the grades provided show that the driveway pitches toward the street thus minimizing the potential for any runoff to abutting properties.

**8.6.3 Operations & Maintenance Plan** – an O&M Plan for the porous pavement and the stormwater infiltration system shall be provided, including language that the infiltration system be inspected on a semi-annual basis.

**8.6.4 On-site Recharge** – the porous pavement for the driveway will enable on-site infiltration and recharge. Soil test pit logs have been provided.

**8.6.5 Pervious Paving** – the site driveway will be pervious, which means that the increase in impervious over what exists currently is fairly nominal.

**8.6.6 Site Grading** – the existing site is fairly flat with a slight upward grade change of approximately 6' from front to rear. No re-grading is proposed for this project.

**9. Signage Design Standards** – not applicable at this time.

**Waivers pursuant to Section 10.5.12 and DSGD Design Standards & Guidelines:**

Upon request of the Applicant, the Commission, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the DSGD and the Reading Master Plan, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses and/or physical character allowed. The Commission shall take into consideration the following items when considering a waiver:

1. High performance energy efficient buildings and construction methods.
2. Projects with publicly accessible open space.
3. Projects that include retail and restaurants located on street level.
4. A demonstrated shared parking initiative that makes efficient use of land and existing parking supply.
5. The preservation or rehabilitation of historic properties or other buildings considered significant to the Town.

The Applicant has requested the following waivers:

1. **Density:** to allow a density of 21.7 units/acre where 20 units/acre is the maximum permitted.
2. **Multi-Family Definition:** to allow a multi-family project of 3-units where the Zoning Bylaw Section 10.5 definition of 'Multi-Family Residential' requires 'four or more residential dwelling units.'
  - ➔ The legal team at DHCD has opined that they are comfortable with this waiver because this specific project is generally consistent with the maximum as-of-right density allowed under Smart Growth Zoning, and meets the minimum density requirement of 20 units per acre for a multi-family project under M.G.L. Chapter 40R.

**Justification for Waivers:** The proposed project will provide high-performance energy-efficient building systems and construction standards, including but not limited to: high efficiency HVAC systems, lighting and residential appliances; thermally high performing windows and doors; as well as insulation values that may exceed energy code requirements.

*The CPDC voted 4-0-0 to approve the requested waivers.*

**Conditions:**

**General:**

- 1) **Public Health, Safety and Welfare:** If, at any time, the site becomes a nuisance to public health, safety or welfare (i.e., traffic spillover, excessive noise, unreasonable site illumination beyond the hours of operation, etc.) – as shall be evidenced by substantiated complaints to the Police Department or Public Services Office – the Applicant/Owner shall agree to work with staff to rectify the problem. Should the situation warrant it, an additional Site Plan Review by the CPDC may be required.
- 2) **Utilities:** All utilities, structures, frames and covers shall meet the Town of Reading standards. The electric utility plan is subject to approval by the Reading Municipal Light Department (RMLD).

- 3) **Signage:** No signage information was required, submitted or approved with this Decision. Should the Applicant wish to install building or site signage, an application for such shall be submitted to the Commission via the Community Development Director.
- 4) **Vacant Properties Bylaw:** Pursuant to Town of Reading General Bylaw Section 8.10, the property and building, while vacant, shall be maintained in a safe, secure and clean condition.
- 5) **Limitations / Future Uses:** The 40R Development Plan Decision herein does not include approval for any future uses or site renovations that may – on their own merits and design – trigger the requirements of 40R plan review, or site plan review, and/or require a special permit.
- 6) **Engineering Concerns:** In general throughout the project, the Applicant shall work with the Town Engineer to resolve any outstanding issues in his memo of 12/5/17.

**Prior to Demolition:**

- 1) **Demolition Permit:** The Applicant shall apply for a Demolition Permit from the Town.

**Prior to the Issuance of Building Permits and Prior to the Start of Construction:**

- 1) **The Applicant shall make the following plan changes, and shall submit two (2) full size (24x36) copies of the revised plans to the Community Development Director:**
  - a. All exterior lighting and safety lighting locations shall be added to the plans.
  - b. A detail of the proposed retaining wall shall be added to the plans.
  - c. Any outstanding items listed in the Town Engineer's Memo dated 12/5/17.
- 2) **Other Permits:** The Owner/Applicant is responsible for obtaining all other requirements and permits including but not limited to, utility connections, sewer, water, curb cut, street opening and Jackie's Law excavation permits from the Engineering Department (prior to excavation), and Board of Health approvals.
- 3) **Pre-Construction Meeting:** The Owner/Applicant and contractors shall coordinate with the Community Development Director to schedule a pre-construction meeting with Town staff prior to applying for demolition and/or building permits, in order to review these conditions and any and all final construction sequencing, details and plans for this project.
- 4) **Construction Documents & Fire Safety:** Full construction documents must be submitted and approved by the Fire Department at 80% design. A building permit shall not be issued until the Fire Department has approved the plans.

**During Construction:**

- 1) **Construction Hours:** Construction shall be limited to the hours stated in Section 8.9.8 "Construction Hours" of the Reading General Bylaws, except that on Saturdays construction shall not begin until 9:00 AM, and said hours shall be posted in a conspicuous place at the entrance prior to any work on the site.
- 2) **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.



- 3) **Site Inspections:** Town staff or their designee shall have reasonable access to inspect the site to determine compliance with this Decision.
- 4) **Bond:** The Applicant/Owner shall furnish a bond for the final As-Built plans prior to the issuance of the final certificate of occupancy. The bond amount shall be determined by the Town Engineer. The bond shall be returned once the requirements of this condition are met.
- 5) **I/I Fee:** The Applicant is subject to the required Inflow/Infiltration Fee as the proposed sewer flow usage will be greater than historical usage. The Fee is calculated as twice the flow times \$4.00.
- 6) **Roof Height Survey:** The Applicant shall coordinate with the Building Inspector and survey the roof height to confirm that it does not exceed the height approved herein.

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

- 1) **Architecture:** The building façade on each elevation (north, south, east, and west) shall be substantially as indicated on the approved architectural plans and elevations.
- 2) **Landscaping:** The landscaping shall be installed as indicated on the plans. 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.
- 3) **Fencing:** The Applicant shall coordinate with the abutters on each side to determine the height, style and material of each property line fence, and all fencing shall be installed per the locations indicated on the final approved plans (if depicted).
- 4) **Property Management / Leasing Documents:** A copy of the finalized Property Management / Condo Documents shall be submitted to the Community Development Director for review and approval, and shall contain the following language:
  - a. **Fire Safety:** Language ensuring fire safety by prohibiting outdoor grills, gas grills on balconies, etc.
  - b. **Shared Sewer:** Language regarding maintenance for the sewer system.
  - c. **Conditions for Ongoing Maintenance after Occupancy:** Language that the property management company shall adhere to the “Conditions for Ongoing Maintenance after Occupancy” as are stated herein below.
  - d. **Operations & Maintenance Plan:** Language that the property management company shall adhere to the submitted Operations & Maintenance Plan for the porous pavement (as specified by the Town Engineer in his 12/5/17 memo) and stormwater infiltration system, which shall include language that the infiltration system be inspected on a semi-annual basis.
  - e. **Garages:** Language that each unit’s garage shall be kept open and clear so that it can accommodate up to 2 vehicles – as needed by the occupants – at all times. Occupants shall not park their own cars in visitor spaces or on-street for long periods of time.
- 5) **Pedestrian Improvements:** Improvements, as deemed necessary or advantageous to the Town Engineer and Community Development Director, to adjacent crosswalks, curbing and sidewalks shall be installed at the Applicant’s expense in accordance with Town standards.

**Conditions for Ongoing Maintenance after Occupancy:**

- 1) **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 other applicable Town standards. The bond held for this requirement will be returned to the Applicant once this condition has been fulfilled.
- 2) **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 very little lighting or glare spills onto abutting properties. Any exterior lighting that is required for security purposes may be illuminated by photocells.
- 3) **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, the property owner shall replace such landscaping during the next growing season.
- 4) **Trash Removal:** All trash collection and disposal is the responsibility of the owner / property manager. The Applicant shall ensure daily that exterior areas of the site remain clear of debris, trash and any equipment used in connection with any commercial activities on site.

**Plan Changes after Approval by the Commission:**

Contemplated future changes to the plan approved herein shall be presented to the Community Development Director and the Building Inspector, or other relevant Town staff, for review prior to implementation of proposed changes.

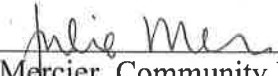
**10.5.13.1 Minor Plan Changes:** After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Commission on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Commission. The Commission may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Commission shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

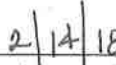
**10.5.13.2 Major Plan Changes:** Those changes deemed by the Commission to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Commission as a new application for Plan Approval pursuant to Section 10.5.

**Appeal:**

Any person aggrieved by this Decision of the CPDC may appeal to the appropriate court in accordance with the provisions of M.G.L. Ch. 40A Section 17, pursuant to M.G.L. Ch. 40R Section 11, within twenty (20) days after the date of filing of this Decision with the Town Clerk. Notice of any appeal with a copy of the complaint must also be filed with the Town Clerk within such twenty (20) days as provided in M.G.L. Ch. 40A Section 17.

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

  
Julie D. Mercier, Community Development Director  
Cc: Applicant, Town Clerk, DRT Staff, planning file

  
Date