



Town of Reading
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June 8, 2020

Major Modification to Site Plan Approval

DECISION

Project/Site: 107 Main Street
Applicant: Fusilli's Cucina – Michael Palmer, Owner

To the Town Clerk:

This is to certify that, at a hearing of the Community Planning and Development Commission opened on June 10th, 2019, continued without discussion to July 8, 2019 and August 12, 2019, continued to and discussed on September 9, 2019, again continued without discussion to December 9, 2019, April 13, 2020 and May 11, 2020, and finally continued to and discussed and closed on June 8, 2020, by a motion duly made and seconded, it was voted:

“We, the Reading Community Planning and Development Commission, upon request from Michael Palmer of Fusilli's Cucina (f.k.a. Sam's Bistro), for a Major Modification to a Site Plan Approval for the property located at 107 Main Street (Assessors Map 8, Lot 1) for the addition of 7 parking spaces in the southeast corner of the site, as shown on the Parking Improvement Plan, 107 Main Street Reading, MA, prepared by Meisner Brem Corporation, dated 4/11/19, and most recently revised 9/4/19; do hereby vote 5-0-0, to **approve** the project under Section 4.6.9 of the Reading Zoning Bylaw, subject to the Findings and Conditions below.”

Materials Submitted:

The following materials were submitted into the public record:

1. Certified Abutters List, dated 4/10/19.
2. Application for Site Plan Review, dated 4/29/19.
3. Parking Improvement Plan & Notice of Intent Plan, 107 Main Street, Reading, MA, prepared by Meisner Brem Corporation, dated 4/11/19 and most recently revised 9/4/19.
4. Cover Letter and narrative from Meisner Brem Corporation, dated 4/30/19.
5. Stormwater Management – Standards and Calculations, dated 4/30/19.
6. Notice of Public Hearing, printed 5/22/19 and 5/29/19.
7. Email from Staff Planner to Applicant determining application is Substantially Complete, 5/14/19.
8. Letter from Residential Abutter, dated 6/5/19.
9. Summaries of revisions, dated 6/26/19 and 7/16/19.
10. Planting History and Proposal Letter, dated 7/23/19.

11. Memos from Civil Engineer to Staff Planner, dated 6/6/19, 7/1/19, and 7/24/19.
12. Draft Decision, dated 6/8/20.

Zoning Bylaw Section 4.6.9.1 – Major Modification

If, at any time before or during development, it becomes necessary or desirable for an Applicant to make modifications to a Site Plan, the Applicant shall appear at a regular meeting of the CPDC and submit, if required by the CPDC, plans showing the modification. Modifications shall be processed in accordance with the rules governing Site Plan Review unless, upon review and determination by the Community Development Director, the proposed changes qualify as a Minor Modification pursuant to Section 4.6.9.2

The following changes shall be deemed to qualify as a Major Modification:

- a. Any relocation or shifting of structures or parking areas;
- b. Any increase in the gross floor area of structures or any changes to the building envelope;
- c. Any change that requires additional water or sewer usage or the relocation of water and sewer utilities;
- d. **Any increase in impervious areas, either by changes to structures or paved parking areas;**
- e. Substantial changes to the approved architectural drawings, including changes in building materials and color.

Findings:

1. **Zoning:** The property is within the Business A and S-15 Zoning Districts; currently the development is within the Business A Zone as well as the 30' zone extension area.
2. **Parking:** Parking is required for restaurants at a minimum of "one (1) space for every four (4) persons of the rated seating capacity of the facility, plus one (1) space for every employee on the largest shift." The site currently maintains 49 parking spaces.
3. **Proposal:** The project proposes the addition of seven (7) 9' x 18' parking spaces in the southeast corner of the lot, which is currently undeveloped and in a natural condition. The additional parking will be utilized by employees and will bring the total number of spaces on site from 49 to 56.
4. **Variance:** The proposed parking area is located within the S-15 Zoning District thus requiring a Variance from the Zoning Board of Appeals for the commercial parking within a residential zone. The Zoning Board of Appeals issued a Decision on December 4, 2019 approving the variance request for 7 commercial parking spaces in the S-15 Zoning District.
5. **ADA Compliance:** The site currently maintains 49 parking spaces, two of which are handicap accessible. Due to the addition of 7 parking spaces (new total of 56) one more handicap accessible space is required. The site currently maintains two handicap spots and a third is proposed at the northwest corner of the building to meet the minimum requirement of 3 accessible spaces. The accessible spots are signed, striped and marked as such.
6. **Conservation:** The Conservation Commission issued an Order of Conditions for the project on August 15, 2019.
7. **Landscaping:** The Applicant is proposing to remove 4 existing trees and to plant 8 arborvitae and 3 Red Maple trees in the area of work, resulting in a net of 7 additional plantings to help screen the project from the residential abutter to the north.
8. **Screening:** Along with the proposed landscaping, the applicant shall install a 6' vinyl fence on the property at 107 Main Street that starts at the base of the silver maple tree and extends to the edge of the 25' no disturb zone. This may require Conservation Commission approval.

9. **Drainage:** A new catch basin and underground chamber system is proposed to capture runoff from the additional impervious area. The chamber system consists of 3 Cultec recharging chambers which will be surrounded by crushed stone. A detail is provided on the Parking Improvement Plan 107 Main Street, most recently revised 9/4/19.
10. **Snow Storage:** Snow Storage locations have been identified on the eastern boundary of the proposed parking area and have been approved and asked for by the Conservation Commission in order to ensure clean melt makes it to the wetlands.

Conditions:

General:

- 1) **Site Plan Modification:** Upon approval of a Site Plan Modification, the Applicant shall submit one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector, of the modified plan, as well as a letter issued by a registered professional engineer, registered architect or registered landscape architect certifying, under pains and penalties of perjury, that the modified plan is consistent in all aspects with the approved modification and that all conditions of approval have been satisfied.
- 2) **August 10, 2009 Approval:** All conditions listed in the August 10, 2009 approval remain in full force and effect to the extent that they are not rendered obsolete by the Major Modification herein.
- 3) **Site Parking:** The seven parking spaces approved herein shall not count towards the minimum number of parking spaces required by the Reading Zoning Bylaw for a restaurant use, and shall not justify any expansion to the total number of seats on-site.
- 4) **Engineering Concerns:** In general throughout the Project, the Applicant shall work with the Engineering Division to address any outstanding concerns in the memo from the Civil Engineer to the Staff Planner, dated July 24, 2019.
- 5) **Order of Conditions:** At all times throughout construction of the Project and occupancy of the site, the Applicant shall comply with all provisions of the Order of Conditions issued for the project by the Reading Conservation Commission.
- 6) **Signage:** No building or site signage has been approved herein. The Applicant shall submit a Sign Permit Application to the Community Development Director for review and approval prior to the installation of any signage.
- 7) **Screening:** Along with the proposed landscaping, the applicant shall install a 6' vinyl fence on the property at 107 Main Street that starts at the base of the silver maple tree and extends to the edge of the 25' no disturb zone. This may require Conservation Commission approval.
- 8) **Public Health, Safety and Welfare:** If, at any time, the site becomes a nuisance to public health, safety or welfare – as shall be evidenced by substantiated complaints to the Police Department or Public Services Office – the Applicant/Owner shall agree to reasonably work with staff to rectify the problem. Should the situation warrant it, an additional Site Plan Review by the CPDC may be required.

Prior to the Start of Construction:

- 1) **Other Permits:** The Owner/Applicant is responsible for meeting all other requirements and obtaining all other permits as needed including but not limited to: Order of Conditions from

the Conservation Commission, utility connections, street opening, and Jackie's Law excavation permits from the Engineering Department (prior to excavation).

- 2) **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.

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 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 Director or designee. The Applicant shall ensure that the abutting local streets are kept clear of dirt and debris arising from the Project, which may accumulate as a result of construction activities for the Project.
- 3) **Site Inspections:** Town staff or their designee shall have reasonable access to inspect the Site to determine compliance with this Decision.

Conditions for Ongoing Maintenance:

- 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.
- 2) **Landscaping:** The landscaping 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.
- 3) **Snow Storage:** Snow shall be stored so as to not impact pedestrian pathways, vehicle circulation, parking and site lines. If accumulated snow exceeds the capacity of snow storage on site it shall be legally removed from the site as soon as practicable. Landscaped areas shall be preserved to the greatest extent possible during times of snow storage and/or removal.
- 4) **Employee Only Parking:** The proposed parking area approved herein shall be utilized by employees of Fusilli's Cucina to the maximum extent possible. Signage shall be installed designating this parking area as 'Employee Parking Only'.

Modifications/Revisions - Plan Changes after Approval by the Approving Authority:

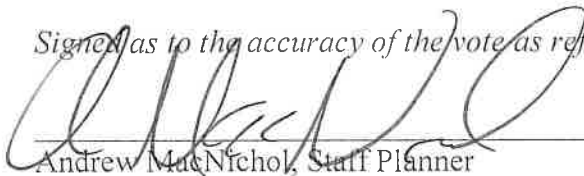
Contemplated future changes to the plan approved herein shall be presented to the Community Development Director and the Zoning Enforcement Officer/Building Inspector, or other relevant Town staff, for review prior to implementation of proposed changes.

1. Minor Modification: Changes that do not substantially alter the concept of the approved Plan in terms of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points. These include but are not limited to small changes in site layout, topography, architectural plans, landscaping plan, traffic circulation, parking, lighting, signage, open space or other criteria set forth in Section 4.6.9.1. Requests for approval under a minor modification for future renovations/alterations to the approved site plan or

for future tenant changes shall be reviewed by the Community Development Director to determine if the proposed work qualifies for review through the Minor Site Plan Review process of Section 4.6.3 of the Reading Zoning Bylaw. If the work is eligible for review under Minor Site Plan review, the Community Development Director may review and grant approval of the proposed work by administrative approval of the Minor Modification. At the determination of the Community Development Director, the Applicant may be required to present the proposed project at a public meeting of the CPDC.

2. Major Modification: Substantial additions, deletions or deviations from the approved plan, including but not limited to changes in site layout, topography, architectural plan, landscaping plans, traffic circulation, parking, lighting plan, signage, open space or other criteria set forth in Section 4.6.9.1 of the Reading Zoning Bylaw. (Note: Approval of the major modification shall be grounds for reconsideration of the Site Plan application. Denial of proposed major modifications shall not invalidate the Site Plan in conformance with the previously approved Plan).

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



Andrew MacNichol, Staff Planner

6/15/2020
Date

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

