

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

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Doc#	Document Type	Town	Book/Page	File Date	Consideration
197618	DECISION		43381/149	07/27/2004	
Property-Street Address and/or Description					
468 WEST ST					
Grantors					
READING TOWN COMMUNITY PLANNING AND DEVELOPMENT COMMISS, JOHNSON WOODS REALTY INC					
Grantees					
References-Book/Pg Description Recorded Year					
45178/43 AMEND 2005					
Registered Land Certificate(s)-Cert# Book/Pg					



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Town of Reading

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READING, MASS.

2004 JUN 24 P 4: 15

Community Planning and Development Commission

DECISION

PLANNED UNIT DEVELOPMENT SPECIAL PERMIT
ISSUED BY THE COMMUNITY PLANNING AND DEVELOPMENT
COMMISSION ON THE APPLICATION OF
JOHNSON WOODS REALTY CORPORATION
For property addressed at 468 West St., Reading, MA

2/15/04
I hereby certify that
twenty days have elapsed
since this decision was
filed in this office
and no appeal from the
decision has been filed.
William P. Shaw
Asst. Town Clerk

PROCEDURE:

This Decision by the Community Planning and Development Commission, as approved with conditions, applies to application for a Planned Unit Development pursuant to Mass. General Laws Chapter 40A, Section 9 and Reading Zoning By-Law Section 4.9 et seq. as to property at 468 West Street and shown as Parcels 6 and 7 on Reading Assessors' Map 58. The record owner of lot 7 is Johnson Woods Realty Inc. ("Applicant") with offices at 8 Doaks Lane, Marblehead, MA 01945, and the record owner of Lot 6 is John Savarino.

On November 24, 2003, the Applicant applied for a Special Permit under Section 4.9 et seq. of the Reading Zoning By-Laws to allow for the development of a Planned Unit Development -Residential (PUD-R) containing 160 condominium units contained in attached townhouses and flat ("garden style") buildings, 1 detached condominium, and accessory uses on approximately 27 acres. For convenience, all of such land is hereinafter collectively called the "Property." The application included documents as noted in the Materials list and other supporting documents.

A TRUE COPY ATTEST:
William P. Shaw
Asst. TOWN CLERK

As advised by Zoning By-Laws Section 4.9, a pre-submission presentation was made to the CPDC on September 29, 2003, during which comments were provided to the Applicant for the purpose of refining the proposed development to be consistent with the intent of Section 4.9. The CPDC, sitting as the Special Permit Granting Authority (SPP), held a public hearing, with four (4) members present throughout and with sessions held on November 24, 2003; December 8, 2003; December 22, 2003; January 12, 2004; January 26, 2004; and February 9, 2004; May 24, 2004 and June 14, 2004 on such application.

Proper publication was made and proper written notice of these public hearings, in conformity with Massachusetts General Laws Chapter 40A, Section 11 and as

otherwise required, was sent by mail, postage prepaid, to all parties in interest. Legal notice was also provided on the Town Planner webpage, as was various elements of the application and supporting materials prior to and during the public hearing.

Testimony was presented during the public hearing, including but not limited to that given by the Applicant and its consultants, Town employees and parties of interest.

During the public hearing process, the proposed development plans have been revised to provide additional detail or to address issues raised by the public or during the Design Team Review (DRT) process consisting of Town staff, including but not limited to the Town Manager, Town Planner, DPW Director, Town Engineer, Conservation Administrator, Fire Chief, Public Safety Officer, Health Administrator, Tree Warden, RMLD, Minutes of the DRT sessions were provided to the Applicant and were made available in the public record, and were reviewed by CPDC in the public hearing. A draft Decision incorporating all language herein was reviewed in entirety by Town Counsel, and the CPDC, the Applicant and the public during the public hearing before it was closed and this Decision rendered.

MATERIALS:

The following materials were submitted as the plans of record and testimony for the deliberation as the public record. All materials have been available for public inspection.

Application for Planned Unit Development-Preliminary Permit Application
Under Town of Reading Zoning By-Laws, Section 4.9, dated November 5, 2003.

The Preliminary PUD Plans are comprised of a grouping of 18 sheets, with each sheet bearing its own title, drawing numbered:

A-1 through A-7; C-1 through C-9, and L-1.

The title/index page is entitled "'Johnson Woods,' Planned Unit Development in Reading, Massachusetts;" Date Issued: November 17, 2003; Civil Engineering and Land Survey: Hayes Engineering, Inc; Architect: Grazado Velleco Architects. The title page has an index listing all of the other sheets by drawing number, title and the latest issue date. This grouping of 18 sheets is referred to collectively in this Decision as the "Preliminary PUD Plan."

Application for Final Planned Unit Development Residential Special Permit.
Johnson Woods Condominiums, Reading, Massachusetts, dated April 28, 2004.

The Final PUD Plans are comprised of a grouping of 23 sheets, with each sheet bearing its own title, drawing numbered:

A-1 through A-9; C-1 through C-12, and L-1 through L2.

The title/index page is identified as C-1 and entitled "Index Plan-'Johnson Woods,' Planned Unit Development in Reading, Massachusetts;" Date Issued: April 14, 2004; Civil Engineering and Land Survey: Hayes Engineering, Inc; Architect: Grazado Velleco Architects. The title page has an index listing all of the other sheets by drawing number, title and the latest issue date. This grouping of 23 sheets is referred to collectively in this Decision as the "Final PUD Plan."

The CPDC also received information and comments from Town Staff, Boards and Commissions and Consultants. The following documents (including plans, reports, correspondence and supplemental material) were submitted for consideration by the CPDC either as part of the filing or during the preliminary and final public hearing process:

Memo from Town Engineer to Town Planner Re: Johnson Woods Preliminary PUD, dated December 8, 2003.

Supplemental Information- Planned Unit Development-Preliminary Permit Application Under Town of Reading Zoning By-Laws, Section 4.9, dated December November 5, 2003.

Memo from Town Planner to CPDC Re: Johnson Woods PUD-R Preliminary Application, dated December 24, 2003.

Design Review Team Minutes, dated January 8, 2004.

Statement of Compliance with PUD Development Guidelines, from Applicant, dated January 10, 2004.

Letter from Attorney Brad Latham to Town Planner Re: Johnson Woods, West Street, Reading, Massachusetts; Compliance with Standards in the Reading Zoning By-Law PUD, dated January 10, 2004

Response to Development Review Team Comments-Johnson Woods PUD-R Special Permit, from Applicant (no date).

Memo from Town Engineer to Town Planner Re: Longwood Offsite Improvements, dated January 16, 2004

Peer Review Report from Anne Reitmayer, Real Estate Consultant, to Town Planner Re: Johnson Woods Preliminary PUD-R Application, 468 West Street, Reading, Dated February 13, 2004.

Decision-Planned Unit Development Preliminary Plan Permit Approval Issues by the Community Planning and Development Commission on the Application of Johnson Woods Realty Corporation for property addressed at 468 West Street, Reading, MA, dated February 24, 2004.

Letter from Town Counsel to Town Planner Re: Longwood PUD-Plan Amendment, dated March 1, 2004.

Town of Reading
Community Planning and Development Commission

Decision: Johnson Woods PUD-R Special Permit

- Letter from Attorney Brad Latham to CPDC Re: Johnson Woods, Reading, MA, dated March 2, 2004.
- Letter from Attorney Brad Latham to CPDC Re: Johnson Woods Planned Unit Development -Residential; West Street, Reading; Request For Determination that Change is a Minor Modification, dated March 6, 2004.
- Letter from Attorney Brad Latham to Town Planner Re: Johnson-Longwood, West Street, Reading, dated March 9, 2004.
- Modification Request from Attorney Brad Latham to CPDC Re: Johnson Woods Planned Unit Development-Residential; West Street, Reading; Request For Modification to preliminary Plan Approval, dated March 9, 2004.
- Letter (with enclosures) from Attorney Brad Latham to CPDC Re: Johnson Woods PUD-R; West Street, Reading; Request For Modification of Preliminary Plan Approval to Include Portions of Peterson land, dated March 10, 2004.
- E-Mail from Town Planner to Attorney Brad Latham et al, re: Johnson Woods, dated March 11, 2004.
- Mitigative Drainage Study, Johnson Woods Condominiums-Reading, Massachusetts, dated March 18, 2004.
- Letter from Attorney Brad Latham to CPDC Re: Johnson Woods, Reading, MA, dated March 23, 2004.
- Letter from William Bergeron to Town Planner Re: Johnson Woods PUD Preliminary Plans, Modified Plans & Preliminary Final Plans, dated April 1, 2004.
- Decision-Planned Unit Development (PUD) Preliminary Plan Amendment-Johnson Woods Realty Corporation for property addressed at 468 West Street, Reading, MA, dated April 5, 2004
- Letter from Town Counsel to Town Planner Re: Longwood Road Access, dated April 8, 2004.
- Letter from Attorney Brad Latham to CPDC Re: Application for Planned Unit Development-Residential Special Permit (Final Plan) as to Johnson Woods, West Street, Reading, MA, dated April 16, 2004.
- Design Review Team Minutes, dated March 15, 2004.
- Memo from Conservation Administrator to CPDC Re: Final PUD-R Special Permit Application for 468 West Street, "Johnson Woods," May 24, 2004.
- Memo from Town Engineer to Town Planner Re: Johnson Woods Final PUD Plan, dated May 24, 2004
- Facsimile from Architect Jim Velleco to Town Planner Re: Planting layout and schedule for cul de sac and location of tot lot, dated May 24, 2004.
- Memo from Conservation Administrator to Conservation Commission Re: Notice of Intent, 468 West Street and 6 Kelch Street-Johnson Woods, DEP 270-424, RGB 2004-10, dated June 3, 2004.
- Email from Town Counsel to Town Planner Re: Longwood draft, June 11, 2004.
- Letter from Attorney Brad Latham to CPDC Re: Johnson Woods, West Street, Reading, MA, dated June 10, 2004.

FINDINGS:

Based upon the evidence presented, the CPDC makes the following specific findings:

1. The Applicant has conformed to the procedural requirements under Section 4.9.3. *et seq.* of the Reading Zoning By-Laws.
2. The Applicant's proposal provides a reasonable mix of land uses, density and building types.
3. The Applicant's proposal provides for a high quality, integrated plan of a development that is beneficial to the Town and responsive to the specific site and its surroundings.
4. The Applicant's proposal provides for more rigorous development standards than found in other zoning districts in the Town. Among other standards this includes more control over the design, height and location of buildings, the mix and use of units and the requirement for affordable units.
5. The Preliminary PUD Plan contained a design that was sufficiently developed to provide the basis for the CPDC's review regarding the requirements, standards, and guidelines of the PUD by-law. The CPDC has reviewed the definitive Final PUD Plans, which were substantially in conformance with the approved Preliminary PUD Plan, including the drainage design, the detailed building design, the detail design of on-site utilities, and landscaping.
6. The Final PUD Plan, as approved subject to Conditions herein, conforms with the use and dimensional criteria as listed in Section 4.9.4 of the PUD by-law, including that as to parcel size and eligibility, permitted uses, intensity of use, dimensional requirements as to building height, setbacks and buffers and open space.
7. The Final PUD Plan satisfies the following criteria as listed in Section 4.9.5 of the PUD by-law:
 - a. The proposed PUD conforms as appropriate to the existing policy established by the Town Meeting and CPDC for the specific area of the Town in which the proposed PUD is located. Town Meeting established the current PUD zoning which allows the specific, proposed uses in a PUD. The Property will be developed for residential uses and intensity (not to exceed 6 units to the acre) as identified in Condition 1 of this Decision.

- b. There is no significant adverse effect under any of the following:
- 1) **Design:** The quality of preliminary site and conceptual building design, as it affects occupants of the proposed development, PUD Overlay District, adjacent residential districts and the Town of Reading as a whole, is positive.
 - 2) **Traffic:** The CPDC, after considering and examining prior traffic studies and considering the impacts from the proposed PUD, has determined that the Final PUD Plan, with the proposed mitigation, adequately addresses the traffic impacts and pedestrian safety. The mitigation payments required of the Applicant in Condition 8 below adequately address anticipated traffic impacts from the Project.
 - 3) **Water quality, air quality, wetlands, and the natural environment**
The Final PUD Plan seeks to preserve the existing topography by minimizing cuts and fill. The drainage system proposed for the project is designed to address water runoff and water quality issues in accordance with DEP stormwater management standards. The drainage schematics and drainage system reviewed by the Town Engineer are satisfactory for Final PUD Plan approval, subject to further review, inspection and approval.
 - 4) **Provision of Open Space**
A major portion of the site (well over 50% is provided, while 25% is required) shall remain open space. The Final PUD Plan as designed provides for the preservation of adequate open space and access to recreational resources in proximity to the site.
 - 5) **Adequacy of utilities and other public works and impact on existing public facilities within the Town**
The CPDC has been advised through Town staff that utilities and public works as proposed are adequate to serve the Final PUD Plan without materially impacting existing public facilities. The Applicant has agreed to make a contribution to the Town for tying into the MWRA water supply system, if the Town elects to do so, for I&I reduction, and for water main replacement on West Street.
 - 6) **Potential Fiscal Impact to the Town of Reading**
The Development of the Property will provide significant tax revenue to the Town. The improvement of the Property with the

PUD is anticipated to have no adverse impact on residential property values in the area and may encourage other property improvements, which may also generate additional tax revenues to the Town. The CPDC required a peer review of the Fiscal Impact Analysis submitted by the Applicant, and reviewed said review in the public hearing. After consideration of the peer review conclusions, the CPDC determined that the likely fiscal impact from the development in general and the presence of 3 bedroom units in particular was not detrimental to the Town. However, the CPDC determined that the 64, 3 bedroom units as originally proposed might cause traffic and fiscal burdens that were not within the spirit of the PUD-by-law. Therefore, they approved the reduced number of 37, 3 bedroom units in order to reduce potentially detrimental impacts associated with the original proposal.

8. The net benefits (benefits compared to adverse impacts) from the proposed uses warrant the allowance of such uses.
9. The proposed uses and Final PUD Plan are in harmony with the general purpose of the PUD by-law and are not detrimental, but shall be beneficial upon the neighborhood in particular and the Town at large in general.
10. Pursuant to Section 4.9.3 of the Zoning By-Law, the CPDC finds that the PUD by-law allows separate lots in separate ownership to be combined. In such an event, the PUD dimensional requirements shall still be calculated on the Property as a whole and not on the separate lots within the PUD.
11. The authority for CPDC to grant access on or across the Longwood Road Extension having not been established, the Savarino house as indicated on the Final PUD Plan does not possess legal access across the Longwood Road Extension, nor does this Decision establish said access.

WAIVERS:

The Applicant has not requested any waivers, nor has the CPDC granted any.

FINAL PUD PLAN APPROVAL: Pursuant to Section 4.9.3 of the Reading Zoning By-Law, the CPDC, by a 4-0-0 vote, does hereby approve the Final PUD Plan according to the plans of record herein, and grant the Special Permit for the PUD-R at Johnson Woods, subject to Zoning By-Laws Section 4.9.3.17 and the following Conditions:

CONDITIONS:**1. Density:**

The development shall be limited to 6 units to the acre, or 161 units on approximately 27 acres, according to the following development mix:

Building Type	Number of Dwelling Units
Single Family	1
Townhouses-2 to 5 units per building	136
Three-Story, Garden-Style building at 12 units per building	24
TOTALS	161

Bedroom Type	Market-Rate Units	Affordable Units	Total Number of Units
Single Family	1	0	1
Two Bedroom:			
Flats	14	10	24
Townhouse	93	6	99
Three Bedroom	37	0	37
TOTAL	145	16	161

The calculation of the affordable units is to be rounded to the nearest whole number. The 3-bedroom units shall number no more than 37 units. In any 3-bedroom townhouse unit, the master bedroom shall be on the first floor.

- 2. Roadway Connections:** As shown on Plan C6 (Sheet 6 of 23), dated April 14, 2004, Johnson Woods Drive, White Oaks Lane, Green Meadow Drive and Taylor Lane must be constructed to support the weight of a 50,000-pound vehicle and provided with a width of 24' minimum, sidewalks where indicated, vertical granite curbing at the radii intersection at the entrance at West Street, and sloped granite curbing. All other roadways shall be a minimum of 18' in width, with no sidewalks.

No parking shall be allowed on the access ways other than in the parking cutout areas, unless otherwise approved by the Fire Chief. The documents for the Project's Condominium Association shall impose this prohibition in the rules and regulations, unless otherwise regulated by the Town. The

Condominium Association shall actively enforce this prohibition. The Condominium Association shall post notice of the "No Parking" requirement at the entranceway and at the intersections of access ways. The Condominium Association shall assign concurrent rights of enforcement of the parking regulations on site to the Town of Reading. Permission must be granted to the Reading Police Department to ticket vehicles in "No Parking" areas.

3. **Parking:** The total number of parking spaces shall be not less than 2 spaces per unit and total approximately 443 spaces. As included in the total parking, the 33 on-street guest parking spaces shall be provided substantially as indicated on the supplemental plan, "Preliminary Layout Plan, "Johnson Woods," Planned Unit Development," dated December 11, 2003. As a condition of this approval, the Final PUD Plan shall include tandem parking at each unit. The total parking shall be approximately as follows:

Building Type	Units	Required	Proposed Surface	Proposed Garage	Proposed Total
Flats	24	48	44	8	52
Townhouses	136	272	136	175	312
Single Family	1	2	2	2	4
Additional Parking					
Driveway					36
Street					33
TOTAL		322			443

Small changes in the total number, type and allocation matrix may be made subject to the approval of the Town Planner. If fewer units are built the number of parking spaces shall be reduced proportionately. Changes in the number or location for street parking shall be subject to the approval of the Fire Chief.

4. **Emergency Access:** The emergency access off of Kelch Road and Enos Circle shall be a minimum of an 18' pavement width within a 30' wide easement, gated. Any future access shall be determined by CPDC. Two (2) temporary turn-arounds must be constructed at the two (2) stubs into the 300'-wide parcel ("300'-wide Parcel) situated northwesterly of the Property. The turn-arounds may be wholly or partially on the 300' wide Parcel but must be constructed with an inside radius of 26' and an outside radius of 44' that is clear of parked vehicles, and must be landscaped similar to other parks on the

site as indicated on Plan L2 (sheet 8 of 23) of the plans of record approved herein, subject to the approval of the Town Planner. The two (2) common drives must be provided with a roadway of a minimum width of 24'. Due to the length of the driveway a turn-around is not required.

5. **Common Facilities:** The two (2), 12-unit Condominium flat buildings may have an office and meeting room for the use of PUD residents. Prior to the issuance of the Certificate of Occupancy for the new single family dwelling, the right to use Longwood Road as an access to that single family house shall either be established or an alternative driveway connection shall be established that provides adequate vehicular access for that house.

Prior to the Issuance of the First Building Permit:

6. The Applicant shall provide to the Board environmental reports prepared pursuant to Mass. General Laws Chapter 21E which reflect that there are no reportable concentrations of hazardous materials or petroleum on the site or that any such reportable concentrations have been remediated or shall be remediated pursuant to Mass. General Laws Chapter 21E in a manner acceptable to a Licensed Site Professional, all at the Applicant's expense, prior to the issuance of the first Certificate of Occupancy.
7. The developer shall conform to the provisions of Zoning By-Laws Section 4.9.6.7 b. Nevertheless this process shall not result in a change of grades, a relocation of buildings, driveways, roadways or other structures from that as shown on the approved PUD plans. These plans shall address the comments in the May 24, 2004 memo from the Town Engineer.
8. **Off-Site Improvements:** The Applicant shall agree in writing to the mitigation negotiated with the Town for the following:

- a. The following shall be the fees for MWRA buy-in and 2:1 I/I reduction:

MWRA buy-in: \$5.30 per gallon

The formula is as follows:

Flows shall be calculated using the sewage flow estimates presented in 314 CMR 7.15 plus 10 percent for outdoor uses. These flows shall be multiplied by \$5.30 per gallon to determine the buy-in fee. Payment will be made in 4 equal installments, prior to the issuance of the first certificate of occupancy on each phase as outlined below.

2:1 I/I reduction fee: \$4.00 per gallon

The formula is as follows:

Flows shall be calculated using the sewage flow estimates presented in 314 CMR 7.15. These flows shall be multiplied by \$4.00 per gallon and then by 2 (to achieve 2 for 1 reduction) to determine the I/I reduction fee. Payment will be made in 4 equal installments, prior to the issuance of the first certificate of occupancy on each phase as outlined below.

The MWRA buy-in fee and the I/I reduction fee shall be paid in four (4) equal installments: The first (1st) installment shall be paid prior to the first (1st) building permit. The second (2nd) installment shall be paid prior to the forty-first (41st) building permit. The third (3rd) installment shall be paid prior to the eighty-first (81st) building permit. The fourth (4th) installment shall be paid prior to the one hundred twenty-first (121st) building permit. If the Town does not buy into the MWRA supplemental water supply by December 31, 2009, the MWRA Buy-in fee payment shall be reimbursed to the Applicant.

b. The fee for water main replacement and overlay on West Street shall be \$187,000, paid prior to any construction on site. If the water main work is not completed by the Town by May 1, 2005, any funds paid by the Applicant to the Town shall be refunded to the Applicant and the Applicant will do the work itself.

c. The fee for sidewalk improvements from the entrance to the West, Willow and Summer Streets Intersection shall be \$26,000, paid prior to any construction on site. If this work is not completed by the Town by October 1, 2005, any funds paid by the Applicant to the Town shall be refunded to the Applicant and the Applicant will do the work itself.

d. The fee for traffic improvements shall be \$100,000 for the West/Willow/Summer Streets intersection, paid prior to any construction on site.

9. **Timing/Sequencing:** In accordance with the proposed construction sequencing dated March 18, 2004 and contained in the Final PUD Application, a Phasing and Sequencing Plan shall be submitted and is subject to the review and approval of the Town Engineer. Each phase plan shall demonstrate that each completed building shall have utilities, roadway, parking, and landscaping sufficient for the use of that building prior to occupancy. Building permit fees shall be paid when the building permit

application is submitted to the Building Inspector on a building-by-building basis.

10. Prior to the commencement of any construction on the site, the Applicant shall provide through the Town Planner for Town review and approval a complete set of construction documents for the site to confirm compliance with the Conditions of this approval. If requested, the Applicant shall provide a reasonable number of additional copies of documents for review by Town staff.
11. The Applicant shall deliver a final set of Mylar site development plans to the Engineering Division prior to the commencement of construction, which shall indicate labels of all wetlands boundaries, buffer zones and riverfront areas.
12. The Applicant shall coordinate with the Town Engineer all Town and public easements for water, drainage and sewer, and licenses for trails and parks, as required by this Decision. Use of the trail and parks shall be subject to reasonable restrictions as to use and safety matters. The Applicant shall prepare the necessary plans and legal documents to create these easements and shall file the documents with the Registry of Deeds.

During Construction:

13. **Pre-Construction Meeting:** shall be held with the Town staff prior to the start of any construction. The limit of work line for the particular area or phase being developed shall be demarcated at this time through the placement of temporary snow fence material.
14. **Utility Connections:** The Applicant and/or its contractor shall provide during construction complete, full coordination with local officials on making connections to existing utilities, further all utilities on site shall be installed underground. Soil tests shall be conducted for the installation of dry wells on several of the units. These tests must be witnessed by the Town. If soils should prove unsuitable for the dry wells, alternative designs must be developed.
15. Any wells needed for irrigation shall be subject to approval by the Health Administrator to determine compliance with applicable laws and regulations.
16. **Site Inspections:** Town staff shall have reasonable access to inspect the site to determine compliance with this Decision.

- 17. Hours of Construction:** The applicant shall adhere to the hours of construction in the requirements of the Reading Rules and Regulations for Subdivision. These hours are:
- a. Construction activity, deliveries and unnecessary noise by workers shall not take place off or on the site or in any building contained therein except during the following hours:
 - Mondays through Fridays inclusive: 7:00 AM to 8:00 PM,
 - Saturdays: 9:00 AM to 5:00 PM,
 - Sundays and Legal Holidays: none;
 - b. In addition, no heavy equipment shall be operated on, or brought to, the site except during the following hours:
 - Mondays through Fridays inclusive: 8:00 AM to 5:00 PM,
 - Saturdays: 9:00 AM to 12:00 PM (noon),
 - Sundays and Legal Holidays: none.

A sign posting these hours shall be placed at the entrance of the site for the duration of the construction process.

If the area off of the Green Meadow Drive turn-around is used as a temporary nursery during construction, the following hours of construction shall apply for the nursery:

- Construction activity, deliveries and unnecessary noise by workers shall not take place off or on the site or in any building contained therein except during the following hours:
- Mondays through Fridays inclusive: 9:00 AM to 3:00 PM,
 - Saturdays: none
 - Sundays and Legal Holidays: none

- 18.** Principal access for construction equipment shall be from the North through Wilmington and shall be directly onto the site from West Street. The Applicant shall at all times use reasonable means to minimize inconvenience of access to residents in the general area. The Applicant shall sweep and keep free of debris all streets utilized for site and off-site construction.
- 19.** West Street, Enos Circle and Kelch Road shall be kept clear and passable at all times. No construction equipment, refuse containers, trailers or construction materials of any kind shall be placed or stored upon the street.
- 20.** 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. Construction dumpsters shall be not be stored in view of off-site residential abutters for more than 60 days.

Prior to the First Certificate of Occupancy:

21. The Applicant shall provide a performance bond or surety or some other financial assurance mechanism (FAM) such as cash, bankbook, three-party agreement or letter of credit to the Town for construction of incomplete site improvements on that portion of the site on which the Applicant is working or will be disturbing in the current phase, which FAM shall be in a form reasonably acceptable to Town Counsel. The FAM shall include the remaining costs to complete the portion of the site on which work is being undertaken plus a ten (10%) percent contingency as calculated by the Town of Reading Engineering Division. The calculations reflected as line-items used to establish the amount of the bond or surety shall be attached to the Bond. As used herein, "site improvements" means the drainage system, soil stabilization, landscaping, water and sewer lines. The performance bond or surety amounts shall be reduced as the work on a line-item is properly completed.

22. If the construction period of that phase of the development lasts more than two (2) years, the bond or surety may be increased to account for inflation, based on recent inflation rates.

23. All performance bonds shall contain the following provision:

Upon the Principal fully and satisfactorily performing in accordance with the conditions and the time schedule set forth herein as specified in the following:

- a. the plans of record
- b. this Decision attached hereto as Exhibit A

then this obligation shall be void; otherwise, it shall remain in full force and effect and the aforementioned sum shall be paid to the Town of Reading for use only to complete or correct the work covered by the Bond as determined by the Town Engineer.

24. The Condominium Documents, including Trusts: said documents shall provide for annual budgets as required by Mass. General Laws Chapter 183A and shall include estimated amounts for yearly maintenance of the drainage system, which amount shall be kept in a separate account and shall not be used for the maintenance, repair or replacement of any other portion of the common areas of the condominiums. The Condominium Trustees shall certify annually to the Town such provision has been made in the condominium budgets and the amounts so certified.

25. The Applicant has proposed, and the Board of Appeals hereby requires, that the following aspects of the development shall be and shall remain forever private, and that the Town of Reading shall not have, now or ever, any legal responsibility for operation or maintenance of the same:
- a. All driveways and parking areas
 - b. Stormwater management facility
 - c. Driveway and parking area snow plowing and removal
 - d. Landscaping
 - e. Driveway, parking area and walkway lighting
26. The numbering of buildings on the site shall be subject to approval by the Engineering Division and Fire Chief.
27. **Final Landscaping Plan:** the Applicant shall establish and implement with the Town Planner a proposed schedule for the installation of screening, landscaping, and/or fencing related to each portion of the site for which a Certificate of Occupancy is being requested so as to properly screen or buffer that section from existing abutting residential properties and ongoing construction activities.
28. The units on Green Meadow Drive, or alternate location, shall be screened from construction equipment on the proposed nursery, subject to the approval of the Town Planner. Storage of fertilizers or similar material shall be enclosed and shall be subject to the approval of the Health Administrator. The nursery shall only be used in connection with the site as approved herein. Any road used for activity related to the nursery shall be kept clear of dirt and debris.
29. **Fitness/Pedestrian Trail:** shall be provided in the general area as indicated on the plans of record herein and shall be open to the public with conditions relating to hours of use and safety matters, subject to the approval of CPDC. The trail shall access the area indicated as a "fitness course" on the 300'-wide Parcel under ownership of the Applicant, which is not to be included in the Project, to Town Conversation land on the north boundary of the Parcel, and shall connect to Town land on the south boundary of the PUD. The approximate location and dimensions of the tot-lot on site shall be according to the submission by Grazado Velleco Architects, dated May 24, 2004.

Prior to the Last Certificate of Occupancy:

30. The Applicant shall deliver to the Engineering Department the final As Built Plans, in both mylar and digital format.
31. If not made of reinforced concrete, masonry or versa-lock construction materials, all retaining walls shall be made of material subject to the approval by the Town Engineer.

Affordable Housing:

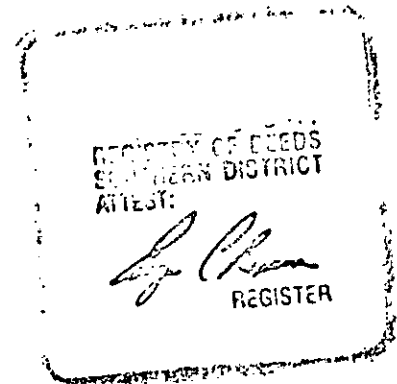
32. Of the One Hundred Sixty-One (161) units, sixteen (16) of these dwelling units shall be reserved for purchase by households whose gross annual income is equal to or below eighty (80%) of the Boston area median household income, adjusted for household size (hereinafter, the affordable units) in perpetuity or as long as permitted by law.
33. The affordable units shall be designated in a Regulatory Agreement and Condominium Documents, and shall be indistinguishable from similar market rate units as to exterior construction, quality and architecture, subject to the approval of the Town Planner and Town Counsel.
34. Ten (10) affordable units shall be in Type E flats and six (6) of the affordable units shall be in townhouses.
35. The affordable units in the Type E flats shall be interspersed in the buildings, with an equal amount of units in the 2 buildings and on the east of the buildings, and shall be a minimum of 1,175 square feet, as shown on Sheet A8 (16 of 23) of the plans of record herein.
36. The 6 affordable townhouse units shall have a minimum of 1,400 square feet of habitable space and a full, unfinished basement, as shown on Sheet A7 (15 of 23) of the plans of record herein.
37. The requirements of Section 4.9.6.10 of the PUD by-law shall be satisfied in each construction phase, or the Town shall receive financial assurance in an amount to be determined by CPDC as necessary to insure that the permitted affordable units equal 10% of the cumulative building permits issued at that time.

Town of Reading
Community Planning and Development Commission

Decision: Johnson Woods PUD-R Special Permit

- 38. The Applicant shall submit lottery and fair housing marketing plans for the affordable units, subject to approval of CPDC and Town Counsel, prior to issuance of a Certificate of Occupancy.
- 39. To the extent allowed by law, purchase preference of the affordable units shall be provided for: Reading residents; parents, children and siblings of Reading residents; and persons who are employed by the Town, as determined by the Reading Housing Authority.
- 40. Prior to the issuance of the certificate of occupancy for the new single-family dwelling as shown on the plan, either the right to use Longwood Road as access to that new dwelling shall be established or an alternative driveway connection shall be established that provides adequate access to that new dwelling.

Date: June 14, 2004



BEING THE COMMUNITY
PLANNING AND DEVELOPMENT
COMMISSION

Susan DeMatteo
Susan DeMatteo, Chairperson

Jonathan E. Barnes
Jonathan E. Barnes

Richard D. Howard
Richard D. Howard

Neil Sullivan
Neil Sullivan

7/15/04
I hereby certify that
twenty days have elapsed
since this decision was
filed in this office
and no appeal from the
decision has been filed.
Oliver A. Shaw
ASST. Town Clerk

Appeal: The Appeal of any decision of the CPDC hereunder shall be made in accordance with the provisions of Mass. Gen. L. 40A, section 17 within 20 days after filing with the Town Clerk.

A TRUE COPY ATTEST:
Oliver A. Shaw
ASST. TOWN CLERK