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Town of Reading

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2005 JUN 17 P 2:01

June 17, 2005

**CASE #05-10
 DECISION**

ZONING BOARD OF APPEALS

Comprehensive Permit Application:

Habitat for Humanity (Case #05-10)
Address: Governors Drive, Assessor's Map 93, Lots 1 & 2
Applicant: Habitat For Humanity-Greater Lowell

7/8/05

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.

Cheryl A. Blush
 Town Clerk

PROCEDURE

1. On or about February 19, 2004, Habitat For Humanity, Greater Lowell (Applicant), a nonprofit affordable housing developer, applied for a comprehensive permit, pursuant to the Chapter 40B Local Initiative Program (LIP), to construct 2, single-family detached units. The property is located at Governors Drive (Assessors Map 93, Lots 1 & 2).
2. The Selectmen held a duly noticed and advertised public hearing on February 24, 2004 to consider the application under the Selectmen's LIP Rules and Regulations. The Selectmen voted 5-0 to approve the application, subject to conditions.
3. As required by the LIP regulations the Department of Housing and Community Development (DHCD) subsequently reviewed the Application and Selectmen's approval and issued a *Determination of site eligibility and preliminary approval under LIP* on October 14, 2004.
4. Upon approval by the Board of Selectmen and Department of Housing and Community Development (DHCD) per the Chapter 40B and Selectmen's LIP Rules and Regulations, the application was submitted to the Zoning Board of Appeals (ZBA) on March 31, 2005.
5. The ZBA held an advertised, posted and noticed public hearing on May 19, 2005 and accepted testimony by the petitioner on their comprehensive permit application.
6. A memo by Chris Reilly, Town Planner, dated May 19, 2005 recommending closure of the public hearing and approval of the application as submitted was entered into the public record and reviewed.
7. The ZBA closed the public hearing on May 19, 2005.



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TRUE COPY ATTEST

Cheryl A. Blush
 TOWN CLERK

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MATERIALS LIST

Local Initiative Program (LIP) Application for Habitat For Humanity-Greater Lowell, for property addressed at Governor's Drive, Map 93, Lots 1 & 2, dated March 31, 2005, including the following plans by Howe Surveying Associates, Inc.:

1. Grading and Drainage Plan, dated February 14, 2005
2. Proposed Plot Plan-Lot 1, dated March 28, 2005
3. Proposed Plot Plan-Lot2, dated March 28, 2005

Memo from Chris Reilly, Town Planner, Re: Case #05-10 Habitat for Humanity LIP on Governors Drive, dated May 19, 2005

NARRATIVE SUMMARY

Under application through the Local Initiative Program (LIP) provisions of Chapter 40B, Habitat For Humanity-Greater Lowell ("The Applicant") has proposed an affordable, single-family development consisting of 2 detached units on 2 lots of 7,500 square feet each ("The Project"), to be located on Governors Drive. The property is zoned S-15 residential and is currently vacant. The LIP process requires the Applicant to seek approval from the Board of Selectmen (BOS) to sponsor application of the project to the Department of Housing and Community Development (DHCD).

The Applicant contacted the Town regarding proposed development of the site in 2002. The Applicant received Selectmen approval to purchase the site from the Town after submissions to a Request For Proposals for affordable housing development were reviewed. Habitat For Humanity-Greater Lowell submitted the only qualified bid. Habitat has worked with Town staff regarding Town standards and regulations to informally revise the plan prior to the formal LIP application to the BOS. Specifically, the Applicant requested informal discussions with Town staff during the design stage to seek appropriate consultation on compliance with Town guidelines and permitting.

The Applicant also agreed to provide payment, upon Town estimate, for street and sidewalk improvements on Governors Drive to service the site. The Town will complete the improvements upon agreed payments as scheduled in the Purchase and Sale Agreement and upon Condition of the Selectmen approval dated February 24, 2004.

As requested, the Town Manager and Town Planner have advised the Applicant

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on the procedural aspects and requirements of the LIP application process, and the Board of Selectmen formally adopted Local Initiative Program (LIP) regulations on July 22, 2003.

Prior to filing the LIP application with the Town, the Applicant requested a Design Review Team (DRT) meeting to solicit further input from Town staff regarding the site plan and off-site issues that might require mitigation. The Applicant has incorporated DRT comments into revisions of the plans in preparation for the formal submission to the BOS.

FINDINGS

The Board makes the following findings of suitability for this project, based upon the testimony, staff reports, and submissions from other Town Boards, Committees, and Commissions, all of which were received at stated meetings:

A. The Board of Appeals has jurisdiction to endorse the comprehensive permit in accordance with the M.G.L. c. 40B §§20-23 (the Act):

1. The Applicant is or will be a "limited dividend organization" within the meaning of the Act in that it is willing to enter into a written regulatory agreement limiting its profits in accordance with the LIP Rules of the BOS.
2. The Applicant has demonstrated that it has "control of the site" per Purchase and Sale Agreement with the Town, dated August 19, 2003.
3. The Applicant has submitted a substantially complete application and other information as required by, and in accordance with, the Reading Board of Selectman Local Initiative Program (LIP) Regulations, dated July 22, 2003 and the Reading ZBA Comprehensive Permit Rules, adopted February 7, 2002.

B. Statutory Minima

1. The Town of Reading has not met the statutory minima set forth in G.L. c. 40B §20 or 760 CMR 31.04 in that (1) low and moderate-income housing units in Reading do not exceed 10% of Reading's total housing units; (2) low and moderate income housing is not located on sites comprising one and one-half percent or more of the total land area zoned for residential, commercial or industrial use, and (3) the development of affordable units consistent with this application will not result in the commencement of construction of such housing units on sites comprising more than three-

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tenths of one percent of such land area, or ten acres, whichever is larger, in one calendar year.

C. Health, Safety and Planning Issues

1. The Town of Reading in its 1991 Master Plan and 2004 Community Development Plan have outlined the provision of affordable housing as a goal and is current on its Executive Order 418 certification.
2. The site location is in a detached, single-family neighborhood, abutting a commercial district. The location is appropriate for the proposed use.
3. The subject property is located at Assessor's Map 93, Lots 1& 2 and recorded in the Middlesex Registry of Deeds. The parcels contain approximately 15,000 square feet and are zoned S-15, as set forth in the Reading Zoning By-Laws. Waivers from the Zoning By-Laws of the minimum lot area and frontage are required for the issuance of building permits.
4. The original proposal by the Applicant called for the development of 2 dwelling units on the Property.
5. As proposed, both of the units will be restricted for purchase by households whose annual income is at or below eighty (70%) percent of the Boston metropolitan statistical area.
6. The development is consistent with local needs.

DECISION

At a public hearing on May 19, 2005, on a motion made and duly seconded, ZBA members Susan Miller, Robert Redfern and Paul Dustin voted to approve the Comprehensive Permit application by Habitat for Humanity-Greater Lowell for property on Governor's Drive in Reading as submitted, subject to the following Conditions and Exceptions:

CONDITIONS

1. The permit shall be subject to the Selectmen's and DHCD approvals and Reading's ZBA Comprehensive Permit Rules as applicable.

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EXCEPTIONS

The following relief from the Reading Zoning By-Laws is granted:

<u>Section 5.1.2 Table of Dimensional Controls</u>	<u>Required</u>	<u>Allowed</u>
Minimum Lot Area (Sq. Feet)	15,000	Not less than 7,500
Minimum Frontage	100'	Not less than 75'

Signed by the Reading Board of Appeals:

Approve:

Deny:

Susan K. Milley 6-16-2005

Robert E. Hedden 06/16/2005

Paul C. Hunter 6-16-2005

This decision shall be filed in the office of the Town Clerk and recorded in the Middlesex Registry of Deeds.

Any appeals to this decision must be filed within twenty days under MGL Chapter 40B Section 22.

cc: Board of Selectmen, Reading Housing Authority, Conservation Commission, DHCD, Town Manager, Town Engineer, Building Inspector, Health Services Administrator, Town Counsel

A TRUE COPY ATTEST:
Cheryl A. Johnson
TOWN CLERK
6.8.2005

7, 8, 05
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.
Cheryl A. Johnson
Town Clerk

REGISTRY OF DEEDS
SOUTHERN DISTRICT
ATTEST:
Eugene C. Brune
REGISTER