

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

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Doc#	Document Type	Town	Book/Page	File Date	Consideration
1133	DECISION		37379/126	12/16/2002	
Property-Street Address and/or Description					
1375 MAIN 34629-215					
Grantors					
READING TOWN OF, 1375 MAIN STREET REALTY TRUST					
Grantees					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					



Town of Reading

16 Lowell Street
Reading, MA 01867-2683
Phone: 781-942-9012
Fax: 781-942-9071
Email: akrieg@ci.reading.ma.us

RECEIVED
TOWN CLERK
READING, MASS.

ZONING BOARD OF APPEALS 2001 AUG -3 P 1:40

DECISION

Comprehensive Permit application

Address: 1375 Main Street
Applicant: 1375 Main Street Realty Trust
Book 34029 PAGE 215

8-24-01
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

This is to certify, at a meeting of the Zoning Board of Appeals dated June 14, 2001, upon receipt of an application by for property addressed at 1375 Main Street and, having held a duly advertised and noticed public hearing opened on December 21, 2000, and having held subsequent meetings for deliberations on February 1, 2001, March 15, 2001, April 12, 2001, May 17, 2001, and thereafter closed the public hearing on June 14, 2001, by a motion duly made and seconded, it was voted:

"We, the Reading Board of Appeals, pursuant to the regulations and requirements of Massachusetts General Laws Chapter 40B Section 21, do hereby approve the construction of six (6) market rate units and two (2) units of low to moderate income housing as defined in MGL Chapter 40B Section 20 as filed with the permit application filed as 00-33, as most recently revised through the hearing process.

MATERIALS LIST

The Board also, received and deliberated upon the following items at the above-listed hearings:

- | | |
|-------------------------------|---|
| May 17 th , 2001 | Letter from Joseph Delaney, Town Engineer |
| May 15 th , 2001 | Letter from Gail Wood, Water & Sewer Advisory Committee |
| May 10 th , 2001 | Petitioner's Amended Request for Waivers |
| | DEP Groundwater Source Approval Regulations |
| May 8 th , 2001 | Comprehensive Housing Site Plan 1375 Main Street |
| | Reading MA CEC Land Surveyors, Inc. |
| April 30, 2001 | Drainage Report for 1375 Main Street - CEC Land Surveyors |
| April 24 th , 2001 | Comprehensive Housing Site Plan 1375 Main Street |
| | Reading MA CEC Land Surveyors, Inc. |

Recorded: 12/16/2002
Document: 00001133 Page: 1 of 19



A TRUE COPY ATTEST:
Cheryl A. Johnson
TOWN CLERK

MSD 12/16/02 01:38:57 1133 59.25

*Town of Reading
Board of Appeals
1375 Main Street
Comprehensive Permit Decision*

April 12 th , 2001	Map of Zone II and II well sites in Reading
April 10 th , 2001	Letter from Reading Historical Commission
March 15 th , 2001	Letter from Gail Wood, Water & Sewer Advisory Committee
March 15 th , 2001	Letter from Anne Krieg, Town Planner Petitioner's Request for waiver from the Demolition Delay By-Law in the Reading General By-Laws
March 14 th , 2001	Letter from Joseph Delaney, Town Engineer
February 21 st , 2001	Comprehensive Housing Site Plan 1375 Main Street Reading MA CEC Land Surveyors, Inc. Drainage Report for 1375 Main Street - CEC Land Surveyors
February 14 th , 2001	Report from Frederick Geisel, PE
February 1 st , 2001	State Register of Historic Places 2000 - Massachusetts Historical Commission
January 31 st , 2001	Letter from Gail Wood, Water & Sewer Advisory Committee
January 16 th , 2001	Report from Arthur Choo, Arthur Choo Associates
December 21, 2000	Letter from Nancy Eaton, Reading Conservation Commission Letter from Joseph Delaney, Town Engineer Purchase and Sale Agreement Site Approval Letter - Middlesex Savings Bank Project Feasibility Statement
December 4, 2000	Meeting notes from Development Review Team Drainage Report for 1375 Main Street - CEC Land Surveyors

WAIVERS/VARIANCES

The following variances and waivers, from the Town By-Law requirements, and dimensional controls are allowed and/or compliance required as shown:

<u>Side Setback</u>	<u>15'</u>
<u>Front setback</u>	<u>20'</u>
<u>Rear Setback</u>	<u>30'</u>
<u>Lot coverage in the aquifer protection district</u>	<u>not to exceed 38%</u>
<u>Maximum building height</u>	<u>not to exceed 31'</u>
<u>Local Wetland By-laws</u>	<u>applies</u>
<u>Local Demolition Delay By-Law</u>	<u>applies,</u>

Developer shall pursue the viability relocation of the
existing house with the Historic Commission
within 60 days from the close of the public hearing.

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1375 Main Street
Comprehensive Permit Decision*

A payment shall be made in the amount of \$20,000.00
for the cost of relocation of the house or,
in event no re-location of the house is available
at the end of the sixty (60) day period,
then the developer shall
prior to the issuance of a demolition permit for said house
remit same amount
to the Reading Historic Commission
for the express purpose of
forwarding historic preservation in Reading

FINDINGS

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

1. The Town of Reading is deficient in the requirement of Commonwealth communities to have 10% of their housing stock be affordable as defined in Massachusetts General Law (MGL) Chapter 40B Section 21.
2. All communities are further ordered to be annually housing certified and thus pursue activities related to the creation of affordable housing under Executive Order 418.
3. The Town of Reading in its 1991 Master Plan has outlined the provision of affordable housing as a goal.
4. Under the New England Fund program for support of affordable housing development, a cap of 20% profit is required. Due to the sensitivity of the physical character of the site and the historic significance of the existing structure, the deviation from the zoning by-laws and subdivision rules and regulations (allowable in order to provide for affordable units), proper care and control of the profit margin must be established. The Town must be compensated if such margin is not maintained. Such compromise of Town standards also makes it necessary for the requirement of affordability to be in perpetuity.

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1375 Main Street
Comprehensive Permit Decision*

5. Citizens' Housing and Planning Association (CHAPA) is qualified to run a lottery system for affordable units created under this permit. It is further understood limited Town staff is unable to provide such administration.
6. Massachusetts Department of Housing and Community Development has requirements for the overall administration, sale price, and demographic data related to affordable housing projects under a Comprehensive Permit.
7. The site location is in a single-family neighborhood and the proposed structures are of attached single-family style. The lot is located on Main Street/State highway numbered 28, thus the infrastructure can handle the added capacity needs of additional trips generated from the project; although care must be taken to provide safe access in and out of the site. The density proposed is over four (4) times of what is allowed by right for the land area of the project site. Protection of the existing neighborhood from visual effects from this density needs to be provided.
8. The site is within the Aquifer Protection District as controlled within the Reading Zoning By-Law. The requirement for lot coverage (all impervious cover as defined therein) is 20%. DEP recommends 15% of same lot coverage; however they further recommend an allowance greater than 15% if stormwater is treated. There are also requirements under the Stormwater Management Act regarding the treatment of stormwater this project is required to follow.
9. There is an existing structure on the site, known as the c. 1850 Sumner Cheney House. This structure's demolition is under the jurisdiction of the Reading Historic Commission as part of a list of historically significant structures as defined in the Demolition Delay section of the Reading General By-Law. The structure and the placement of the structure on its property are considered an important piece of history from this time period in Reading. Careful consideration of a plan for reuse of the structure in its current location, as well as a plan for the relocation of the structure on the site and ultimately relocation elsewhere off the site occurred. Reuse of the existing structure made development of the site difficult for placement of buildings and access ways. Building heights were significantly increased with this plan as well as for the optional plan of relocation of the structure on the site. Lot coverage also increased with any reuse of the structure, impinging on the aquifer protection requirements.

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Reuse of the structure also required the applicant to invest further into the development to rehabilitate and renovate the house for multiple units. Demolition of the structure, or more favorably, relocation of the structure off the site provides for a layout plan that minimized the height needs, reduced the amount of impervious cover, and reduced the build-out of the site from twelve (12) units and ten (10) units to eight (8) units.

10. The plans using the existing house also required extensive grading and retaining walls on the site to preserve the house and allow other units and their accesses to be located as well. This grading would have exceeded the usual engineering standard of a 10% grade for driveways. The plan calling for eight (8) units allows for a less intrusive grading plan that will utilize less than 10% gradient for driveways and parking spaces.
11. The application as filed may not represent the final construction plans and details. Construction shall be monitored consistent to current Town requirements for subdivisions and multi-family developments to ensure utilities, drainage, and access improvements meet Town standards.
12. The Town Engineer has indicated a professional standard for a maximum driveway grade as ten (10) percent and a maximum parking area grade as five (5) percent.
13. To reduce the impact of this project on Town services, the applicant has agreed at his own expense for trash collection to be privately contracted.

CONDITIONS

This approval is subject to the following conditions contained herein below. These conditions relate to the deliberations and findings contained above, the materials listing as attached to this decision and the minutes to the stated meetings on this application. It is the Board's decision these conditions reflect a deliberate balance between the general protection of health safety and welfare of the neighborhood abutting the project as well as the community at large, with the Commonwealth's need and priority to provide for affordable housing throughout Massachusetts.

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Comprehensive Permit Decision*

1. The Town of Reading is authorized to perform construction inspections to ensure that the project conforms to the documents submitted pursuant to Condition numbered 2 below.
2. The applicant shall provide to the Town of Reading for its review and approval a complete set of construction documents for the site to confirm compliance with the conditions of this approval. At a minimum, these documents shall include:
 - Final site layout.
 - Final site grading and drainage.
 - Final landscaping plan (applicant shall coordinate with the Town Planner notice to direct abutters to the project regarding the installation of screening, vegetation and/or fencing along said property line, installation to occur prior to the issuance of an occupancy permit).
 - A utility plan showing all existing and proposed sewer, water, drainage, gas, electric, telephone, and cable lines (as applicable). This plan should include all rims and inverts of catch basins and manholes, all proposed pipe sizes and materials, pipe slopes, hydrant locations, pole locations, street lighting locations and any other pertinent utility information.
 - Detail sheet(s) showing all standard construction details including but not limited to: manholes, catch basins, trench details, pavement installation, turf stone installation, retaining walls, subdrain system, infiltration field installation, drywells, and any other detail necessary for the proper installation of site improvements.
3. All retaining walls shall be of a native stone material to be approved by the Town Planner prior to the submission of detail as noted above.
4. A pre-construction meeting shall be held with the Town staff (at a minimum, Town Planner, Town Engineer, Building Inspector, Conservation Administrator and Public Works personnel as assigned from the Director of Public Works, Public Safety Officer) prior to the start of any construction. The limit of work line shall be demarcated at this time through the placement of temporary snow fence material.
5. The applicant shall deliver a final set of Mylar plans to the Engineering Division prior to the commencement of construction.

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Comprehensive Permit Decision*

6. The applicant shall submit a final set of as-built drawings to the Engineering Division prior to the issuance of an occupancy permit for the last unit.
7. The Condominium Master Deed and Trust shall provide the annual budget for the condominium shall include an estimated amount for the yearly maintenance of the drainage system, which such 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 condominium. The Condominium Trustees shall certify annually to the Town such provision has been made in the Condominium budget and the amount so certified.
8. The applicant shall place a stop sign at the intersection of the site access drive with Main Street to the satisfaction of the Police Department Safety Officer as to location.
9. 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 shall not take place in any subdivision 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, or from any subdivision 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.
10. Prior to recording, the Condominium Declaration of Trust shall be forwarded to Town Counsel for approval as to form for the following items:
 - a. Maintenance of site including drainage and fencing
 - b. Trash storage and removal
11. The master deed shall reference the plans approved with this decision and include language on the following item:

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The limitations on decks, additions, and other modifications to the buildings so as to limit further encroachment on otherwise required setbacks and yard areas.

Such language in the Master Deed shall be approved as to form by Town Counsel prior to the issuance of a building permit.

Any such modification shall be reviewed by the Zoning Board of Appeals as a modification to the approved plans, and shall be subject to a public hearing duly advertised and notified.

12. CHAPA shall audit the final costs of construction and the sale of units and any other information necessary to determine if the required cap on profit is maintained under the requirements of the New England Home Fund. This report shall be filed with the Zoning Board of Appeals.

Any funds beyond this required cap shall be returned to the Town of Reading for the purpose of advancement of affordable housing. Such payment shall occur within ninety (90) days of receipt of the audit. Failure to do so shall place the property in non-compliance with the conditions herein and shall be so fined as a violation under zoning enforcement.

13. A deed restriction shall be placed on the property and all units thereafter slated to be affordable that will require their affordability in perpetuity as defined in Department of Housing and Community Development regulations as recently amended. The deed restriction shall be reviewed as to form by Town Counsel prior to the issuance of an occupancy permit.
14. The sale price for the affordable units shall be established utilizing the most recently Department of Housing and Community Development approved formula for low to moderate income housing based upon 80% of the median income in the Commonwealth at the time said unit is available for sale.
15. Affordable units shall be administered by CHAPA. CHAPA shall establish a lottery system using a process approved by the Department of Housing and Community Development.
16. The chosen affordable units will be mixed among, and indistinguishable from the market rate units as to exterior construction and fixtures, as per Department of Housing and Community Development guidelines and pertinent requirements.

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17. Location of rash receptacle, proposed enclosure, and schedule of deliveries/pick-up shall be approved by the Health Services Administrator prior to the issuance of a building permit.
18. Preservation of existing structure:
Developer shall pursue the viability of the relocation of the existing house with the Historic Commission within 60 days from the close of the public hearing. A payment shall be made in the amount of \$20,000.00 for the cost of relocation of the house or, in event no re-location of the house is available at the end of the sixty (60) day period, then the developer shall prior to the issuance of a demolition permit for said house remit same amount to the Reading Historic Commission for the express purpose of forwarding historic preservation in Reading.
19. This approval does not relieve the applicant from Massachusetts General Laws Chapter 131.40, the Massachusetts Wetlands Protection Act, nor the DEP Stormwater Regulations. Applicant must comply with all rules and regulations under these state laws.



Town of Reading

16 Lowell Street
Reading, MA 01867-2683
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TOWN CLERK
READING, MASS.

ZONING BOARD OF APPEALS 2002 DEC -6 P 4: 04

DECISION

Comprehensive Permit application

Address: 1375 Main Street
Applicant: 1375 Main Street Realty Trust

This is to certify, at a meeting of the Zoning Board of Appeals dated June 14, 2001, upon receipt of an application by for property addressed at 1375 Main Street and, having held a duly advertised and noticed public hearing opened on December 21, 2000, and having held subsequent meetings for deliberations on February 1, 2001, March 15, 2001, April 12, 2001, May 17, 2001, and thereafter closed the public hearing on June 14, 2001, by a motion duly made and seconded, it was voted:

"We, the Reading Board of Appeals, pursuant to the regulations and requirements of Massachusetts General Laws Chapter 40B Section 21, do hereby approve the construction of six (6) market rate units and two (2) units of low to moderate income housing as defined in MGL Chapter 40B Section 20 as filed with the permit application filed as 00-33, as most recently revised through the hearing process.

AMENDED:

At a meeting of the Zoning Board of Appeals dated November 21, 2002, the Board voted to amend the Comprehensive Permit as follows, finding that these changes are considered non-substantive but must be included in the approved condominium documents:

- 1) That the Building #3 setback to the nonconforming side lot-line not encroach closer than 14.1 feet at the front of the building and 14.5 at the rear. This is to be substantiated by a registered land surveyor other than CEC, licensed in Massachusetts, through an instrument survey, provided that if the setback be less than the above dimensional references this matter shall be returned to the Board for further action.

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Comprehensive Permit Decision*

- 2) Delete Finding 13 of the Decision and any related Condition concerning trash collections, with the understanding that the Town will assume the responsibility for trash collection.
- 3) That all other Conditions stated in the Comprehensive Permit remain in effect.

MATERIALS LIST

The Board also, received and deliberated upon the following items at the above-listed hearings:

May 17 th , 2001	Letter from Joseph Delaney, Town Engineer
May 15 th , 2001	Letter from Gail Wood, Water & Sewer Advisory Committee
May 10 th , 2001	Petitioner's Amended Request for Waivers DEP Groundwater Source Approval Regulations
May 8 th , 2001	Comprehensive Housing Site Plan 1375 Main Street Reading MA CEC Land Surveyors, Inc.
April 30, 2001	Drainage Report for 1375 Main Street - CEC Land Surveyors
April 24 th , 2001	Comprehensive Housing Site Plan 1375 Main Street Reading MA CEC Land Surveyors, Inc.
April 12 th , 2001	Map of Zone II and II well sites in Reading
April 10 th , 2001	Letter from Reading Historical Commission
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January 31 st , 2001	Letter from Gail Wood, Water & Sewer Advisory Committee
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December 21, 2000	Letter from Nancy Eaton, Reading Conservation Commission Letter from Joseph Delaney, Town Engineer Purchase and Sale Agreement Site Approval Letter - Middlesex Savings Bank

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Project Feasibility Statement
December 4, 2000 Meeting notes from Development Review Team
Drainage Report for 1375 Main Street - CEC Land Surveyors

WAIVERS/VARIANCES

The following variances and waivers, from the Town By-Law requirements, and dimensional controls are allowed and/or compliance required as shown:

<u>Side Setback</u>	<u>15'</u>
<u>Front setback</u>	<u>20'</u>
<u>Rear Setback</u>	<u>30'</u>
<u>Lot coverage in the aquifer protection district</u>	<u>not to exceed 38%</u>
<u>Maximum building height</u>	<u>not to exceed 31'</u>
<u>Local Wetland By-laws</u>	<u>applies</u>
<u>Local Demolition Delay By-Law</u>	<u>applies,</u>

Developer shall pursue the viability relocation of the existing house with the Historic Commission within 60 days from the close of the public hearing. A payment shall be made in the amount of \$20,000.00 for the cost of relocation of the house or, in event no re-location of the house is available at the end of the sixty (60) day period, then the developer shall prior to the issuance of a demolition permit for said house remit same amount to the Reading Historic Commission for the express purpose of forwarding historic preservation in Reading

FINDINGS

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

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1375 Main Street
Comprehensive Permit Decision*

1. The Town of Reading is deficient in the requirement of Commonwealth communities to have 10% of their housing stock be affordable as defined in Massachusetts General Law (MGL) Chapter 40B Section 21.
2. All communities are further ordered to be annually housing certified and thus pursue activities related to the creation of affordable housing under Executive Order 418.
3. The Town of Reading in its 1991 Master Plan has outlined the provision of affordable housing as a goal.
4. Under the New England Fund program for support of affordable housing development, a cap of 20% profit is required. Due to the sensitivity of the physical character of the site and the historic significance of the existing structure, the deviation from the zoning by-laws and subdivision rules and regulations (allowable in order to provide for affordable units), proper care and control of the profit margin must be established. The Town must be compensated if such margin is not maintained. Such compromise of Town standards also makes it necessary for the requirement of affordability to be in perpetuity.
5. Citizens' Housing and Planning Association (CHAPA) is qualified to run a lottery system for affordable units created under this permit. It is further understood limited Town staff is unable to provide such administration.
6. Massachusetts Department of Housing and Community Development has requirements for the overall administration, sale price, and demographic data related to affordable housing projects under a Comprehensive Permit.
7. The site location is in a single-family neighborhood and the proposed structures are of attached single-family style. The lot is located on Main Street/State highway numbered 28, thus the infrastructure can handle the added capacity needs of additional trips generated from the project; although care must be taken to provide safe access in and out of the site. The density proposed is over four (4) times of what is allowed by right for the land area of the project site. Protection of the existing neighborhood from visual effects from this density needs to be provided.
8. The site is within the Aquifer Protection District as controlled within the Reading Zoning By-Law. The requirement for lot coverage (all impervious cover as defined therein) is 20%. DEP recommends 15% of

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Comprehensive Permit Decision*

same lot coverage; however they further recommend an allowance greater than 15% if stormwater is treated. There are also requirements under the Stormwater Management Act regarding the treatment of stormwater this project is required to follow.

9. There is an existing structure on the site, known as the c. 1850 Sumner Cheney House. This structure's demolition is under the jurisdiction of the Reading Historic Commission as part of a list of historically significant structures as defined in the Demolition Delay section of the Reading General By-Law. The structure and the placement of the structure on its property are considered an important piece of history from this time period in Reading. Careful consideration of a plan for reuse of the structure in its current location, as well as a plan for the relocation of the structure on the site and ultimately relocation elsewhere off the site occurred. Reuse of the existing structure made development of the site difficult for placement of buildings and access ways. Building heights were significantly increased with this plan as well as for the optional plan of relocation of the structure on the site. Lot coverage also increased with any reuse of the structure, impinging on the aquifer protection requirements.

Reuse of the structure also required the applicant to invest further into the development to rehabilitate and renovate the house for multiple units. Demolition of the structure, or more favorably, relocation of the structure off the site provides for a layout plan that minimized the height needs, reduced the amount of impervious cover, and reduced the build-out of the site from twelve (12) units and ten (10) units to eight (8) units.

10. The plans using the existing house also required extensive grading and retaining walls on the site to preserve the house and allow other units and their accesses to be located as well. This grading would have exceeded the usual engineering standard of a 10% grade for driveways. The plan calling for eight (8) units allows for a less intrusive grading plan that will utilize less than 10% gradient for driveways and parking spaces.
11. The application as filed may not represent the final construction plans and details. Construction shall be monitored consistent to current Town requirements for subdivisions and multi-family developments to ensure utilities, drainage, and access improvements meet Town standards.

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1375 Main Street
Comprehensive Permit Decision*

12. The Town Engineer has indicated a professional standard for a maximum driveway grade as ten (10) percent and a maximum parking area grade as five (5) percent.

CONDITIONS

This approval is subject to the following conditions contained herein below. These conditions relate to the deliberations and findings contained above, the materials listing as attached to this decision and the minutes to the stated meetings on this application. It is the Board's decision these conditions reflect a deliberate balance between the general protection of health safety and welfare of the neighborhood abutting the project as well as the community at large, with the Commonwealth's need and priority to provide for affordable housing throughout Massachusetts.

1. The Town of Reading is authorized to perform construction inspections to ensure that the project conforms to the documents submitted pursuant to Condition numbered 2 below.
2. The applicant shall provide to the Town of Reading for its review and approval a complete set of construction documents for the site to confirm compliance with the conditions of this approval. At a minimum, these documents shall include:
 - Final site layout.
 - Final site grading and drainage.
 - Final landscaping plan (applicant shall coordinate with the Town Planner notice to direct abutters to the project regarding the installation of screening, vegetation and/or fencing along said property line, installation to occur prior to the issuance of an occupancy permit).
 - A utility plan showing all existing and proposed sewer, water, drainage, gas, electric, telephone, and cable lines (as applicable). This plan should include all rims and inverts of catch basins and manholes, all proposed pipe sizes and materials, pipe slopes, hydrant locations, pole locations, street lighting locations and any other pertinent utility information.

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1375 Main Street
Comprehensive Permit Decision*

- Detail sheet(s) showing all standard construction details including but not limited to: manholes, catch basins, trench details, pavement installation, turf stone installation, retaining walls, subdrain system, infiltration field installation, drywells, and any other detail necessary for the proper installation of site improvements.
3. All retaining walls shall be of a native stone material to be approved by the Town Planner prior to the submission of detail as noted above.
 4. A pre-construction meeting shall be held with the Town staff (at a minimum, Town Planner, Town Engineer, Building Inspector, Conservation Administrator and Public Works personnel as assigned from the Director of Public Works, Public Safety Officer) prior to the start of any construction. The limit of work line shall be demarcated at this time through the placement of temporary snow fence material.
 5. The applicant shall deliver a final set of Mylar plans to the Engineering Division prior to the commencement of construction.
 6. The applicant shall submit a final set of as-built drawings to the Engineering Division prior to the issuance of an occupancy permit for the last unit.
 7. The Condominium Master Deed and Trust shall provide the annual budget for the condominium and include an estimated amount for the yearly maintenance of the drainage system, which such 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 condominium. The Condominium Trustees shall certify annually to the Town such provision has been made in the Condominium budget and the amount so certified.
 8. The applicant shall place a stop sign at the intersection of the site access drive with Main Street to the satisfaction of the Police Department Safety Officer as to location.
 9. 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 shall not take place in any subdivision 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;

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- b. In addition, no heavy equipment shall be operated on, or brought to, or from any subdivision 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.

- 10. Prior to recording, the Condominium Declaration of Trust shall be forwarded to Town Counsel for approval as to form for the following items:

- a. Maintenance of site including drainage and fencing
- b. Trash storage and removal

- 11. The master deed shall reference the plans approved with this decision and include language on the following item:

The limitations on decks, additions, and other modifications to the buildings so as to limit further encroachment on otherwise required setbacks and yard areas.

Such language in the Master Deed shall be approved as to form by Town Counsel prior to the issuance of a building permit.

Any such modification shall be reviewed by the Zoning Board of Appeals as a modification to the approved plans, and shall be subject to a public hearing duly advertised and notified.

- 12. CHAPA shall audit the final costs of construction and the sale of units and any other information necessary to determine if the required cap on profit is maintained under the requirements of the New England Home Fund. This report shall be filed with the Zoning Board of Appeals.

Any funds beyond this required cap shall be returned to the Town of Reading for the purpose of advancement of affordable housing. Such payment shall occur within ninety (90) days of receipt of the audit. Failure to do so shall place the property in non-compliance with the conditions herein and shall be so fined as a violation under zoning enforcement.

- 13. A deed restriction shall be placed on the property and all units thereafter slated to be affordable that will require their affordability in perpetuity as defined in Department of Housing and Community Development regulations

*Town of Reading
Board of Appeals
1375 Main Street
Comprehensive Permit Decision*

as recently amended. The deed restriction shall be reviewed as to form by Town Counsel prior to the issuance of an occupancy permit.

14. The sale price for the affordable units shall be established utilizing the most recently Department of Housing and Community Development approved formula for low to moderate income housing based upon 80% of the median income in the Commonwealth at the time said unit is available for sale.
15. Affordable units shall be administered by CHAPA. CHAPA shall establish a lottery system using a process approved by the Department of Housing and Community Development.
16. The chosen affordable units will be mixed among, and indistinguishable from the market rate units as to exterior construction and fixtures, as per Department of Housing and Community Development guidelines and pertinent requirements.
17. Preservation of existing structure:
Developer shall pursue the viability of the relocation of the existing house with the Historic Commission within 60 days from the close of the public hearing. A payment shall be made in the amount of \$20,000.00 for the cost of relocation of the house or, in event no re-location of the house is available at the end of the sixty (60) day period, then the developer shall prior to the issuance of a demolition permit for said house remit same amount to the Reading Historic Commission for the express purpose of forwarding historic preservation in Reading.
18. This approval does not relieve the applicant from Massachusetts General Laws Chapter 131.40, the Massachusetts Wetlands Protection Act, nor the DEP Stormwater Regulations. Applicant must comply with all rules and regulations under these state laws.

Reading Zoning Board of Appeals
Signed:

MICHAEL J. LARKIN JR

John A. Larkin
Edward S. Belloni

This decision shall be recorded in the Middlesex Registry of Deeds and shall be incorporated with the Condominium by-laws and shall be provided to each unit owner of the Condominium for their information.

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, CPDC, Water and Sewer Advisory Committee, DHCD, CHAPA, Town Manager, Director of Public Works, Town Engineer, Building Inspector, Health Services Administrator, Public Safety Officer, Town Planner, Town Counsel

A TRUE COPY ATTEST:
Cheryl A. Johnson
TOWN CLERK

8/14/01
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