
To: North Reading Community Planning Commission
From: Jill Elmstrom Mann
Date: January 30, 2024
Petitioner: JOHN BOBREK
Owner: Dale Halchak, Trustee
Property: 249 Haverhill Street, 7 Charles Street, and Amber Road – Lots A, B, and C, North Reading, MA 01864
Assessor's References: Map 45, Parcel 32, 39b, 39c, 40, and 42
Zoning District: Residential A District
Relief Requested:

1. Special Permit for a 26 Unit Open Space Residential Development with a mix of single family, two family and multi family homes.
2. Petitioner is seeking the following waiver:
 - (a) Waiver from strict compliance with §200-50.B.3.i to allow a greater percentage of wetland in the Open space than the percentage located on the Property¹
 - (b) Waiver under §200-50(B)(3)[j] to allow slopes with a grade of 25% within the open space
 - (c) Waiver under §200-50(C)(7) to allow a 50% reduction of all dimensional requirements (subject to 50' perimeter buffer and no waiver for lots bordering on existing home sites) as follows:
 - Allow the individual lot sizes to be as low as 20,000 SF
 - Allow frontage to be reduced to no less than 80'
 - Allow frontage for Lots 5 and 6 to be reduced to 20'²
 - Allow front yards to be no less than 20'
 - Allow side yards to be no less than 12.5'
 - Allow rear yards to be no less than 25'
 - Allow Max Building area to be no less than 10%
 - Allow Minimum Open Space to be no less than 30% on each lot
 - (d) Waiver under §200-51(A)(7)(b)[2] to allow three (3) multifamily structures with 3 units each building (9 Units), which is 35% (recommended is 25%)
3. Any other relief deemed necessary by the Board.

¹ This waiver is required only if the CPC prefers to combine the Primary Open Space and the Secondary Open Space.

² Lots 5 and 6 have limited frontage on the cul-de-sac because of the DCR Right of Way known as Priscilla Road. To convey the new subdivision roadway to the Town, the Petitioner is required to install the new street outside of the DCR Right of Way and to use driveways to cross and access the Lots pursuant to the easement reserved for the benefit of the Property. To minimize disturbance across the DCR Right of Way, Petitioner is proposing standard 20' driveway openings.

EVIDENCE SUBMITTED:

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| 1. Exhibit A | Alternative Open Space Concept Plan, dated January 29, 2024 |
| 2. Exhibits B1 – B5 | Deeds for Property |
| 3. Exhibit C | 2008 Plan showing the Lots and identifying the DCR Rights of Way |
| 4. Exhibit D | Deed reserving easements over the DCR Rights of Way for the benefit of the Property |

PROPERTY DESCRIPTION:

The Property is a compilation of five (5) independent lots (Lots A, B, and C, and 249 Haverhill Street and 7 Charles Street (“Lots”) located within the RA Zoning District between Charles Street and Haverhill Street. See, Exhibits B1 – B5. Lots A, B, and C are divided by Amber and Priscilla Roads, which are paper streets owned by the Commonwealth of Massachusetts under the care of the Department of Conservation and Recreation (the “DCR Rights of Way”) and are benefitted by easements over the entirety of the DCR Rights of Way. See, Exhibits C and D. The easements entitle the owner to use the DCR Rights of Way for any purposes for which streets and ways may be used including but not limited to, providing access and connectivity to, from, and between the individual Lots.

The Property contains 1,396,533± square feet of land of which 80% or 1,120,131± square feet are classified as upland areas and 20% or 276,402± square feet are classified as wetlands. The Property also contains naturally sloping topography of which 36,717 square feet or 4% contain slopes that are greater than 25%. See, Exhibit A.

OSRD REGULATIONS:

Petitioner has applied for a special permit to authorize the development of the Property as a twenty-six (26) unit Open Space Residential Subdivision.

Authority: Pursuant to §200-48 of the North Reading Zoning Bylaw, the CPC has the authority to issue a special permit to allow the development of the Property as an Open Space Residential Subdivision (“OSRD”). To encourage the development of creative residential developments that reduce urban sprawl and ensure usable open space, the Town of North Reading, through a special permitting process, has vested the CPC with authority to grant density bonuses, reduce dimensional requirements, and allow a mix of housing units for the development of an OSRD.

Density; Housing Mix: Pursuant to §200-50(D), the CPC is authorized to increase the allowable number of housing units by 1.2 for every lot that can be created in a conventional subdivision. To encourage the creation of a variety of housing, §200-50(A) expands the permitted uses in an RA Zoning District from single family homes to a mix of single family homes and townhouse dwellings (with a maximum of 4 units per dwelling). Under §200-51(A)(7)(b)[2], the CPC has the authority to allow the construction of up to 50% two-family townhouses and 25% multifamily townhouse, which percentages may be increased to the extent that the CPC determines that an increase is beneficial.

Open Space: At least 50% of the total land area of an OSRD shall be restricted as permanently protected open space. Pursuant to §200-50(B) open space: (i) must contain accessible upland areas; (ii) shall be a balance between the areas of upland and wetland to ensure that the required open space does not include a greater percentage of wetlands than the percentage contained within the entire property; (iii) should not have more than 25% of its area characterized by slopes in excess of 25%; (iv) should not contain structures or exclusive use areas (provided however the open space can include common septic systems and stormwater infiltration basin); and (v) shall be contiguous and allow access by the public. To maximize open space, the CPC has the authority under §200-50(B) and (C) to waive certain dimensional

and density requirements,³ provided that 50% of the Property remains undisturbed (see §200-51(A)(7)(b)[10]).

YIELD PLAN; INITIAL CONCEPT; AND ALTERNATIVE CONCEPT PLAN

Yield Plan: Based on the Yield Plan, submitted by the Petitioner on January 8, 2023 (the “Initial Submittal”), the Property can support two (2) new subdivision roadways with a total of twenty-two (22) conventional single family home lots.⁴ Based on §200-50(D) and the available density bonus, Petitioner is requesting approval for a twenty-six (26) unit Open Space Residential Subdivision.

Initial Concept Plan: Petitioner’s initial submittal included an OSRD concept plan that contained two (2) separate subdivision streets. The area located off Clark Street depicts a new 450’ long subdivision roadway (identified as Abigail Road) with nine (9) single family home lots each with independent septic system. The area located off of Haverhill Street depicts a new 934’ long subdivision roadway (identified as Lucas Lane) with nine (9) single family home lots and four (4) townhouse lots each with two living units and independent septic systems and requested waivers from street length and tangents and open space requirements related to percentage of wetland (the “Initial Concept”). The Initial Concept Plan requires the development of 599,760± square feet of land (the “Initial OSRD Development Area”) which is 43% of the Property. The Open Space provided by the Initial Concept is 796,773 square feet.

Alternative OSRD Concept: Following the submittal of the Initial Concept, Petitioner reviewed the Initial Concept Plan and determined that there was an alternative development that was better suited to the existing topography of the Property and would provide more moderate housing options. The alternative concept: (i) continues to create two (2) separate subdivision streets; (ii) creates more open space; (iii) leaves undisturbed a larger area of open space and reduces the amount of earth and ledge removal; (iv) eliminates the need for a wetland crossing and minimizes disturbance in the wetland buffer areas; (v) allows the use of a common septic system for the townhouse lots; (vi) creates more moderately priced housing options by increasing the number of townhouse units; and (vii) reduces the length of Lucas Lane from 934’ to 417’ (the “Alternative Concept Plan”). The Alternative Plan requires the development of 462,532± square feet of land (the “Alternative OSRD Development Area”) which is 33% of the Property. The Open Space provided by the Alternative Concept is 918,373 square feet. The Open Space has been increased by an additional 137,228 square feet of upland.

In compliance with §200-50(B)(3)[i], the Alternative Plan creates two (2) open space parcels with a total of 918,373± square feet of land (the “Open Space”). The Alternative Plan includes a “Primary Open Space Area” with 698,266± square feet land or 50% of the Property of which 8% is classified as wetlands (641,971± of upland and 56,295± of wetlands). The Alternative Plan also includes a “Secondary Open Space Area” with 220,107± square feet or 16% of the Property which consists entirely of wetlands. The open space requirements of §200-50(B) can be met with the Primary Open Space Area, however, Petitioner has included additional land identified as Secondary Open Space to protect the vital resources identified under §200-47.

³ The CPC’s authority is limited to reducing setbacks by no greater than 50%. Provided that the required setbacks between a lot in the OSRD and an existing offsite property shall be provided.

⁴ The application for subdivision approval will require certain waivers from various requirements, such as tangent lengths on reverse curves. The Petitioner respectfully suggests to the CPC that the Yield Plan demonstrates the ability to construct the conventional subdivision.