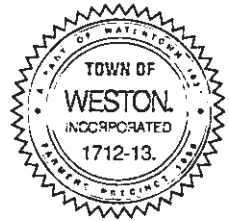


TOWN OF  
WESTON



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www.weston.org

Post Office Box 378  
WESTON, MA 02493-0002

781-893-7320 ext. 303 FAX 781-891-3697

TOWN CLERK

CERTIFICATE OF TOWN CLERK

I, Deborah M. Davenport, Town Clerk, Town of Weston, herewith certify that attached hereto is a true copy of the Comprehensive Permit decision of the Town of Weston, Board of Appeals, rendered February 23, 2010 and filed with the Town Clerk concerning the following described property.

Name of Owner

Location of Property

Weston Affordable Housing Foundation, Inc.  
P.O. Box 171  
Weston, MA 02493

23 Pine Street, Weston, MA 02493

Book No.

Page No.

41415

302

AND I FURTHER CERTIFY that more than twenty (20) days have elapsed since filing of the said decision with me and that no appeal of said decision been filed.

Deborah M. Davenport  
Deborah M. Davenport  
Town Clerk  
Town of Weston

MAIL

~~Weston Affordable Housing~~

April 14, 2010

Town of Weston  
P.O. Box 378  
Weston MA 02493-0002



TOWN OF WESTON  
MASSACHUSETTS

BOARD OF APPEALS

COMPREHENSIVE PERMIT UNDER M.G.L. Ch. 40B

APPLICANT: Weston Affordable Housing Foundation, Inc., P.O. Box 171, Weston, MA

LANDOWNER: Weston Affordable Housing Foundation, Inc., P.O. Box 171, Weston, MA

SUBJECT PROPERTY: 23 Pine Street, Weston, Massachusetts Assessors Map 43, Lot 42

DISPOSITION: Comprehensive Permit Approved with Conditions

RECORD OF PROCEEDINGS:

There having been presented to the Board a petition for a Comprehensive Permit dated November 20, 2009, by Weston Affordable Housing Foundation, Inc. (the "Petitioner" or "WAHFI"), P.O. Box 171, Weston, MA, the Board decided to hold a hearing on said petition on Tuesday, December 15, 2009 at 7:55 p.m. and caused the following notice to be published in The Town Crier, a newspaper of general circulation in Weston:

TOWN OF WESTON  
MASSACHUSETTS  
BOARD OF APPEALS  
Hearing Notice

Notice is hereby given that the Board of Appeals of the Town of Weston will hold a public hearing on Tuesday, December 15, 2009 at 7:55 P.M. in a conference room at the Weston Town Hall, on an application by Weston Affordable Housing Foundation, Inc., P.O. Box 171, Weston, MA as to 23 Pine Street (Map 43, Lot 42-10), requesting a Comprehensive Permit under M.G.L. Ch.40B for a 2-family dwelling on 1.84 acres. The petitions and plans on all above applications with said Board of Appeals are available for public inspection in the office of the Board of Appeals on Monday through Friday, from 9:00A.M. to 4:30 P.M.

Board of Appeals of the Town of Weston  
By: Winifred I. Li, Chair

4/14/15 Pg 302



## TOWN OF WESTON

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P.O. BOX 378  
WESTON, MA 02493

TEL: 781-893-7320 x321  
FAX: 781-529-0112

PLANNING BOARD  
Susan Haber, Town Planner

Zoning Board of Appeals  
Town Hall  
Weston, MA 02493

January 26, 2010

Re: 23 Pine Street

Dear Zoning Board of Appeals Members:

The Planning Board has had the opportunity to review the proposed local initiative project for a two family house at 23 Pine Street. The Board has reviewed the following documents, plans and correspondence from residents:

1. "Plans, Elevations, Site Photos," WAHFI, 23 Pine Street, Weston, MA Sheet A1.0, Keith B. Gross Architect, Date: Nov.12, 2009, 1/8"=1'-0"
2. "No. 23 Pine Site Development ", prepared for Ed Coburn, WAHFI, 13 November 2009, latest Rev. 1/25/10, Scale 1"=20', Prepared By The Jillson Company, Inc.
3. "Landscape & Site Lighting Plan," WAHFI, 23 Pine Street, Weston, MA, Sheet C1.1, Keith B. Gross, Architect, Date: Nov. 12, 2009, 1"=20'
4. "Site Sections," WAHFI, 23 Pine St., Weston, MA, Sheet C1.2, Keith B. Gross, Architect, Date: Nov. 12, 2009, scale as noted.
5. "No. 23 Pine Street Plot Plan", Prepared for Ed Coburn WAHFI, Date: 13 November 2009, Latest Rev 1/25/10, Prepared byThe Jillson Company, Inc.
6. E mails from Matthew Warman dated 12/30/09; 1/12/10; 1/17/10
7. Letter from Bruce Swerling, dated 1/4/10

The Planning Board held a public meeting (where "parties in interest" were notified) on January 5, 2010. Weston Affordable Housing Foundation, Inc. presented their proposal at this meeting. In order to better understand the proposed program and its impact on the site, on abutters and the streetscape, the Planning Board held a site walk on January 12, 2010. During the site walk, Board members expressed some concern about specific trees proposed for removal for solar

The Board also mailed the foregoing notice postage prepaid to the parties in interest deemed by the Assessors Office to be all of the persons affected by said petition as they appear on the most recent tax list, Board of Appeals Members Li, Knight and Wolf, plus the Planning Boards of Lincoln, Natick, Newton, Waltham, Wayland and Wellesley.

On December 1, 2009, the Board of Appeals issued a letter to the Board of Selectmen, Board of Health, Building Inspector, Conservation Commission, Historical Commission, Housing Partnership, Planning Board, and Engineering, Fire and Police Departments, requesting them to consider and comment on the petition.

Pursuant to the foregoing notice the Board of Appeals held a public hearing on Tuesday, December 15, 2009, at 7:55 P.M. in the Weston Town Hall. The following members were present:

Winifred I. Li, Chair and Acting Secretary  
Peter C. Knight  
Gary Wolf

### BACKGROUND

The Development Project proposed under this Comprehensive Permit application is to demolish an existing single-family dwelling and detached garage and to construct a 2,820-square-foot, two-story, two-family dwelling and a 576-square-foot detached garage (total 3,396 square feet) on an 80,237-square-foot lot at 23 Pine Street, Weston, Massachusetts (the "Site"). The Development Project is designated by the Massachusetts Department of Housing and Community Development ("DHCD") as a Local Initiative Program (LIP) project. DHCD has granted Site Eligibility and Preliminary Approval for the Development Project under the LIP. The land is owned by Weston Affordable Housing Foundation, Inc., P. O. Box 171, Weston, MA. WAHFI will retain ownership of the Site and the dwelling. The dwelling shall be rented to eligible households whose annual income may not exceed 80% of the area median income, as adjusted for household size, as determined by the U.S. Department of Housing and Urban Development. Rent will be based on 30% of the eligible household's monthly income. WAHFI intends to recertify the tenant's income annually.

The Petitioner submitted the following plans and materials to the Board:

- Board of Appeals Comprehensive Permit application, dated November 20, 2009
- "No. 23 Pine Street, Plot Plan", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 1-25-2010
- "Proposed Sewage Disposal System", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 1-25-2010
- "No. 23 Pine Street, Watershed, Drainage & Utility", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 2-9-2010
- "No. 23 Pine Street, Site Development", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 2-9-2010
- "No. 23 Pine Street, Existing Conditions", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, dated November 13, 2009

- "Hydrological Analysis, Stormwater Drainage Calculations and Supporting Documentation for Comprehensive Permit", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, dated November 13, 2009
- "WAHFI, 23 Pine Street, Weston2 [sic], MA, Plans, Elevations, Site Photos, A1.0, "Landscape & Site Lighting Plan, C1.1, "Site Sections, C1.2", dated 11-12-2009, by Keith B. Gross, Architect
- "Quitclaim Deed", dated 11-5-2003
- Letter from Internal Revenue Service, dated 3-26-2001
- E-mail from Keith B Gross, dated 12-8-2009
- E-mail from Keith B Gross, dated 12-14-2009
- E-mail from Keith B Gross, dated 12-30-2009
- E-mail from Keith B Gross, dated 1-4-2010
- E-mail from Keith B Gross, dated 1-29-2010
- E-mail from Keith B Gross, dated 2-1-2010
- E-mail from Ed Coburn, dated 7-16-2009
- E-mail from Ed Coburn, dated 8-5-2009
- E-mail from Ed Coburn, dated 8-6-2009
- E-mail from Ed Coburn, dated 12-7-2009
- E-mail from Ed Coburn, dated 12-11-2009
- E-mail from Ed Coburn, dated 1-6-2010.

Town department documents submitted include:

- "Minutes of Regular Meeting, Board of Selectmen", dated 7-28-2009
- Letter from the Board of Selectmen, dated 12-15-2009
- Letter from Marisa Morra, Historical Commission, dated 11-14-2007
- Letter from Wendy Diotalevi, dated 12-11-2009
- Letter from the Planning Board, dated 1-26-2010
- Letter from the Housing Partnership, dated 2-16-2010
- Letter from the Fire Department, dated 2-10-2010
- Letter from the Fire Department, dated 12-31-2009 (superseded)
- E-mail from Steve Fogg, dated 12-30-2009
- E-mail from Steve Fogg, dated 1-26-10
- E-mail from Michele Grzenda, dated 12-30-2009
- E-mail from Susan Haber, dated 2-1-2010
- E-mail from Police Department, dated 12-11-2009
- E-mail from Lisbeth Zeytoonjian, dated 12-8-2009
- E-mail from Noreen Stockman, dated 10-13-2009
- E-mail from Noreen Stockman, dated 12-8-2009

Additional documents in the file include:

- "Agreement for Extension of Statutory Hearing, Decision and Filing Deadline", filed in the Town Clerk's office on 1-27-2010

- "Agreement for Extension of Statutory Hearing, Decision and Filing Deadline", filed in the Town Clerk's office on 12-16-2009
- Letter from Matt Warman, dated 12-22-2009
- Letter from Catherine Racer of the Department of Housing & Community Development, dated 9-25-2009
- Department of Housing & Community Development, Chapter 40B Subsidized Housing Inventory as of September 29, 2009
- E-mail from Matt Warman, dated 7-20-2009
- E-mail from Matt Warman, dated 8-5-2009
- E-mail from Matt Warman, dated 8-6-2009
- E-mail from Matt Warman, dated 10-10-2009
- E-mail from Matt Warman, dated 12-7-2009
- E-mail from Matt Warman, dated 12-8-2009
- E-mail from Matt Warman, dated 12-10-2009, with letter dated 12/9/2009
- E-mail from Matt Warman, dated 12-20-2009
- E-mail from Peter Yozell, dated 12-29-2009

The Site is in Single Family Residence District A and contains 80,237 square feet. The lot has 220 feet of frontage on Pine Street and constitutes a conforming lot. There is an existing single-family dwelling, constructed in 1850, and an existing detached garage. The existing dwelling is nonconforming under the current Zoning By-Law because it encroaches into the street and street centerline setbacks. The replacement dwelling (and the replacement garage) will conform to all District setbacks. However, the Development Project will require a waiver from the density limitation.

Appearing before the Board was Edward Coburn, 25 Old Road, Weston, MA, president of WAHFI. Mr. Coburn stated that the existing two-bedroom house is uninhabitable. The Development Project involves razing the existing nonconforming single-family dwelling and the existing detached garage, and constructing a two-family dwelling that will have the appearance of a single-family dwelling and a new detached two-car garage. The combined size of the planned two-family dwelling and detached two-car garage will be compatible with the other houses and garages in the neighborhood. The Historical Commission determined that the existing dwelling is not significant, and voted no demolition delay in 2007.

Mr. Coburn stated that WAHFI owns the Site, and that WAHFI has been approved for \$756,000 in construction funds from the Community Preservation Act per vote of the Town Meeting in 2009. WAHFI will not need to borrow additional funds to complete the Development Project. WAHFI is a tax-exempt Section 501(c)(3) organization per copy of a letter in the file from the Internal Revenue Service. The Selectmen support the proposal as a LIP, and the DHCD has approved the proposal.

The two proposed units will be rented as affordable units, and will qualify for inclusion in the Town's subsidized housing inventory. The units will be offered for local preference to the extent allowed by DHCD.

Mr. Coburn stated that WAHFI has no expansion plan beyond the sole proposed two-family dwelling and detached garage. To the contrary, WAHFI rejected a Community Preservation



Committee request for a higher density development at the Site. Nevertheless, Mr. Coburn requested that no additional restrictions be placed on the property.

Keith Gross, architect for the proposal, presented the plans. He stated that each unit will comprise approximately 1,500 square feet and have a separate entrance. A detached two-car garage, measuring 24 feet by 24 feet is also planned. This will bring the total Residential Gross Floor Area (RGFA) on the Site to 3,396 square feet. The septic system will remain approximately in its current location, which is toward the southeast corner of the lot. Mr. Gross explained that energy conservation was an important design component, and that the units will be super-insulated to keep utility bills low. Passive solar collection is planned, and a solar hot water system will be installed if the budget allows. The dwelling is purposefully being sited to maximize the southern exposure. Mr. Gross stated that it might be necessary to remove some trees to the south that may block the sun.

Mr. Gross stated that the drainage is being addressed, including the septic system and leaching trenches and collection of the rainwater runoff from the driveway and roof. The Planning Board and Town Engineer are reviewing this information. The Planning Board also will review the landscape plans, including vegetative screening. Mr. Gross stated that the plans call for seeding the front lawn, on the south side of the property, to encourage the growth of natural grasses. A small retaining wall of approximately 2.5 to 3 feet is to be installed at the driveway, using existing stones from the site.

Warren Heilbronner, 3 Briar Lane, stated his view that the Town did not vote for a two-family dwelling that could be expanded to accommodate more families; he alleged that there was insincerity about the future plans for the site. He also said that trees provide a buffer for neighbors, and that the Town needs to insure that the neighborhood is not impacted negatively. Matt Warman, 31 Pine Street, inquired about the long term planning for the Site and sought to preclude future units from being added at the site. Peter Davidoff, 18 Pine Street, indicated he was not opposed to the proposal but would prefer to preserve the neighborhood; he is interested in insuring that water runoff and tree cutting are controlled.

Mr. Coburn stated that WAHFI is sensitive about the trees and will retain as many as possible. Additional screening will be added as needed. He repeated that funding was sought and secured for a two-family dwelling only. He noted that the Board of Health's approval for the septic design is for a six-bedroom dwelling.

A continuation was set for January 26, 2010. An "Agreement for Extension of Statutory Decision and Filing Deadline Notice" was signed by the Petitioner and the Board. The continuation date was announced at the hearing, posted in the Town Clerk's office, and posted on the Town website.

January 26, 2010

Due to the Petitioner's scheduled meeting with the Planning Board, the Petitioner requested that the hearing be continued to February 23, 2010. No testimony was accepted. An "Agreement for Extension of Statutory Decision and Filing Deadline Notice" was signed by the Petitioner and this Board. The continuation date was announced at the hearing, posted in the Town Clerk's office, and posted on the Town website.

February 23, 2010

Appearing before the Board, representing WAHFI, were Edward Coburn, Keith Gross, Anthony Nolan and Joan Casper. Mr. Coburn stated that they had held a site walk with the Planning Board. They have completed their work with the Planning Board and will adopt the recommendations of the Planning Board. He said that the Town Engineer is satisfied with the design, and has stated so via e-mail dated January 26, 2010. The Jillson Company has revised the plans: the revised plot plan and sewage disposal plan are dated 1-25-2010; the revised water shed and site development plans are dated 2-09-2010. The Board of Appeals has received letters from the Fire Department and Housing Partnership.

The hearing closed, and the Board deliberated.

### DECISION

Following due and open deliberation, the Board voted unanimously to grant the requested Comprehensive Permit on the basis of the following findings, and subject to the following conditions:

#### Findings:

1. The Site contains 80,237 square feet of land and is located in the Single Family Residence District A. The lot has 220 feet of frontage on Pine Street. The lot is conforming.
2. The Site is currently improved with a dimensionally nonconforming single-family dwelling and a detached garage. (These structures will be demolished and reconstructed.) The Site is bordered by Town of Weston land to the west, and single-family dwellings in the other three directions.
3. The Petitioner has control over the Site as evidenced by a Deed recorded on 11-13-2003.
4. The Petitioner will hold title and develop the Site through a nonprofit entity within the meaning of M.G.L. Chapter 40B.
5. The Petitioner agrees that the rent shall be made permanently "affordable" within the meaning of M.G.L. Chapter 40B through deed restrictions that shall continue in existence for perpetuity or the longest period allowed by law.
6. Based upon information published by the DHCD regarding the Subsidized Housing Inventory as of September 29, 2009, 3.5% of Weston's housing inventory is considered low or moderate for purposes of M.G.L. Chapter 40B.
7. The Petitioner has satisfied the jurisdictional requirements to submit an application for a Comprehensive Permit under M.G.L. Chapter 40B.
8. The Petitioner has submitted a storm water and drainage report, prepared by The Jillson Company, dated November 13, 2009, and Stephen R. Fogg, Town Engineer, has approved the same.



9. The Planning Board has issued a letter, dated January 26, 2010, and an e-mail dated 2-1-2010.
10. The Conservation Commission had no comment, per e-mail dated 12-30-2009.
11. The Housing Partnership Committee issued a letter on February 16, 2010 expressing support for the proposal.
12. The Police Department informed the Board on 12-11-2009 that it has no concerns.
13. The Fire Department issued a letter dated February 10, 2010.
14. The Selectmen unanimously voted to support the LIP petition on July 28, 2009, and issued a further letter dated December 15, 2009, in support of the proposal.
15. DHCD issued a site eligibility and approval letter for the Development Project under the LIP on September 25, 2009.
16. The Petitioner has met with the neighbors, and incorporated several of their concerns into the current design and layout of the proposed development.
17. The project will require only one waiver from the Weston Zoning By-laws, namely, a density limitation waiver. The Site is located in a single-family residential district. The proposal is for a sole two-family dwelling (and accessory detached garage). The Petitioner has requested reduced or waived fees because of its nonprofit status.

Conditions:

1. The Development Project shall contain one two-family dwelling and one detached two-car garage to be constructed and located on the Site substantially as shown on the plans submitted to the Board and identified as follows: "No. 23 Pine Street, Plot Plan", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 1-25-2010; "Proposed Sewage Disposal System", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 1-25-2010; "No. 23 Pine Street, Watershed, Drainage & Utility", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 2-9-2010; "No. 23 Pine Street, Site Development", prepared by The Jillson Company, P.O. Box 2135, Framingham, MA, rev. dated 2-9-2010.
2. The two-family dwelling and accompanying detached garage shall be made subject to a perpetual affordable housing restriction, enforceable by the Town of Weston, and meeting the requirements of M.G.L. Ch. 184, §§31 and 32, which shall restrict occupancy to households of Low or Moderate Income as that term is defined in M.G.L. Ch. 40B ("Affordable Housing Restriction"). Prior to making application for an occupancy permit for the dwelling, WAHFI shall execute such an Affordable Housing Restriction, in a form approved by DHCD and the Board, and shall provide the Board with evidence of the recording of the executed Affordable Housing Restriction at the Middlesex County Registry of Deeds. The Affordable Housing Restriction shall provide that affordability shall continue in perpetuity, or for the longest period allowed by law, and shall survive foreclosure. The two units shall be eligible for

gain, the lack of trees along the southern property line and on the north side of the house and the straight shot of the house from the street, a designated Scenic Road.

**Recommendations to the ZBA:**

The Planning Board has made the following recommendations to the ZBA for inclusion in the comprehensive permit for this project:

**1. Exterior Lighting-**

a. Change some of the post lights to low voltage, low in height, standard lights. There will be less impact on the site, it will maintain the residential look of the lot and provide sufficient illumination for the residents.

b. Photocell lighting , as proposed, is acceptable, provided that they can be manually turned off and on and not automatically on all night.

**2. Landscaping-**

a. The two deciduous trees located south of and near the house are not particularly desirable. The ash is showing signs of decline and the maple is scraggly and doesn't provide any screening benefits.

b. Adopt the revision to the site plan where the Limit of Work line was reconfigured south of the proposed house site, and the number of trees that will remain are increased due to a larger no disturb zone.

c. Move the septic system line to the driveway, eliminating the need to clear a path through the existing vegetation paralleling the southern property line.

d. Preserve the 18 inch red oak, south of the limit of work line near the house. The two 7-8 foot spruces proposed near the house are too small and in the wrong location. A few of the deciduous trees proposed for removal, in the area south of the house labeled "regarded for lawn" on the plan, might be saved, for scaling purposes.

**e. Additional screen planting-**

- o North side of the house-Plant 3 white pines, 14-16 ft tall, in the No Disturb zone. Closer to the house, plant 2 white pines, 12-14 feet tall.
- o Southern No Disturb Zone-Plant 6 evergreen trees 8-10 feet tall. The following species are recommended: *Chamaecyparis obtuse* 'Wells Special'; *Pinus cembra*-Swiss Stone Pine; *Pinus parviflora* "Brevifolia"; *Chamaecyparis pisifera* 'Filifera'-Threadleaf False Cypress; dwarf blue spruce. Despite the fact that Mugo Pines may work, as discussed on site, there are some concerns that they are succumbing to a fungus that will require regular maintenance for their health. An e mail from an abutter, Matthew Warman, raised some concerns about the fact that the two existing pine trees are necessary for removal in order to capture solar gain. The Planning Board recommends that WAHFI provide a detailed response to the ZBA showing that the trees cannot be saved. If it is determined that they can be saved, then the number

- of trees planted on this side may be reduced from six to four. Two of the trees could be at 8-10 feet in height and two at 6-8 feet in height, when planted. If the two mature pines can't be saved then SIX 8-10 foot trees in height when planted, shall be planted.
- At the bend in the driveway (halfway up the driveway), plant 2 white pines, 8-10 feet tall.
  - Ensure that planting is installed prior to issuance of a Certificate of Occupancy from the Building Inspector.

### 3. Construction Impacts-

a. Park all construction trucks and vehicles on site. Prohibit parking along Pine or Highland Street.

b. Install an orange construction fence along the Limit of Work/No Disturb Line, prior to issuance of the Building Permit, in order to preserve the existing vegetation from damage during construction. Maintain the fence in good condition during the duration of construction. Surround any trees located outside the No Disturb buffer (inside the work space) with orange fencing, along the diameter of their drip zone. Prohibit storage of materials, including but not limited to piping, excavated loam, etc., the parking of vehicles, or any disturbance unless specifically authorized, outside the "Limit of Work" lines.

c. Prohibit the use of wood chips or landscaper's mulch along the Pine Street right-of-way.

d. All fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish or debris, including, but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, appliances, motor vehicles, or part of any of the foregoing. Any fill subject to specialized disposal in conformance with current environmental criteria shall not be utilized.

e. The Applicants shall take all necessary measures to minimize dust from rising and blowing across the site and onto roads and adjacent properties.

f. The Applicants shall install and maintain sedimentation control devices during construction to prevent the movement of sediment from the construction site to off site areas, onto adjacent streets, into adjacent water bodies via surface runoff or into underground drainage systems. Work shall be accomplished on and/or adjacent to the following work areas:

Earthwork stockpiles and on-site storage and staging areas.

Cut and fill slopes and other stripped and exposed graded areas.

Constructed and existing swales and ditches.

Un established lawns and seeded embankments.

g. Periodic maintenance of all sediment control installations shall be provided to ensure the intended purposes are accomplished. Sediment control measures shall be in working condition at the end of each day. After any significant rainfall, sediment control devices shall be inspected for integrity. Any damaged device shall be corrected immediately.

h. No runoff shall be directed down the driveway onto Pine Street, or adjacent properties. The following conditions shall be implemented during construction:

Maintain the construction site free of dust that would create a hazard or nuisance to adjacent properties.

Trucks hauling debris shall be covered and wet down as required to minimize dust. Spillage on roads shall be cleaned up immediately. Overloading of trucks is prohibited to prevent spillage on haul roads.

Maintain any drainage or sediment controls in good working order (hay bales, silt fence, etc.). Inspect all drainage and sediment controls prior to and immediately after any rainfall event.

Pine Street shall be swept clean of dirt, sediment, construction debris, etc., at the end of each workday, as necessary.

i. Approximately 45 trees will be removed. All areas which will have constructed improvements such as the house, garage, utilities, driveway, turnaround, retaining wall, walkways and patios, etc., should have the stumps removed.

j. The Town engineer has reviewed the storm water management plan. An operation and maintenance plan should be instituted by the Applicants including regular inspection of the system and pumping.

Respectfully Submitted,

*Alfred Aydt, chairman*

Weston Planning Board

**A TRUE COPY  
ATTEST**

*Deborah M. Jansenport*  
**WESTON TOWN CLERK**

inclusion in the Subsidized Housing Inventory maintained by DHCD (or any successor agency). A failure of affordability or of inclusion on the Subsidized Housing Inventory shall require the Site to come into compliance with all applicable zoning requirements.

3. The two-family dwelling shall contain no more than six bedrooms. Said dwelling and the detached two-car garage shall have an aggregate RGFA not to exceed 3,396 square feet.
4. No dumpster shall be allowed at the Site, except during construction.
5. The owner of the Site shall be responsible for maintaining landscaping and shall be responsible for trash removal, snow removal, biannual inspection and maintenance of catch basins, dry wells and other infrastructure maintenance, including full compliance with the letter issued by the Planning Board dated 1-26-2010, a copy of which is attached hereto as Exhibit A, provided however that this condition is not intended to prevent the owner from making provision in the lease for the tenant to assume responsibility for trash removal, snow removal or typical residential landscape maintenance.
6. Prior to issuance of a building permit for the dwelling and garage, the Applicant shall enter into a Regulatory Agreement with DHCD and the Town of Weston, in the form required by DHCD, which Agreement shall include provisions for the following: (a) the Town and DHCD to be holders of a Use Restriction with the right and the obligation of each to enforce it during the term of affordability; (b) the Town and DHCD to provide for monitoring and enforcement of the Restriction, either themselves or through a contract for monitoring services with an entity experienced in affordable housing operation; (c) selection of eligible tenants for the rental unit to be made in a fair and reasonable manner in compliance with fair housing and anti-discrimination laws; (d) tenants to be required to occupy the dwelling as their domicile and principal residence; (e) the term of affordability to be in perpetuity or for the longest period allowed by law and with the two units to be eligible at all times for inclusion in the Town's inventory of affordable housing as maintained by DHCD; and (f) the units to be rented to low and moderate income households for no more than the permissible rent under the DHCD guidelines. Said Regulatory Agreement shall be recorded with the Middlesex County Registry of Deeds, and a copy of the recorded document shall be submitted to the Board.
7. Prior to making application for an occupancy permit for the dwelling, WAHFI shall enter into a Monitoring Service Agreement with a Monitoring Agent to be approved in advance by the Weston Board of Selectmen and DHCD, and a copy of the executed agreement shall be filed with the Board.
8. Prior to making application for an occupancy permit for the dwelling, the Petitioner shall provide evidence to the Board that it has complied with the DHCD requirements for a final affirmative fair marketing and lottery plan to be organized and operated so as not to violate the state anti-discrimination statute or federal fair housing statute. Any changes must be approved by DHCD.
9. WAHFI shall be responsible for selection of qualified tenants for the dwelling, through a lottery. WAHFI shall submit an affirmative fair marketing and lottery plan for DHCD's review and approval no less than 75 days before the scheduled date for the lottery. Prior to submitting said plan to DHCD, WAHFI shall submit it to the Weston Board of Selectmen (or



its designee) for review and approval.

10. The Monitoring Agent shall be responsible for (a) annual monitoring and certification to DHCD and the Town of Weston that the tenants in the affordable dwelling meet the applicable income limits and that the Development Project has been maintained in a safe and sanitary condition, consistent with the LIP Guidelines and the recorded Regulatory Agreement; (b) review of the Project's Certified Cost and Income Statement prepared once the Project has received its certificate of occupancy; and (c) annual review of the Development Project's Certified Income and Expense Statement, to determine if any excess profits have been earned and are owed to the Town. WAHFI shall cooperate with the Monitoring Agent in regard to its execution of these responsibilities.
11. During the development of the Site and the construction of the dwelling and detached garage, construction shall be limited to the hours permitted by Article III, Section 13, of the Weston General By-laws. There shall be no construction on Sundays or holidays, or outside of the permitted hours absent an emergency.
12. No construction vehicles may be left standing on adjacent streets before or after the designated construction hours set forth in Condition 11 above.
13. Vinyl fencing and a covered dumpster(s) shall be used during construction to keep debris within the Site, and the Petitioner shall be responsible for the prompt removal of any debris which escapes enclosure.
14. No building permit shall be issued until the Building Inspector receives written confirmation from the Chairman of the Zoning Board that all of the applicable pre-building permit conditions specified under this Comprehensive Permit have been satisfied.
15. No occupancy certificates shall be issued until the Building Inspector has received written confirmation from the Chairman of the Board that all of the applicable pre-occupancy permit conditions under this Comprehensive Permit have been satisfied.
16. No changes to the approved plans, renderings, or drainage plans, are allowed by the Petitioner or subsequent owner without prior approval by the Board, after such notice and hearing as the Board in its sole discretion shall deem appropriate.
17. All exterior lighting at the Site shall be designed and installed so as not to allow spillover of light onto adjoining properties, as specified by the Planning Board in its letter dated 1-26-2010.
18. This Comprehensive Permit shall lapse if the Applicant does not commence construction within three years of the date this decision becomes final (which is the date this decision is filed with the Town Clerk if no appeal is filed, or the date the last appeal is decided or otherwise terminated in the event of a timely and legal appeal). The Board for good cause shown may authorize an extension of the three-year period.
19. All cost certifications and reporting requirements shall be prepared in conformance with DHCD's regulations and guidelines, and copies of the same are to be filed with this Board and



the Board of Selectmen in a timely manner. All final certification documents must be filed with the Board no later than six months after occupancy of the dwelling.


20. The provisions of this Comprehensive Permit shall be binding upon the Petitioner and its successors and assigns, and the authorizations and obligations hereunder shall run with the land. Any instrument for sale or transfer of rights or interests in all or any part of the Site shall include a condition that all successors are bound by the terms and conditions of this Comprehensive Permit. The Petitioner may not transfer this Comprehensive Permit to any other person or entity without the prior written approval of the Board given after such notice and hearing as the Board may deem appropriate. Proof of the execution of any instruments or documents that may be required per Town Counsel to ensure the continuing enforceability of this Comprehensive Permit shall be filed with the Board.
21. The Petitioner shall not take any action, or fail to take action, such that the Development Project would be brought out of compliance with M.G.L. Ch. 40B, this Comprehensive Permit, or the applicable DHCD LIP Regulations and Guidelines.

Waiver:

This Comprehensive Permit includes a waiver from the density limitation specified in Section V. of the Weston Zoning By-laws, in order to allow a two-family dwelling in the Single-Family Residence District A. No other exceptions are granted by this Comprehensive Permit. If the Petitioner wishes a reduction in fees payable to the Town, it should direct its request to the Selectmen.

I hereby certify that the foregoing is a True Record of the Board's vote taken on February 23, 2010, to grant the Comprehensive Permit.

Attest:

  
\_\_\_\_\_  
Winifred I. Li, Chair and Acting Secretary  
Weston Board of Appeals

**A TRUE COPY  
ATTEST**

  
**WESTON TOWN CLERK**



## TOWN OF WESTON

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P.O. BOX 378  
WESTON, MA 02493

TEL: 781-893-7320 x321  
FAX: 781-529-0112

PLANNING BOARD  
Susan Haber, Town Planner

Zoning Board of Appeals  
Town Hall  
Weston, MA 02493

January 26, 2010

Re: 23 Pine Street

Dear Zoning Board of Appeals Members:

The Planning Board has had the opportunity to review the proposed local initiative project for a two family house at 23 Pine Street. The Board has reviewed the following documents, plans and correspondence from residents:

1. "Plans, Elevations, Site Photos," WAHFI, 23 Pine Street, Weston, MA Sheet A1.0, Keith B. Gross Architect, Date: Nov.12, 2009, 1/8"=1'-0"
2. "No. 23 Pine Site Development ", prepared for Ed Coburn, WAHFI, 13 November 2009, latest Rev. 1/25/10, Scale 1"=20', Prepared By The Jillson Company, Inc.
3. "Landscape & Site Lighting Plan," WAHFI, 23 Pine Street, Weston, MA, Sheet C1.1, Keith B. Gross, Architect, Date: Nov. 12, 2009, 1"=20'
4. "Site Sections," WAHFI, 23 Pine St., Weston, MA, Sheet C1.2, Keith B. Gross, Architect, Date: Nov. 12, 2009, scale as noted.
5. "No. 23 Pine Street Plot Plan", Prepared for Ed Coburn WAHFI, Date: 13 November 2009, Latest Rev 1/25/10, Prepared byThe Jillson Company, Inc.
6. E mails from Matthew Warman dated 12/30/09; 1/12/10; 1/17/10
7. Letter from Bruce Swerling, dated 1/4/10

The Planning Board held a public meeting (where "parties in interest" were notified) on January 5, 2010. Weston Affordable Housing Foundation, Inc. presented their proposal at this meeting. In order to better understand the proposed program and its impact on the site, on abutters and the streetscape, the Planning Board held a site walk on January 12, 2010. During the site walk, Board members expressed some concern about specific trees proposed for removal for solar