September 29, 2015

Michael Busby
40B Program Specialist
MassHousing
One Beacon Street
Boston, MA 02108

Re: 255 Merriam/11 Hallett Hill Road

Thank you for the opportunity to comment on the proposal by SEB Weston Village, LLC to develop 10 housing units on two parcels located at 255 Merriam Street and 11 Hallett Hill Road in Weston. Town of Weston officials have had the opportunity to learn more about this proposal in a site visit on August 11, 2015, a meeting between SEB and the Weston Housing Partnership on August 20, 2015, and in a presentation to the Board of Selectmen on September 28, 2015.

At last night’s Board of Selectmen’s meeting, Geoffrey and Robert Engler of S.E.B. LLC reviewed their proposal for a 10-unit 40B development, to be called the Village at Silver Hill and located at 255 Merriam Street / 11 Hallett Hill Road in Weston. This letter provides below the comments of Weston’s Board of Selectmen on this development proposal. It also includes a memorandum on the project provided by Weston’s Planning Board, Housing Partnership and it incorporates comments from our Town’s Department of Public Works via the Town Engineer.

1. This 10 unit development is in an historic district on 2 abutting legal lots encompassing approximately 2.94 acres of land. The homes are all freestanding and situated on both sides of a proposed new 20 foot-wide roadway which will connect between Merriam Street and Hallett Hill Road. Two of the proposed homes in the development will be affordable for households earning 50% of the area’s median income.

2. First, we commend SEB for preserving the existing historic home and barn, each of which is proposed to be renovated as market rate units in the proposed development.

3. Second, we appreciate the developer’s efforts and offers to incorporate design elements in the homes that are consistent with the architectural vernacular of this historic district.

4. Third, we commend S.E.B. for developing the market rate units with a target of older Weston residents who seek to downsize and stay in their community. However, the units are quite large for this target market and the proposed pricing is well above the median home price in Weston.

www.weston.org
We strongly suspect that a relatively small minority of Weston’s older residents will be able to afford these market rate units as our survey data indicate that many of our senior citizens live in housing that is below the town’s median home price.

5. The site is treed and not level. It will require tree-removal and significant site work. However, the developer was unable to provide any details for the lines on the plan that appear to be retaining walls. Details on retaining walls are very important – they can affect the perception of the height of the buildings and the flow of storm-water-runoff both of which impact the neighboring properties and surrounding area.

6. Storm-water management is a particularly important issue both for compliance with the town’s storm-water management bylaw and because the site is within the Cambridge Water Department’s Watershed area. There is a lot of new impermeable surface area on the site (buildings and paving) and we wonder if the storm-water runoff can be properly and compliantly managed on this site.

7. The schematic plan shows a shared leaching field which of course must comply with the state’s Title 5 regulations and be approved by the town’s Health Department. We note that the area shown on the plan as the leaching field does not look sufficient for a 10 unit development with 31 bedrooms and other spaces that might be used as bedrooms.

8. There is no indication on the site plan of how trash disposal will be managed.

9. The radii on the entrances/exits onto the public roads do not look adequate to allow access by trucks and emergency equipment.

10. The internal roadway is relatively narrow and we wonder if there is adequate area for visitor parking and for access by emergency vehicles.

11. The site is served by town water and the water department will require a Master Meter pit near the entrance to the proposed development, among other requirements.

12. Utility spacing is very minimal (i.e. horizontal spacing; e.g. spacing between the electric and water main)? It looks like a common septic system for the complex with multiple utility crossings. These crossings should be consistent with the industry standards and regulations (i.e. separation between water and sewer (both vertical and horizontal).

13. We note that while the affordable units have a similar bedroom count, they are substantially smaller than the market rate units.

14. Silver Hill Village is expected to be managed by a homeowner’s association which will impose monthly fees for the maintenance of the common areas and the exterior of all of the homes. For a small development with 20% of the units restricted to households earning only 50% of the area’s median income, these monthly fees can present problems. Particularly, as we understand it, the condo fees may be tied uniformly throughout the complex to square footage rather than purchase price. Under this scenario, this will likely become unsustainable for low income buyers over time as costs increase and special assessments are applied. This in turn may present a problem leading to financial challenges for the full complex if the fees cannot be collected by the HOA in a timely manner or it could lead to resentment if the market rate units must subsidize the maintenance costs of the affordable units.

15. Using the developer’s own estimates of projects costs ($10,639,111) and the net sale proceeds from the sale of 2 affordable units ($289,000), we wonder if the 8 market rate units can be sold for an average of $1,294,000 each to reach breakeven. We know of no comparable properties sold at these prices in Weston and worry that the project which is being developed by a single purpose LLC, will be unfinished.
16. Attached and formally incorporated herein by reference are comments from Weston’s Planning Board.

In March, Weston’s Selectmen appointed a Housing Production Plan Steering Committee that is working diligently on producing a comprehensive and certified housing production plan. The strategy for reaching the affordable housing targets will include working cooperatively with private developers, including providing subsidies from our Community Preservation Act reserves when needed, to produce affordable units that meet the needs of the town and are compatible with the fabric and character of the town.

Residents and Town officials support the creation of more affordable housing units in Weston, the best evidence of which can be found in two recent funding requests that were approved at Special Town Meeting on December 1, 2014. Community Preservation Act funds were appropriated to develop seven affordable family units in three buildings owned by the Town on Warren Avenue ($2,688,500) and to create two affordable family units through the renovation of a two-family house at 126-128 Viles Street ($1,188,100) by way of a grant to the Weston Affordable Housing Foundation, Inc., a non-profit organization in Weston with a proven track record of developing and maintaining a number of other units in Weston.

While there are some laudable elements to the Silver Hill Village schematic design plan there are many more important and still unanswered questions about the plan. So, at this stage the proposal remains one that Weston’s Board of Selectmen reluctantly cannot support at this time until the many issues of concern that are noted above are appropriately addressed.

We urge MassHousing to take the Town’s concerns into consideration when reviewing the application of SEB Weston Village, LLC for Site Approval at 255 Merriam Street/11 Hallett Hill Road.

We are aware that technical assistance is available to the ZBA for review of the permit application, and we expect to apply for that assistance.

Sincerely,

Michael H. Harrity, Chair
Board of Selectmen

Attachments:
Town of Weston Policies & Preferences for Affordable Housing
Letter from Weston Housing Partnership to Board of Selectmen, dated August 24, 2015
Memo from Weston Planning Board, dated September 25, 2015
TOWN OF WESTON
Policies and Preferences for Affordable Housing

Introduction
This working paper contains a set of draft policies that are intended to serve as guidance for affordable housing developers and Town boards that have a role in development review. The policies are also intended to inform Town voters about the general approach and criteria that may be used by the Trustees of a Housing Trust for affordable housing, if such an independent legal entity is created by vote at a Weston Town meeting. The draft policies were vetted, modified, and tentatively approved by the Weston Housing Partnership in a series of meetings commencing in March 2009 and continuing into 2010.

Background. Weston is an exceptionally beautiful town. It is also one of the Commonwealth’s most expensive towns to live in, with land values and home prices exceeding those of many nearby towns. The pressures on Weston’s housing market are intensified by its location along two of Greater Boston’s most important highways – Route 128 and the Massachusetts Turnpike – which also play a role in Weston’s desirability. Many of the obstacles to affordable housing in Weston seem comparable to the barriers found in other high-end suburbs around Boston. However, many of these affluent suburbs communities have somewhat greater social and economic diversity.

Weston has taken steps to address affordable housing needs. Over time, Weston has created 140 units of affordable housing, mainly for senior housing. (Appendix A.) In 2004, the Town commissioned a needs analysis, focusing on municipal employees and the families of METCO students attending the Weston Public Schools. Four years later, the Metropolitan Area Planning Council (MAPC) prepared a housing study, Weston Affordable Housing: Present and Future, which identified several barriers that will continue to impede efforts to create affordable housing units in Weston:

♦ The lack of “construction-ready” land and the extraordinarily high cost of land;
♦ Low-density development regulations;
♦ Lack of local development capacity; and
♦ Difficulty in siting septic systems that will comply with Title V.

In 2009, the Town established the Weston Housing Partnership, to establish a strategic plan for preserving and increasing affordable housing in Weston, to prepare for the establishment of a Weston Affordable Housing Trust Fund, and to suggest priorities and criteria for use by such a Housing Trust. The task for the volunteer Housing Partnership is to strategize to overcome the physical, market, and regulatory barriers noted in
MAPC’s study. The creation of policy will be a first step toward the stated goal. Increasing the supply of affordable housing will require local commitment, leadership, thoughtful public education, and patience. This applies in all communities, including those with long-standing track records in affordable housing development.

**Proposed Policies.** The Partnership has initiated steps to formulate and document policies that describe its view of what Weston would like to see in affordable housing developments. This includes where developments should be located, how it should be designed to fit within Weston’s physical and cultural landscape, and what types of needs it should address. The “Policies and Preferences” that appear on the following pages speak to qualities considered essential for the success of any affordable housing development; from one-unit to multi-unit projects, and qualities considered advantageous, but not necessarily essential. The main purpose of the policies is to convey a consistent message to developers and guide the work of Town boards that have roles to play in development review and permitting. Many of the criteria described below could serve as tradeoffs in negotiations with developers.

The Policies and Preferences appear first in narrative form and second, in a chart designed to function as a checklist and evaluation tool (Appendix B). The chart subdivides the policies into more finely-tuned categories and identifies the types of projects to which they apply, e.g., many policies that relate to multi-unit developments are not germane to single-unit developments. To transform the Policies and Preferences from a working paper to a formal policy statement for the Town, this document needs to be reviewed, discussed, and modified as necessary, and ultimately adopted by the Housing Partnership, the Board of Selectmen, and the Planning Board, and other relevant Town committees.

These Policies and Preferences will then be offered to the town residents as context if a vote at town meeting is requested for the creation of a Housing Trust, as a legal entity intended to attract and provide financial support for the construction and maintenance of affordable housing in Weston.

**Policies and Preferences**

**Location**

**Policies.** Weston encourages the reuse of existing houses and buildings for affordable and mixed-income housing. This redevelopment and reuse are preferred, as much of the Town is already developed, preservation of undisturbed open space is a priority, and affordable housing options should be distribution throughout the Town. General areas which have been identified as possible sites for accommodating a variety of housing options include land that is in, or within, one-half mile of the following: the Town center (including affordable units in mixed-use buildings), the commuter rail stations,
or the public schools and other municipal facilities. Established areas along the town’s major roadways are also deemed preferential.

**Affordability and Housing Needs**

**Policies.** Weston has a significant shortage of units that are both affordable and appropriate for senior citizens and families. The Town encourages developments that address these specific local needs. All affordable units must be protected by a perpetual affordable housing deed restriction accepted by the Weston Board of Selectmen and approved by the Department of Housing and Community Development (DHCD) under M.G.L. c. 184, §§ 31 - 32.

While at least 25 percent of the units in a Chapter 40B comprehensive permit development must be affordable, Weston encourages developers to provide more affordable units whenever possible. An increase in density may be considered in order to achieve this end. Weston would want the following types of households to have priority access to the additional affordable units that exceed the 25 percent minimum, to the extent permitted by law:

♦ Low-, and moderate-income households;
♦ Senior citizens;
♦ Municipal employees; and
♦ METCO families.

**Additional Preferences.** A development that provides a wider range of affordability will be considered more responsive to the Town’s housing needs. “Wider range of affordability” means the inclusion of units for “subsidized” households with very low incomes – below 50 percent of Area Median Income (AMI) – and units for “moderate income” households, that do not qualify under Chapter 40B income limits, but are nonetheless priced out of Weston’s housing market. These households typically have incomes between 80 and 120 percent of the Boston statistical area median income (AMI), as defined by Housing and Urban Development (HUD).

**Density**

**Policies.** Affordable housing should be developed at a moderate density and in buildings that will blend harmoniously and unobtrusively with surrounding neighborhoods. In Weston, “moderate density” means that on any given site, the average or gross density will not exceed four dwelling units per acre, and new buildings will not exceed three stories in height. However, the Town will consider higher density housing in the town center and near the train stations, or in an adaptive reuse development. Example: If
given the choice between a higher-density development in a preferred location and a development of four units per acre elsewhere, the Town would look more favorably on the higher-density development, unless the project failed to address many other policies described in these guidelines.

**Site Planning and Design**

Architectural and site design choices are critical to the success of affordable housing proposals. A development that closely adheres to the Town’s design policies and preferences is more likely to receive a favorable review. A development that is out of character with surrounding areas, and designed without sufficient regard for its impacts on neighboring properties, will be discouraged, and will likely not receive Town support.

**Policies.** The Planning Board’s review of site plan applications is guided by standards set forth in Section XI (F) of the Weston Zoning Bylaw. These standards matter because they address a development’s physical, operational, and aesthetic compatibility with surrounding land uses, and help to ensure public safety. Developments that include affordable housing, whether proposed under a Comprehensive Permit or another permitting mechanism, should comply with the Town’s site plan standards. In addition, the following factors need to be addressed in a developer’s submission to the Town:

♦ Minimize land disturbance;

♦ Choose building designs that are similar to single-family homes, and substantially consistent with the principles described in *Preserving Weston’s Rural Character*;¹

♦ Minimize massing and bulk;

♦ Design for safety, considering safety to the occupants both within the structure (building layout) and on the exterior (site layout);

♦ Utilize stormwater management during, and post construction. Use best management practices wherever possible.

**Additional Preferences:** Moderate affordable workforce housing, in addition to traditional affordable housing: tiered eligibility

Weston would like to see several preferences addressed in proposals for affordable housing. The Town understands that some of the following preferences will not apply in all cases. However, developers should respond to as many of these preferences as possible, and note those which are either irrelevant or infeasible.

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¹ *Preserving Weston’s Rural Character,* photographs and text by Pamela W. Fox, prepared for the Weston Planning Board, November 1998
♦ Provide accessible or adaptable units. (Multi-family developments may be required to provide accessible housing under the Massachusetts Architectural Access Board’s regulations, the State Building Code, or both.)

♦ Locate parking on the side or rear of buildings.

♦ Design for walk ability by providing sidewalks or informal pathways, or both.

♦ Design for a sense of community. Consider building and site layouts that encourage communication and interaction among residents of the development (e.g., common space within buildings, or common facilities, open space, or recreation areas).

♦ Protect historic resources by designing projects to avoid adverse impacts on structures with historic or architectural significance.

♦ Employ “green” development practices, considering both buildings and the site.

♦ Address sustainability in the design, construction, and operations/maintenance of the project.

♦ Conserve water and protect natural vegetation with:

  ♦ Landscaping consisting of low-water-use plantings
  ♦ Landscaping consisting only of non‐invasive species
  ♦ Stormwater management during and post construction, use BMPs wherever possible
  ♦ Outdoor irrigation system that conserves water and relies on a private well
  ♦ On‐ and off‐site impacts during construction.

Some developments – especially if they involve new construction on vacant land – may be able to protect open space by design. In these cases, clustered buildings and compact building forms could help to achieve an average density of four units per acre, and still leave much of the site undisturbed. Furthermore, developers should try to respond to the following open space preferences:

♦ Preserve at least 40 percent of the site as common open space;

♦ Design common open space so that it will be accessible to all residents of the development

♦ Comply with the Town’s minimum setback requirements
Additional Benefits to the Town

Policies. Like any other development submitted for review and approval by the Town, developments that include affordable housing may be required to provide mitigation (e.g.: traffic and/or infrastructure) at a level appropriate to the size and location of the project. Developers will also be expected to pay the reasonable cost of peer review services deemed necessary (e.g.: traffic or infrastructure).

Affirmative Marketing and Local Preference

Policies. Weston wants to ensure that affordable housing meets local housing needs, and also creates opportunities for new people to move into the community. Affirmative marketing plans, a lottery process, and monitoring for rental (long term) and homeownership units must be designed, and should provide a significant inclusionary role for the Town. Developers shall retain a competent, experienced lottery consultant acceptable to the Town, in order to insure compliance with all fair housing and marketing requirements, in addition to qualifying applicants. To the maximum extent permitted by law, at least 50 percent of the affordable units in a development should be offered, on a priority basis, to Weston residents or people with direct ties to the Town, including:

♦ An individual or family legally residing in the Town of Weston;
♦ A household with at least one person employed by the Town of Weston
♦ A family with a child attending the Weston Public Schools under the METCO Program.
♦ A person with disabilities (or a household with a family member with a disability);
♦ Single parent families
♦ Military personnel

Further Preferences. Weston will also encourage developers to provide other public benefits in addition to affordable housing, such as:
♦ Preservation and reuse of existing structures;
♦ Pedestrian amenities;
♦ Contribution to address capital improvement needs directly related to the project; and/or
♦ Contribution to Town’s affordable housing fund.
APPENDIX A
WESTON AFFORDABLE HOUSING 3.10

According to the Weston Census data of 2008/9:

<table>
<thead>
<tr>
<th>Age</th>
<th>Number</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-17 yrs</td>
<td>2909</td>
<td>24%</td>
</tr>
<tr>
<td>18-34</td>
<td>2278</td>
<td>19%</td>
</tr>
<tr>
<td>35-59</td>
<td>3937</td>
<td>33%</td>
</tr>
<tr>
<td>60 +</td>
<td>2751</td>
<td>23%</td>
</tr>
</tbody>
</table>

Total: **11,876 residents**

Presumption: All of the individuals aged 0-17 live with an adult. Many in the age category 18-34 are not homeowners, so to get a ‘ball park’ family percentage (added 0-17 + 35-59 + ½ 35-59 age categories)= approximately 70%

Weston Affordable Housing Data: Total Housing Units = 3,828

<table>
<thead>
<tr>
<th>Housing Units</th>
<th>Rental</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Family</td>
<td>24</td>
<td>3</td>
</tr>
<tr>
<td>55+</td>
<td>116</td>
<td>3</td>
</tr>
<tr>
<td>Total</td>
<td>140</td>
<td>3 (17%)</td>
</tr>
</tbody>
</table>

DHCD credits Weston with 3.5% affordable housing. The State goal is 10%.

Weston has 83% of their affordable units reserved for approximately 25% of the population (55+), and 16% affordable for 75% of population (family)

<table>
<thead>
<tr>
<th>Community</th>
<th>Percent Affordable Units</th>
<th>Density</th>
<th>Approved Housing Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weston</td>
<td>3.5</td>
<td>686/sq mi</td>
<td>No</td>
</tr>
<tr>
<td>Wellesley</td>
<td>5.5</td>
<td>2,867/sq mi</td>
<td>No</td>
</tr>
<tr>
<td>Waltham</td>
<td>7.4</td>
<td>1,838/sq mi</td>
<td>No</td>
</tr>
<tr>
<td>Lincoln</td>
<td>10.5</td>
<td>412/sq mi</td>
<td>Yes</td>
</tr>
<tr>
<td>Wayland</td>
<td>3.2</td>
<td>865/sq mi</td>
<td>Yes</td>
</tr>
<tr>
<td>Newton</td>
<td>7.6</td>
<td>4,550/sq mi</td>
<td>No</td>
</tr>
<tr>
<td>Natick</td>
<td>7.4</td>
<td>1,980/sq mi</td>
<td>No</td>
</tr>
<tr>
<td>State Average</td>
<td>9.6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Weston’s tear down average is approximately 30 homes per year. Approximately 75% of new homes constructed are a result of tear downs.

According to 2007 US Census, the median income is Middlesex County is $88,100.
The average home price in Weston is $1.3 million.
### Appendix B: Project Review Checklist

<table>
<thead>
<tr>
<th>POLICY/PREFERENCE</th>
<th>Single-family dwelling or group home</th>
<th>Small projects (≤ 8 Units)</th>
<th>Larger projects</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOCATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site is in or within ½ mile of the town center, the commuter rail stations, municipal facilities, or public schools</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Site is in another preferred location (the town’s major roadway corridors)</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Site is already developed and involves reuse of an existing building</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>BUILDING &amp; LANDSCAPE DESIGN CONSIDERATIONS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building designs substantially consistent with principles described in “Preserving Weston’s Rural Character;” Vol. 2</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Building(s) are very similar to single-family homes</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Massing and bulk are minimized</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Project designed for safety, both interior (building layout) and exterior (site)</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Includes accessible or adaptable units</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Site and/or rear parking</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Walkability: sidewalks, internal pathways</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Design reinforces sense of community; encourages communication, interaction</td>
<td>N</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>No adverse impact on historic/architectural significance</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Building and site employ green features (design, construction, operations/maintenance)</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td><strong>OPEN SPACE &amp; NATURAL RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preserves at least 40 percent of the site as open space</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Open space is accessible to all residents of the development</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Adheres to town’s minimum setback requirements</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Landscaping composed of low-water-use plantings</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Landscaping composed only of non-invasive species</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Outdoor irrigation system designed to conserve water, relies on private wells</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td><strong>SITE PLAN STANDARDS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substantially conforms to ZBL Section XI(F), Standards and Criteria</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Minimizes land disturbance</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Minimizes construction impacts</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td><strong>DENSITY AND SCALE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Density does not exceed an average of four units per acre, except that -</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>Near the town center, in the vicinity of the train stations, or for projects involving redevelopment and reuse of existing buildings, more than four units per acre will be considered</td>
<td>N</td>
<td>N</td>
<td>Y</td>
</tr>
<tr>
<td>For new construction, building height does not exceed three stories</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>
**HOUSING DIVERSITY**

Project increases the types of housing options available to one or more of the following groups:

Town of Weston Affordable Housing Policies and Preferences  
*Draft for Local Review*

<table>
<thead>
<tr>
<th>POLICY/PREFERENCE</th>
<th>Policy Applies (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Single-family dwelling or group home</td>
</tr>
<tr>
<td>Seniors</td>
<td>Y</td>
</tr>
<tr>
<td>Families</td>
<td>Y</td>
</tr>
<tr>
<td>People with disabilities</td>
<td>Y</td>
</tr>
</tbody>
</table>

**PUBLIC BENEFITS**

Project provides public benefits in addition to affordable housing, such as:

| Adequate funding for town boards to obtain project review assistance from independent consultants | N | N | Y | Y |
| Preservation and reuse of existing structures | Y | Y | Y | Y |
| Pedestrian amenities | N | N | Y | Y |
| Traffic mitigation | N | N | Y | Y |
| Contribution to a local capital improvements project appropriate to the scale of proposed development | N | N | Y | Y |
| Contribution to Town’s affordable housing fund | N | N | Y | Y |

**HOUSING AFFORDABILITY**

<table>
<thead>
<tr>
<th>Percentage of Affordable Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development provides 25% or more affordable units</td>
</tr>
</tbody>
</table>

To the extent allowed by law, affordable units over the 25% minimum will be offered on a priority basis to:

| Low- and moderate-income households | N | N | Y | Y |
| Seniors                            | N | N | Y | Y |
| Municipal employees                 | N | N | Y | Y |
| METCO families                      | N | N | Y | Y |
| People with disabilities            | N | N | Y | Y |
| Veterans                           | N | N | Y | Y |

**Income Targets**

<table>
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<tr>
<th>One or more units priced for households at/below 70% area median income (AMI)</th>
<th>High priority</th>
<th>High priority</th>
<th>High priority</th>
<th>High priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes any units priced for households at or below 50% AMI</td>
<td>N/A</td>
<td>High priority</td>
<td>N/A</td>
<td>Priority</td>
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<tr>
<td>Includes any units priced for households with incomes between 81-120% AMI</td>
<td>Priority</td>
<td>Priority</td>
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<td>Priority</td>
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</tbody>
</table>

Term of Affordability
<table>
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<tr>
<th>Use restriction will be perpetual</th>
<th>Y</th>
<th>N/A</th>
<th>Y</th>
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</thead>
<tbody>
<tr>
<td>FAIR HOUSING &amp; LOCAL PREFERENCE</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Local Preference Units</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Offers up to 50% local preference units</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Affirmative Marketing Experience</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Team includes town-approved consultant/organization with prior affordable housing lottery experience</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Town will have a significant role in affirmative marketing, lottery process</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
</tbody>
</table>
To: The Board of Selectmen, Town of Weston

Re: SEB proposal for “Village at Silver Hill”

Gentlemen,

Last Thursday night, August 20, our Housing Partnership met with Robert and Geoffrey Engler, the principals of SEB LLC (“SEB”) to hear their construction proposal for the “Village at Silver Hill” at 255 Merriman Street and 11 Hallet Hill Road. Each of our members had reviewed electronic version of materials that had been submitted to the Town by SEB.

Because they are immediate neighbors of the proposed development, Leslie Glynn and Tony Flynn recused themselves from voting or otherwise acting in their capacity as members of our HP. However, in accordance with advice that Tony had received from the State Ethics Commission, Leslie and Tony did participate in the discussion by neighbors of the proposed project. (In doing so, they were seated as members of the audience, and not as members of our Partnership.)

I understand that MassHousing has extended the period for comments on the SEB proposal to September 21, and that the BOS has scheduled a meeting with SEB to hear their proposal on September 14. Nevertheless, because our Partnership is not scheduled to consider the SEB proposal further, I thought that it might be helpful for the Board to hear the result of our Partnership deliberations after we met with SEB.

Our Partnership was impressed by the knowledge and experience of the Englers and SEB, and also by several aspects their proposed development. For example, we like the fact that they propose to maintain the exterior of the historical house and barn at 255 Merriam Street and that the proposed site is within 1000 feet of the Silver Hill rail station.

Nevertheless, an informal polling of the HP members who participated in our Partnership meeting indicated that, particularly because of the density of the proposed project, the smaller size of the affordable units, and waivers requested by SEB from setback and other normal zoning by-law requirements, each participating member of our Partnership expressed opposition to the current SEB proposal.

If you would like further information about discussion of the SEB proposal at our August 20 Partnership meeting, please let me know. Otherwise, I think that the BOS can rely on
this letter as an accurate reflection our Partnership’s response to the current SEB proposal.

Sincerely,

Hugh R. Jones, Jr.

Cc: Polly Dickson, Shirley Dolins, Rev. Steve Melius and Kenneth Newberg.
MEMORANDUM

To: Weston Board of Selectmen
Subject: Application for Affordable Housing Development at 255 Merriam Street

As requested by the Board of Selectmen, the Weston Planning Board (the Board) offers the following preliminary comments regarding SEB Weston Village, LLC’s proposal for the creation of ten single-family dwellings (eight market rate, two affordable) on approximately 3 acres at 255 Merriam Street and 11 Hallett Hill Road, pursuant to 760 CMR 56.04(3). Planning Board member Anthony Flynn has recused himself from this deliberation. The limited documentation currently available for review is preliminary in nature and is therefore insufficient for detailed evaluation. However, the Board’s preliminary review suggests that the project as proposed appears inappropriate for the site on which it is located and lacks compatibility with its neighborhood context, and that market rate and affordable units do not appear equitable in size. The Board further finds that the proposal may include unfounded assumptions that would call into question its regulatory status and financial viability.

Based on its initial review of the application documents, the Board has the following comments, concerns and recommendations:

1. **Regulatory Status.** On February 24, 2015, the Board filed with the Town Clerk denial of a Special Permit application for 255 Merriam Street, as submitted by the current property owners. The property owners have claimed that the application was withdrawn prior to the Board’s vote of denial, but the attached email from owner Jane Bybee to the Town Planner clearly indicates otherwise. In the Board's opinion, the town is therefore not obligated under state statute to consider this application until February 24, 2016.

2. **Financial Viability:** In denying the Special Permit, the Board specifically refused to grant a waiver required for approval of a Definitive Subdivision Plan (Proof Plan) associated with a proposed two lot Flexible Development subdivision at 255 Merriam Street. The Proof Plan is required to demonstrate that a development of the proposed density can be constructed in accordance with standard requirements, except that the standard frontage required by the Zoning By-Law is reduced as an incentive to encourage flexible development. The Board's denial of a waiver renders subdivision infeasible, as is an Approval Not Required (ANR) subdivision, which would require the full frontage mandated by the Zoning By-Law, in addition to the waiver. The application is misleading in that it indicates that two lots are possible on the parcel, and a financial assessment
predicated on the market value of a two lot parcel would therefore be invalid. Similarly, an assessment of 11 Hallett Hill Road's value would have to recognize the lot's probable non-conformity as discussed below.

The Board understands that the projected value of a proposed market-rate house is in excess of $1.4 million. This projection seems overly optimistic, considering the site's location in an area where single-family residences on large lots are selling for considerably less, and in comparison with roughly similar developments in other parts of the community. For instance, Highland Meadows has similar density consisting of closely-spaced free-standing homes, but its land planning is much more sophisticated, its homes considerably larger, and the design quality superior. However, the minimum initial asking price was analogous to that proposed for this development.

3. **Density.** According to Weston's GIS maps, the property consists of two parcels totaling 3.12 acres, both zoned Residence C. With 207 feet of frontage and 2.43 acres of lot area, under existing zoning one new house would be allowed on the lot at 255 Merriam Street, consistent with the narrative above. With 133.4 feet of frontage and .69 acres of lot area, the parcel at 11 Hallett Hill Road is non-conforming with respect to frontage under existing zoning, which requires a minimum of 175 feet. Unless the 11 Hallett Hill Road lot can be proven to have been conforming when established, no new house can be built on it. Permissible new construction on both lots is therefore likely one residence, but no more than two. A serious drawback to this application is the absence of definitive documents indicating that the land can support a density 5 to 10 times that allowed under current zoning, with attendant street, utility, landscaping, topographical, and common septic system requirements. Based on the material available to it, the Board must conclude that density proposed for the property is inappropriate for the site.

One consequence of the proposed density is overcrowding of the buildings, where only about 10 feet appears to separate some units and where many units are extremely close to the property lines, in one case appearing to be within about 5 feet of the boundary. Such severe overcrowding becomes the sole factor in the site design, trumping and obliterating every other consideration.

4. **Historical Importance:** The property is a significant contributor to the Silver Hill National and State Register Historic District. The importance of the Silver Hill neighborhood is summarized in the Historic District form authored by Weston architectural historian Pamela Fox, of which the following is an excerpt:

"Silver Hill is one of only a few turn-of-the-century neighborhoods in Weston and contains the type of solidly constructed, middle-class Queen Anne and Colonial Revival houses that are typical in other Boston suburbs but not common in Weston. Almost all the houses are of wood frame construction with shingle or clapboard sheathing. Many are set on high fieldstone foundations and have generous front porches. Silver Hill Road has a cohesiveness created by harmonies of scale, style, and massing. Houses generally share a common setback line, adding to the visual unity of a neighborhood. Visual interest is enhanced by the varied topography, with many houses set on slight rises. Stone walls and stone retaining walls add landscape interest, as do the mature trees and
shrubs. Common house types include the 2½ story gable-front house built using either Queen Anne or Colonial Revival detailing on the porch, as well as the early 20th century “Four Square,” the traditional five-bay Colonial Revival, and a myriad of simple 1½-story cottages. As is typical of Weston, most houses within the Silver Hill Historic District have limited architectural embellishment.”

The proposed development is no way consistent or compatible with the remarkably cohesive architectural character of this important historical resource. Proposed preservation of the house at 255 Merriam Street, while providing token acknowledgement of its historical importance, also has the unfortunate effect of emphasizing the disruptive consequences of the surrounding new construction, particularly with the proposed conversion of the existing barn into a two-car garage.

5. Architecture. The architecture consists of standardized, off-the-shelf designs expressing little empathy for the neighborhood's character. Besides the existing house and barn "conversions", all the other houses are identical except two, which are considerably smaller. While not explicitly identified, the Board strongly suspects that the smaller units are the two proposed affordable ones -- a clearly inequitable condition. The repetitive, identical design in such extremely close proximity suggests a motor court.

6. Scenic Road. Merriam Street is a designated scenic road. The roadway offers an exceptionally coherent streetscape of historically significant buildings in the area of the proposed development at 255 Merriam Street. The Board believes the development would generate an intrusion of new, architecturally uninspired buildings unsuited to the streetscape's context and character;

7. Site Constraints. The lot at 255 Merriam Street was intentionally created to afford a natural resource at the rear of the property for the benefit of all the surrounding properties. It provides a pastoral, forested viewscape for the homes to share and was never intended to be developed, but the proposed development would destroy this resource completely.

The Merriam Street parcel is relatively flat near the road where the existing house is located, but steeply rises towards the rear of the site. Exposed ledge is shown on the site survey. Since the ledge is located in the area of greatest proposed topographical change, blasting will likely be required for at least three of the homes proposed, raising a question of the potential effect on the site's water table. Moreover, literally every single tree on the site behind the existing house is slated for clearing. Finally, retaining walls as high as 8 - 10 feet appear to be required around the entire perimeter of the Merriam Street parcel's easterly portion, as well as others along the Hallett Hill Road parcel's westerly boundary. Homes near these continuous retaining walls are placed less than 25 feet from them. Because there is little or no room for softening vegetation, the bare walls will loom over the rear yards, creating a claustrophobic effect. Since the high walls are at, or near, property lines, safety fencing along their tops would be mandatory, exacerbating the claustrophobic effect.
8. **Storm water Systems.** The documents available to the Board contain no information regarding storm water management. However, the extent of hard surface represented by the proposed building and pavement coverage mandates careful analysis of any system suggested.

9. **Board of Health/Septic.** The documents available to the Board contain no information regarding waste management. Since Weston has no sewers, a leaching system is required. Presumably, the leaching system eventually proposed would be located largely under the small "meadow" indicated in the freehand site sketch provided. The most common unit type, "Unit A", contains 3 bedrooms, plus an "office/den" that could be considered a 4th, or expansion, bedroom. All other units contain 3 bedrooms, except the existing house, which is said to contain 4. That mix yields a total of at least 37 bedrooms to be accommodated by the leaching system -- a very large demand. Further, an expansion field would have to be designated, and holding tanks located. The Planning Board questions whether those requirements could be met in the area provided. In any case, all permits relating to the system should be compliant with all Board of Health and Department of Environmental Protection (DEP) regulations, as conditioned. Finally, since Weston has a history of power outages, a generator may be necessary should pumps be needed.

10. **Roadway.** The site design proposes a new roadway, apparently 20 feet wide, linking all the buildings. Each building has a two-car garage, yielding a total of at least 20 vehicles maneuvering in near-urban conditions, where cars leaving the garages must back into the roadway. The distance between driveway openings appears to be as little as 20 feet. There is no accommodation for service or guest vehicles beyond limited aprons extending out from the garage doors. The Merriam Street road opening has limited sight lines for oncoming vehicles. In all, the Board considers the proposed street layout dangerous in several respects.

As with the septic system, it is assumed that the common roadway would be maintained annually by a homeowner’s association or condominium form of ownership. The maintenance and repair of the roadway has not been addressed in the application nor have the associated/anticipated fees in connection with the maintenance been included in the application. It would be beneficial to have sight distances and speeds for Merriam Street and Hallett Hill Road in this location to better understand if the roadway accesses are reasonably located for vehicular safety.

11. **Pedestrian Safety.** There are no sidewalks proposed, and the application does not address whether a school bus would enter this private roadway or stop on either Merriam Street or on Hallett Hill Road. If an existing bus stop is located nearby, where is it and how do school-aged children safely get to the school bus location?

12. **Utilities.**
   - **Water.** Proposed water mains must be reviewed by the Department of Public Works Water Department for compliance with their regulations.
   - **Electric/Cable.** All proposed utilities must be underground. Proper separation between conflicting utilities must be provided per the Town’s regulations.
   - **Storm water.** See above.
• **Utility Easements.** All easements for proposed utilities within a private way must be secured from the town.

• **Lighting.** No information was available to the Planning Board regarding proposed site lighting. Presumably, street lighting will eventually be proposed in addition to exterior lighting at each building. A strict limit should be placed on the total lighting allowed, and on the maximum allowed at each dwelling, particularly in locations visible to abutters. All exterior lighting must be dark sky compliant.

• **Irrigation Systems.** Any irrigation system must be serviced by a private well.

• **Generator.** With a strong history of power unpredictability in Weston, the homes may wish to install generators to address power outages. Any generator is required to meet 40 DBA at any abutting property lot line;

13. **Landscaping.** There is as yet no landscaping design beyond diagrammatic circles on the sketch site plan. Since virtually all existing vegetation will be removed besides perhaps a few trees near Merriam Street, the site as proposed will effectively become a completely clean slate devoid of landscaping. The Board is concerned that the limited project budget will not permit the kind of intensive landscape installation required to knit this site back into the surrounding context.

In summary, the Planning Board believes the proposed density is too great, and the developers have not provided adequate materials for the Board to determine if the land can fully support ten units of housing. The documents available are lacking information, the site modifications required are draconian, and the proposed dwellings are not a good “fit” into the historically important Silver Hill neighborhood. At this time therefore, the Planning Board has determined that it must oppose the proposed development.

Alfred L. Aydelott, Chairman
Roy Chatalbash
Stephen Oppenheimer
Susan Zacharias
RE: 255 Merriam Street Withdrawal of Application

From: "Ware, Elizabeth" <Ware.E@westonmass.org>
To: "jbybee300@aol.com", "halv.meyers8@gmail.com", "jwhite@whitefwinter.com"
Cc: "alaarch@earthlink.net" <alaarch@earthlink.net>
Subject: RE: 255 Merriam Street Withdrawal of Application
Date: Dec 17, 2014 4:38 PM

Jane and Hal,
You are represented by counsel, who needs to explain to you the differences between a withdrawal of an application and a denial.
The Board voted to deny your application and it is in the process of being written up for filing with the town clerk.
The vote on December 3, 2014 is not a withdrawal and the Mass General laws do not consider the December 3 denial to be the date of record.

Let me be crystal clear that the MGL do not consider that your application has been formally withdrawn. Please consult your attorney on these issues.

January 7, 2014 is the tentative date for the review of the Board’s denial of your project.

Betsy Ware

From: jbybee300@aol.com [mailto:jbybee300@aol.com]
Sent: Tuesday, December 16, 2014 12:17 PM
To: Ware, Elizabeth; halv.meyers8@gmail.com; jwhite@whitefwinter.com; Jbybee300@aol.com
Subject: 255 Merriam Street Withdrawal of Application

To: Betsy Ware, Town Planner
From: Jane Bybee and Hal Meyers

December 16, 2014

We are once again writing to confirm that as of December 3, 2014, the unanimous Planning Board vote denying our request for a two-lot flexible subdivision halted our application and our application was withdrawn as a result of this action. Irrespective of whether or when the Planning Board issues and/or votes upon a letter articulating their reasons for their negative decision, we understand that our application was formally and legally halted on December 3, 2014 as a result of the Planning Board vote and their negative decision on our case.
We consider the Planning Board denial of December 3 to be the date of record.

On December 5, we wrote to you requesting a letter committing to writing that our application was denied and, hence withdrawn, at the December 3 Planning Board meeting. We have received no response from you acknowledging receipt of our correspondence or denying that the December 3 date applies. You likewise did not respond to a subsequent letter from our attorney.

Let us state in crystal clear language that our application is no longer alive. Since we have been denied, our application is (and has been) formally withdrawn.