

## RESPONSE TO COMMENTS

### ISSUED BY THE TOWN OF WESTON PLANNING BOARD

Submitted: June 1, 2016

To: Ms. Winifred Li  
Chairperson  
Town of Weston Zoning Board of Appeals  
Town Hall  
11 Townhouse Road  
Weston, MA 02493

Cc: The Town of Weston Planning Board  
Ms. Noreen Stockman – Housing Partnership Administrator  
Mr. Stephen Fogg, P.E. – Town Engineer  
Mr. Richard Sweeney - Assitant Town Engineer  
Mr. Robert A. Gemma - President MetroWest Engineering, Inc.

From: Karlis P. Skulte, P.E.

**Regarding: Response to Comments**  
The Village at Silver Hill  
255 Merriam Street & 11 Hallett Hill Road, Weston, MA  
EBI Project Number: 161500003

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On behalf of the Applicant, SEB Weston Village, LLC, EBI Consulting (“EBI”) has prepared this memorandum in response to comments presented via memorandum dated May 18, 2016 from the Town of Weston Planning Board, entitled “40B Comprehensive Permit at 255 Merriam Street/ 11 Hallet Hill”. Comments are listed below in italics, followed by EBI and Project Team responses.

### TOWN OF WESTON PLANNING BOARD COMMENTS

**Comment 1: Regulatory Status.** *The Board notes that the application was made on February 29, 2016.*

**Response:**  
Noted.

**Comment 2: Density.** *The project is proposing a density of 5 to 10 times of what is allowed on the properties by right or 2.5 times what would be allowed as a subdivision. The Board would hope that a reduction in density along with a reexamination of the appraised price could be entertained; however given that the project is proceeding as an “unfriendly” 40B it may be unrealistic to expect a reduction in density. The Board believes the resulting impacts of the 10 unit density still warrant careful management through ZBA imposed conditions. The Board notes that in order to accommodate this density the setbacks are being encroached on in seven of the ten houses. Two houses that meet setback requirements are the existing residence at 255 Merriam Street and its associated barn. The third is Unit 5A at the south eastern corner of 255 Merriam Street. Unit 7C fronting Hallet Hill Road encroaches both the front and west side setback. Unit 6A comes as close as ten feet to the northern side property line of 255 Merriam Street. That encroachment and the presence of a retaining wall makes any significant screening impractical. The Planning Board recommends that, at a minimum, Unit 7C fronting Hallet Hill should meet the*

setback requirements in order to maintain a continuous street character, and the setback for Unit 6A to the side property line be increased to provide screening.

**Response:**

The front setback dimension of Residence 7C is 45.4' to the centerline of the road, 25.4' to the property line and 35' +/- to the edge of pavement. This distance is more than adequate to provide for front yard foundation plantings and larger trees which will serve to soften the effect of the house from drivers and pedestrians passing by on Hallett Hill Road. Additionally, the driveway and garage for Residence 7C is served from the project drive which allows the entire Hallett Road facing yard to contain an uninterrupted landscape.

The relatively modest scale of this residence will not negatively impact the road view or crowd this portion of the property. The ridge height of this home, which is set some 48' +/- from the centerline of Hallett Hill Road is only 25'-2". This is lower than many of the prototypical Queen Anne homes of the Silver Hill Historic District which feature a 2 ½ story high gable wall facing the street. It should be noted that there are no structures on the opposite side of the street, nor is it possible for a residence to be built due to the location of Lion Lane.

Residence 7C was placed with the spacing between residences 8A, 9A and 10B in mind. Complying with the 65' to centerline setback dimension would, of course, require the sum of the distances between these buildings to be reduced by 19.6'. With 25' +/- between residences 7C, 8A and 9A and 35' +/- between 9A and 10A, an average reduction in these spaces of 6.5' would quite negatively impact the privacy between units and increase the perception of density.

Likewise, providing a larger left side yard for Residence 6A would result in shorter separation distances between the 4 residences (2C, 3A, 4A, and 5A). The 17' side yard provided to the North of Residence 6A is more than adequate to provide landscape screening to the residence at #15 Hallett Hill Road, which is located approximately 135' from this property line. It should be noted that the garage was placed on the North side of the unit. The garage is only one story with a ridge height of only 22' +/- above existing grade. The main ridge is 54' from this property line and only 30'-3" high.

**Comment 3: Architecture.** Updated plans confirm that the smaller units, 7C and 2C, are the affordable ones. The Board believes this is an inequitable condition.

**Response:**

We strongly disagree with this assertion that providing smaller affordable units than market rate units is an inequitable condition. The 40B guidelines have been developed over the past 20 years and SEB, LLC has served on all the various task forces assembled to draft and vet those guidelines and consequently we know what the intention is with regard to this issue. The fundamental objective is to avoid creating a stigma associated with the units serving low and moderate income households. This is achieved primarily by creating the same external appearance of the affordable units as the market units, namely with the use of the same materials, window treatment, height, etc. The intent is that the "passer-by", ie., the general public should not be readily able to distinguish the affordable units as there should be a uniform quality to the external appearance of the units and the affordable units should be interspersed with the market units. In adhering to this objective, it is clear to us that the "passers-by" on Merriam Street will see the same front façade of the existing barn and not the attached new addition in the rear and even if they did, it would not be identifiable as an affordable unit. In the same manner, a driver proceeding down Hallett Hill Road will observe the front of the closest unit and not be in any position to evaluate that in connection with any of the other units in the interior of the site. In short, there is no stigma created by our site plan so to label this plan as inequitable is totally misconstruing what has been designed. Moreover, for a household earning 50% of the Area Median Income to be able to purchase a new single family home in Weston for less than \$150,000, when a similar market unit will be selling for over \$1,000,000 is not inequitable. There will be a huge demand for these two affordable units; not complaints about a "smaller unit".

**Comment 4: Site Constraints.** *The Planning Board's engineering consultant, Nitsch Engineering has reviewed the proposed plans and provided the following comments:*

*"I'm... interested in seeing a section on how the retaining walls near Units 6A, 4A and 3A will be built. Those walls are right on the property line and adjacent to existing features (stone walls) that are to remain. Also the existing grades on the neighboring properties is unclear."*

*The Board recommends these details be clarified and assessed as to the feasibility of preserving existing site features and providing screening planting.*

**Response:**

The retaining wall at Unit 6A has been eliminated and the existing stone wall along this property line will be maintained. The retaining wall at Units 4A and 3A are proposed approximately 2ft from the property line and approximately 4 to 5ft in height. This wall can be constructed using a variety of segmental block or large block wall products that can be built without encroaching onto neighboring properties.

**Comment 5: Stormwater Systems.** *Nitsch Engineering has reviewed the proposed plans and provided the following comments:*

*"For 255 Merriam the overall density of the site is concerning. The entire site both above and below ground is being used for either stormwater, wastewater or structure. Many of the stormwater facilities are located under either the access road or under the driveways for the units. We typically don't allow the infiltration systems under roadways, if they ever need to be worked on the road will need to be ripped up and that can be an overwhelming cost for a smaller development. In addition, we do allow infiltration under the driveways for single family homes but that is because those units are serving that one home. Here it is a little different as the units under the driveways are serving multiple homes. Also some of the infiltration systems are about 10 feet off of the foundation walls. In section those units would be above the basement so the issue of water from those units flowing back to the basement would be a real one. Also, if the basements have some sort of groundwater control, either subdrains or sumps with pumps, the stormwater from the infiltration units could be drawn into those features and create a sort of feed back loop. I'd like to hear how they are proposing to deal with groundwater for the basements."*

*The Board concurred with the consultant's concerns and further noted that the applicant is asking for several waivers from the Town stormwater standards including waiving a Stormwater Report in favor of Memorandum to be provided to the ZBA. Waiver of this requirement makes review of the stormwater system difficult at best. As Stormwater management is an environmental issue the Board recommends that no waiver should be granted from the performance or materials standards related to stormwater.*

**Response:**

Stormwater chambers are typically utilized on projects where there is limited landscape or open space available to construct stormwater infiltration basins, and it is common practice to place infiltration chambers in paved areas. By placing the stormwater infiltration chambers below-grade, this helps maintain vehicular circulation throughout the Site and access to the garages and also allows for more flexibility with landscaping. The only stormwater infiltration chambers beneath the roadway are in front of Units 8A and 9A, and it is common practice to design and construct infiltration chambers beneath pavement. The plan will feature appropriate cover above the chambers in accordance with the manufacturer's requirements in order to provide structural integrity.

The revised plans have incorporated more efficient stormwater infiltration chambers to help reduce the footprint of the systems and meet the Town of Weston's requirement to use the NRCC rainfall events in the stormwater analysis. It should be noted that a complete Stormwater Management Report was prepared and submitted for review in lieu of an abbreviated memorandum. The latest design changes to the infiltration systems in addition to the use of pervious pavement eliminates the need for any waivers from the stormwater and erosion control regulations as it relates to design standards. The only waivers

are related to procedural requirements for the administration of the Stormwater Management Permit.

In addition, the building specification will call for a Tremco Tuff-n-Dri H8 foundation waterproofing system which features a seamless waterproofing membrane which is then protected by a drainage board. Given the soil conditions at this location, the proposed specification is a significant over-design and we believe to be overkill, but it will yield completely dry and damp free basements.

**Comment 6: Board of Health/Septic.** Nitsch Engineering has reviewed the proposed plans and provided the following comments:

“...pump chambers and septic treatment units shouldn’t be in the roadway. They typically need access doors and not manholes for access.”

The Board again noted that the applicant is applying for several waivers from the Board of Health standards including separation to buildings, capacity, pipe material standards and hydrological reporting. Further the board is concerned that any failure in the septic systems caused by substandard design will become the responsibility of the owners and put an undue burden on the affordable units. As these regulations are health-related and affect the ongoing affordability of the project, the Board believes that no waiver should be granted from the performance or material standards related to wastewater.

**Response:**

The location of the pump chambers and septic treatment units within the roadway is standard engineering practice. All chambers and subsurface facilities are capable of supporting H-20 loading.

Appropriate waivers have been requested from local septic related waivers. The proposal, based on our willingness to now include secondary treatment, goes well beyond what is required under Title 5.

**Comment 7: Roadway.** Nitsch Engineering has reviewed the proposed plans and provided the following comments:

“With all the utilities proposed for the roadway a section should be drawn illustrating how in the busiest area all the utilities will fit.”

The board also noted that the private road exit on to Hallet Hill Road does not align with Lion Lane. The Board recommends that a section be provided and, at minimum, a waiver requested for the alignment of the interior driveway to Lion Lane.

**Response:**

The utilities in the road can be constructed with no issue with proper horizontal and vertical separations. The construction of a new road allows flexibility in utility design and location.

The alignment of our driveway with Lion Lane is not a requirement for which we need a waiver as the Village at Silver Hill is not a subdivision and thus this waiver does not apply.

**Comment 8: Pedestrian and Vehicle Safety.** The Board previously noted several concerns with regard to the roadway design, sight lines, intersections, sidewalks and bus access. The Planning Board recommends that the ZBA’s traffic consultant consider these matters as part of their peer review.

**Response:**

Noted.

**Comment 9: Landscaping.** The Planning Board’s landscape consultant, KD Turner Design has reviewed the proposed plans and provided the following comments:

“Almost all the proposed screening trees are smaller species trees (Leyland cypress, red cedar, American holly, and arborvitae), and will not do much to screen second stories of buildings. White Fir is a better option, but I would also mix in

Spruce and other larger species. Eastern White Pine, while native, tends to be very shallow rooted and we have seen many problems in Weston with blow-over. Also, *Campsis radicans* is an invasive species and should be avoided. Overall, considering the tree cover and existing topography of this site, the proposed development will require intensive site work and tree removal, and will be extremely difficult to buffer. The proposed buffers are narrow and the retaining walls numerous. While planting vines on retaining walls can reduce visual impact where walls are less frequent, they will do little to reduce impact of this quantity of walls.”

The board noted conflicts between the Layout and Materials Plan, Sheet C3, and the Landscape Plan, L-1. Planting is proposed on the snow storage areas at the roadside, and notes that the planting proposed along the southern boundary of 255 Merriam Street is marked as “Option-Screening Trees on Neighboring Property.” The Planning Board believes that adequate screening will be critical in maintaining neighborhood character should the comprehensive permit be granted. The Board recommends that landscape and site plans be revised to provide greater screening of the “interior” units, coordination with the snow storage areas, and develop planting that will screen retaining walls.

**Response:**

The proposed landscaping plan had deliberately featured many small evergreen species as this tree species provides more sustained screening. Many of the larger conifers (as proposed by the Planning Board) lose all of their lower limbs as they mature and would leave just bare trunks at the first floor level. The Planning Board comments suggest White Fir (*Abies concolor*) which was already featured in the landscaping plan. The updated landscaping plan now also has added Spruce to the list (Serbian Spruce-*Picea omorika*).

The landscaping plan includes Eastern White Pines which is an integral part of the established tree canopy in Weston. The color and texture help define the character of the Oak woodlands in the neighborhood. When properly planted and maintained, White Pines can persist as a healthy part of the plant palette. As such, we continue to include them in the landscaping plan.

We disagree with the assertion that *Campsis radicans* is an invasive species. *Campsis radicans* is not officially classified as an invasive species in Massachusetts and is actually a native plant. It exhibits a very aggressive growth pattern which is desirable at the proposed retaining walls. Nevertheless, we have replaced that species with Sweet Autumn Clematis (*Clematis paniculata*).

The updated landscaping plan has eliminating plantings in the proposed storage areas, as well as removing any significant plantings over any utility lines or infiltration chambers, and any references to Optional Screening Trees on Neighboring Property. The landscaping plan also references the lower plantings along the Merriam Street edge to maximize sight line visibility.

**Comment 10: Lighting.** *The Planning Board strongly recommends that exterior lighting minimize the number of fixtures and light-intensity level, in keeping with the character of the surrounding neighborhood. Only dark-sky compliant fixtures in numbers mandated by code requirements should be permitted. Floodlights, landscaping lights and street lights should be strictly prohibited.*

**Response:**

A preliminary lighting plan has been provided which complies with the very stringent local requirements. No waivers are necessary.