



RECEIVED
TOWN CLERK
WESTON, MA

2016 OCT 12 AM 9:06

TOWN OF WESTON
Planning Board

Town Clerk
Town Hall
Weston MA 02493

October 5, 2016

Certificate of Action
96 Rockport Road

An Application for Site Plan Approval was filed on March 21, 2016 for the completion of unfinished attic space in an existing single family dwelling at 96 Rockport Road, located in a Residence "A" Zoning District. The additional space results in an RGFA of 6,639sf and requires Site Plan Approval from the Planning Board.

Pursuant to Sections V.B.2.c and Section XI of the Zoning By-law, the Planning Board has reviewed and approved the application, subject to conditions covered below.

This Certificate of Action includes:

- Appendix A: Fact Chart;
- Appendix B: Dimensional Chart;
- Appendix C: Findings Chart;
- Appendix D: Meeting Minutes;
- Appendix E: Standard Conditions;
- Appendix F: Special Conditions; and
- Appendix G: Zoning By-Law Excerpts.

Constituting a majority of the Planning Board, the following members voted to approve the application based on the information provided, the information and testimony provided at the hearing, and the following findings and subject to the following conditions.

Alfred Aydelott, Chair _____

Roy Chatalbash _____

Stephen Oppenheimer _____

Anthony Flynn _____

Susan Zacharias _____

DATE OF FILING OF DECISION:

SEE STAMP _____

BY ORDER OF THE BOARD


TOWN PLANNER FOR
Alfred Aydelott, Chair

Appendix A. Fact Chart

Project Name	96 Rockport Road			
Applicant/Owner	Charles Borque, Applicant; Jean-Claude Tetreault, Owner			
Location	96 Rockport Road, Assessor's Map 062-124			
Zoning District	Single-Family Residential District A			
Permits Sought	Site Plan Approval, 6,639 sf Residential Gross Floor Area (RGFA)			
Existing Permits	Building Permit			
Application Date	August 8, 2016			
Public Hearing Dates	September 6, 2016 Site Visit September 21, 2016 Open Public Hearing October 5, 2016 Continue Public Hearing to review decision, vote on approval with conditions			
Documents	Author	Last Revised	Title	Sheets
Proposed Plans	Architect: Paul Apkarian Architects, Inc.	8/8/16	Elevations	A1.0 A1.1
			1 st Floor Plan	A2.0
			2 nd Floor Plan	A2.1
			RGFA Calcs	A5.0 A5.1
		10/3/16	Lighting	S1.0
		The MacDowell Company LLC	9/26/16	Landscape Plan
9/21/16	Site Cross Section/ Elevations		L-2	
Existing Plans	Civil Engineer: Atlantic Design Engineers Inc.	5/7/14	Site Plan	1 of 2
			Detail Plan	2 of 2
		5/31/13	Pre Development Watershed Figure	
			Post Development Watershed Figure	
5/7/13	Height Calculation	3 sheets		
Stormwater	Civil Engineer: Atlantic Design Engineers Inc.	5/2/13	Stormwater Management Report	
			Stormwater Operation and Maintenance Plan	
		5/31/13	Addendum #1	

Appendix B: Dimensional Chart

Lot Dimensions		Zoning for Residence District A
Lot Area	113,292sf	60,000sf
Frontage	213.63'	200' (prior to May 13, 1997)
Lot Width		
Average Natural Grade	231.3' (Determined prior to initial construction)	

Building Dimensions	Existing As Built	Proposed	
Front Setback	187.3'	No Change	60'
Front Setback (from road centerline)	212.3'	No Change	85'
Side yard (right)	152.3'	No Change	45'
Side yard (left)	131.2'	No Change	
Rear yard	206.9'	No Change	
Average Grade	228.0'	No Change	
Maximum Height from Average Grade	35'	No Change	
Maximum Height from Average Natural Grade	32'	No Change	37'
Roof height (elevation)	263.3'	No Change	268.3'
RGFA	5,992 sf	6,639sf	6,000sf

Appendix C. Findings Chart (Reference: Weston Zoning By-Law Section XI. F.)

Standards and Criteria	Finding	Evaluation	Special Condition	Timing
1. Site Integration				
a. Site Sensitivity	C	The existing house and landscaping are consistent with the neighborhood.		
b. Preserve Natural/Historic Features	C	Existing wetland areas and wooded upslope areas are being preserved . There has been excavation of ledge to create the building pad.		
c. Maximize Open Space	C	Open wetland area at the eastern side off the lot is subject to an Order of Conditions. Wooded upslope areas are being preserved		
d. Preserve Scenic Views	C	Existing views will remain unchanged.		
e. Minimize Site Disturbance	C	No new site disturbance is being proposed.		
f. Screen Objectionable Features	C	Property is well screened to Rockport Road. Additional planting is being added to the detention basin.		
2. Adequate Water/Sewage	C	No new water usage or sewage proposed.		
3. Storm Water/Erosion Mgmt.	C	The existing system has been evaluated by a licensed civil engineer.		
4. Minimize Town Services	CC	No new demands on services anticipated. Irrigation systems are conditioned to switch to well.		
5. Vehicular/Pedestrian Safety	C	No increased permanent impact.		
6. Design Harmony	C	The existing scale, proportion, and materials of the proposed construction are compatible with the neighborhood.		
7. Utilities Underground	C			
8. Setback of Objectionable Features	C	No objectionable features at front of property		
9. Minimize Shadows	C	No shadowing impacts are anticipated.		
10. Limit Glare	CC	Existing flood lights will be removed. Existing exterior fixtures will be replaced with dark sky compliant fixtures.		PTO
11. Zoning Requirements	C	Conforms to Residential District A Zoning By-Law requirements.		

(Legend: C=compliant, CC=compliant with conditions, NC=non-compliant, n/a=not-applicable; PTP: Prior to Permitting, DC: During Construction, PTO: Prior to Occupancy)

Appendix D. Meeting Minutes (Draft)

On **September 6, 2016** members of the Planning Board and the Planning Boards Landscape consultant met with the applicants at the project site.

On **September 21**, the Board held its first public hearing.

Aydelott noted that the addition of space to the existing house triggered an RGFA review. A Site Walk was conducted on September 6.

Charles Bourque, representing the owner, told the board that they would like to finish a room over the garage. During the Site Walk, Kim Turner's recommendations included adding shrubs at a Retention Basin. Jeff Plant, Project Landscape Architect for MacDowell Company described the plan, which included the addition of the suggested shrubs. Aydelott confirmed that Turner has approved the plan.

Bourque answered questions about the lighting plan, which included the removal of spotlights and replacement with Dark Sky compliant fixtures. The Board questioned the accuracy of the total lumen count specified and it was determined it was noted incorrectly and Aydelott requested that it be corrected a week in advance of the review at the October 5th Board meeting. He also asked that the Limit of Work line be changed to a No Disturb line, and that the standard condition that would allow the homeowners to manage poison ivy and bittersweet be added to the decision.

On **October 5, 2016** the Board continued the hearing to review the draft decision.

Appendix E.1: Standard Conditions to be Satisfied Prior to Building Permit

1. This Certificate of Action and the approved Site Plans, referenced above, shall be recorded at the Registry of Deeds. Proof of recordation of all documents and plans, including book, page and instrument number, shall be furnished to the Planning Board prior to issuance of a building permit.
2. The Planning Board shall be provided with an electronic copy (in PDF format) of the plans referenced in this Certificate of Action.
3. The Owners of the parcel and the project supervisor and builder shall each sign a copy of a Certificate of Understanding, certifying that they have read and understand all the conditions established herein, and return their signed copies to the Town Planner.
4. The Applicant shall comply with Section 4.0 of the Planning Board "Project Review Fees" document prior to application for a building permit. The Planning Board will determine whether there are sufficient funds in the Applicant's account to cover consultant costs for the final review and inspection phase of the project. The Applicant shall also be responsible for any accrued unpaid fees resulting from the review of the site plan. The Applicant shall deposit additional funds, if needed, as determined by the Planning Board, prior to the issuance of a Building Permit.
5. Prior to application for a Building or Foundation Permit and prior to any work being done on site, including but not limited to tree removal, grubbing, installation of any utilities, septic systems, an orange construction fence shall be erected by the Applicant in the "limit of work" area as shown on the approved Landscape Plan dated 9/26/16,. Note:
 - a. The fencing is to be secured to each post with a minimum of two plastic cable ties or wire ties. The Planning Board's agent shall approve the location and construction of the fence;
 - b. The fence is to be maintained in good order throughout the duration of all construction and prior to any commencement of work. The Board shall give approval for removal of the fence or any portions thereof; and
 - c. Storage of materials, including but not limited to piping, and excavated loam; the parking of vehicles; or any disturbance unless specifically authorized is prohibited outside the limit of work fence.

The limit of work fence shall be inspected and approved by the Town Planner, or other designee of the Planning Board. Field alterations of the Limit of Work Fence may be permitted in the field in order to protect vegetation and allow vehicular and pedestrian access within the site.

Appendix E.2: Standard Conditions to be Satisfied During Construction

1. Working hours shall be in compliance with Article III, Section 13 (Construction activity, included as Appendix G.2) of the Town of Weston General By-laws, except as follows: no blasting, foundation work, excavation or backfilling shall take place on Saturdays.
2. A copy of this Certificate of Action shall be placed in a laminated sleeve and retained on the job site.
3. Should blasting be required and prior to any blasting taking place, the Applicants shall notify the Planning Board, have the blasting contractor prepare a proposed blasting and crushing operations management plan, and meet with the Planning Board to discuss and approve the plan, prior to any blasting taking place.

Impacted abutters shall be provided a copy of the blasting schedule and notified no less than 48 hours in advance of any blasting. The intent of the plan is to ensure the proper management of dust and runoff from blasting and rock crushing activities and to limit noise and other impacts on neighboring properties.

Applicant will also provide notice to any interested person who notifies the applicant or the Planning Board of their interest in receiving notice. Applicant will provide information regarding work to the Town Planner with the understanding that he will share information with any interested person and other Town departments as needed. Notice will be by letter and by email when email addresses are available. Prior to any hammer drilling taking place, the applicant shall provide 48 hours notification to the Town's Planning Board, Fire Department and Department of Public Works and all abutters and parties of interest within a 500' radius of the applicant's property. A schedule of the hammer drilling will be provided to the Planning Board as well as abutters and interested parties. Hours of operation for blasting or hammer drilling are to be limited to Monday through Friday from 7:30am through 5:00pm. Prior to the commencement of blasting or hammer drilling, all sediment controls and dust monitoring equipment shall be installed and inspected. Dust and erosion control measures shall conform to those identified in the approved plans. A crushed stone wash-down pad is to be installed within the "No-disturbance" lines and a source of water provided for use during construction. All trucks, construction equipment and vehicles and personal vehicles of workers are to be washed down, as necessary, prior to leaving the project site and entering adjacent roadways. In addition, at the end of each day, any dirt, mud and/or debris that migrates from the project site to the adjacent roadway(s) is to be cleaned and removed as necessary.

4. All construction vehicles and vehicles of all workers are to be parked off street and within the Project Location. Parking of construction vehicles outside the Project Location is specifically prohibited. (Reference Appendix G.1)
5. All fill used in connection with the Project shall be clean fill as approved by the applicable Town of Weston department or official with jurisdiction. Fill shall not contain trash, refuse, rubbish or debris, including, but not limited to, lumber, brick, asphalt, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, appliances, and motor vehicles. Any fill subject to specialized disposal in conformance with current environmental criteria shall not be utilized.
6. The Applicant shall take all necessary measures to minimize dust from rising and blowing across the site and onto roadways and adjacent properties and to minimize truck vehicles from tracking dirt and construction materials onto public ways. Failure to control dust on the site so that it impacts abutting properties may result in the suspension of construction activities until measures for controlling dust have been implemented.
7. Trucks hauling debris shall be covered and wet down as required to minimize dust. Spillage on roads shall be cleaned up immediately and overloading trucks, that may contribute to spillage on haul roads, is prohibited.

Adjacent roads to the Project shall be swept clean of dirt, sediment, construction debris, etc. at the end of each workday.

8. The Applicant shall install and maintain sedimentation control devices during construction to prevent movement of sediments from the construction site to off-site areas, onto the adjacent right-of-way, into adjacent water bodies via surface run-off or into underground drainage systems. This work shall be performed on and/or adjacent to the following work areas:
 - a. Earthwork stockpiles and on-site storage and staging areas;
 - b. Cut and fill slopes and other stripped and exposed graded areas;
 - c. Constructed and existing swales and ditches; and
 - d. Unestablished lawns and seeded embankments.

Periodic maintenance of all sediment control installations shall be provided to ensure the intended purposes are accomplished.

Sediment and drainage control (hay bales, silt fencing, etc.) measures shall be in working condition at the end of each day. After any significant rainfall, sediment and drainage control devices shall be inspected for integrity. Any damaged device shall be corrected immediately.

9. No run-off shall be directed down the driveway toward any road that borders the project.

Appendix E.3: Standard Conditions to be Satisfied Prior to Occupancy

1. All conditions in this Certificate of Action shall be satisfied and all work shown on the approved plans shall be completed.
2. The Applicant and Owner are hereby notified that if any of the setback requirements are violated, the Planning Board will recommend to the Zoning Board of Appeals that a variance not be granted, and that the Applicant and/or Owners be required to correct the violation.
3. De minimus changes limited to the exact location of the drainage structures and septic system structures; and the exact location, species, and planting materials may be approved by the Town Planner upon the recommendation of the Board's consultants.
4. If a generator is included, its noise specifications shall not exceed 40 dBA at any property line.
5. All proposed plantings shall be installed as shown on the approved Landscape Plan -- the size, quantity, and species of the plant materials (trees, shrubs, etc.) are to be in accordance with the Plantings Schedule.

Once the plant materials have arrived on site and prior to their installation, the Planning Board's agent shall be contacted to arrange for inspection and to approve of plant materials prior to their installation in the ground.

In addition, once the house is constructed and the approved plantings are installed, the Planning Board reserves the right to require additional plantings in order to screen the mass of the house, if the Board deems that the plantings shown on the approved plan are insufficient.

6. De minimus changes limited to the exact location of species and planting materials may be approved by the Town Planner upon the recommendation of the Board's consultants and provided that the intent of the planting plan is maintained.
7. After installation, the Planning Board or its designated agent shall inspect all plantings to ensure that all the plantings have been installed as specified in the Landscape Plan.
8. The storm water infiltration facilities shall be constructed as shown on the approved Site Plan. A representative of Nitsch Engineering, Inc. (NEI), prior to the backfilling of the system, shall inspect the construction of the storm water infiltration facilities. It is the Applicant's responsibility to contact NEI for inspection of the work.
9. Any irrigation system for lawns and shrubs should be serviced by a private, on-site well system. Treated MWRA water shall not be used for lawn irrigation.
10. The only exterior lighting fixtures which are allowed are those shown on the Lighting Plan and all exterior lights shall be placed in the locations per the Approved Lighting Plan. Any changes to the lighting will require approval by the Planning Board and an amendment to this Certificate of Action.

Appendix E.4: Standard Ongoing Conditions

1. All portions of the storm water management systems shall be inspected at a minimum of twice per year, following construction, to ensure that they are in proper working order. Porous pavement is to be vacuumed annually to clear clogging and maintain infiltration. All sumps are to be cleaned once 1/4 of their working depth is full of sediment and debris. At a minimum, sumps shall be cleaned once each year, regardless of the depth of accumulated sediment and debris.
2. The area outside the delineated 'Limit of Work' on the approved drawings is permitted to be maintained as follows:
 - a. The Town Planner shall be notified in writing of any work carried out in accordance with the following conditions.
 - i. Prune existing plants as necessary to maintain health, shape or character;
 - ii. Water existing plants as necessary with supplemental irrigation as deemed necessary;
 - iii. Fertilize existing plants with appropriate organic fertilizer labeled for use on trees;
 - iv. Apply any product necessary to control disease or insect infestation;
 - v. Control any invasive vines and vegetation, including Bittersweet, Poison Ivy, Japanese Knotweed, Winged Euonymous, Buckthorn, and Norway Maple, or as listed on 'The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts' by the Massachusetts Invasive Plant Advisory Group; and
 - vi. Remove any damaged trees caused by storm, insect or disease.
 - b. Trees cut or cleared in accordance with provision vi. above shall be replaced with trees of similar species no less than 8 feet in height, as approved by the Planning Board.
3. Except where explicitly provided otherwise in this Certificate of Action, any deviation or change to the project, including, but not limited to changes in the design and/or location of the house, accessory structures, driveway, septic system, "Proposed Limit of Work" line shown on the approved Site Development Plan, landscaping, exterior lighting, etc., will require the Applicant or his agent to appear before the Planning Board for approval, prior to the change being made under Section V.B.2.c. and Section XI of the Weston Zoning Bylaw and include an amendment to this Certificate of Action.

The Applicant/ Owners are advised that it is their sole responsibility to obtain any approvals for project changes prior to the work being completed.

Appendix F: Special Conditions

None used.

Appendix G.1: ARTICLE IV, USE OF WAYS

SECTION 1. No person shall excavate or dig up any portion of the ground within the limits of any public way for the laying of wires, pipes, or conduits, or for any other purpose, or move any building along such way, or use or occupy any portion of such way for staging or other structures or for the storage of building or other materials without a written permit from the Department of Public Works. Such permit shall be in such form and for such duration as the Director of Operations may determine, and shall be upon condition that the permittee maintain suitable lanterns, danger signals, and barriers for the protection of the public, and restore such way to its original condition or to a condition approved by the Director of Operations. The Director may require that before any such permit is granted, the applicant therefor shall give a bond to the Town, in form and with sureties satisfactory to the Director, to indemnify and save harmless the Town against any and all damage, cost, and expense on account of the issuance of such permit and the work to be done thereunder, and to guarantee the proper performance and completion of said work. (Effective October 9, 1997)

SECTION 2. The Selectmen shall have authority to make rules and regulations with regard to the excavation and use of public ways and with regard to the parking of automobiles and other vehicles upon land owned by the Town and upon highways and streets of the Town; said regulations to establish fees for permit application and inspection, and penalties for violation of said regulations. (Effective October 9, 1997)

SECTION 3. The Superintendent of Streets shall have authority for the purpose of removing or plowing snow, or removing ice from any public way, to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work and the owner of such vehicle shall be liable to the Town for the cost of such removal and storage charges.

SECTION 4. No person shall operate a motor truck or other vehicle within the limits of any highway in the town for the purpose of collecting and disposing of ashes, rubbish, garbage, or other refuse unless such truck or vehicle is supplied with a suitable cover of wood, canvas or other material satisfactory to the Selectmen.

SECTION 5. No person, other than an employee or other person in the service of the Commonwealth of Massachusetts or the Town of Weston shall direct, discharge, dump, shovel, pile, push, blow, plow or deposit snow, ice or water under conditions where water would be subject to freezing onto, into or across any public way, including sidewalks, or public property, or cause, direct, sanction or authorize any such activity involving snow, ice or water on a public way or public property. No person shall discharge, cause the discharge, or divert a natural flow of surface or ground water in such a manner that it will cause an icing condition on a way.

This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition.
(Effective May 18, 2009)

Appendix G.2: Town By-law Article III, Section 13 (Construction Activity)

Construction activity shall be permitted Monday through Friday, 7:00 a.m. to 6:30 p.m. Construction activity shall also be permitted on Saturdays from 7:00 a.m. to 5:00 p.m.; provided however that such activity shall be limited to interior work only, and may be undertaken only when the home or structure is constructed to the point where such activity cannot be heard outside the home or structure. No outside construction activity shall take place on Saturdays except between the hours of 8:00 a.m. and 3:00 p.m. No outside construction activity shall take place outside the specified permitted hours or on Sundays or New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday, except as may be permitted on a case by case basis by the Chief of Police, or his designee, based on unusual circumstances.

For purposes of this by-law, the term "construction activity" shall include those activities requiring a building permit or any site preparation, seismic surveys, grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property, as well as the noise and other impacts caused by arrival on, and departure from, a site by laborers and equipment.

This by-law shall not apply to: (1) residents of the Town of Weston personally undertaking construction activities on the homes in which they reside or the property upon which such homes are located; (2) routine gardening and landscaping services; or (3) the Town of Weston acting in response to an emergency.

If construction activity occurs at a time other than during the hours authorized herein for such activity, the person found to be in violation, or the owner of, or the person with responsibility for, property on which construction activity occurs, including but not limited to a general contractor overseeing a project, shall be deemed to have violated this by-law.

This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition.

Appendix G.3: Standards and Criteria (from Town By-laws)

1. The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible:
 - a. Minimize use of wetlands, steep slopes, flood plains, hilltops;
 - b. Preserve natural or historic features;
 - c. Maximize retention of open space;
 - d. Preserve scenic views from publicly accessible locations;
 - e. Minimize tree, vegetation and soil removal, blasting and grade changes;
 - f. Screen objectionable features from neighboring properties and roadways.
2. The development shall be served with adequate water supply and sewage disposal systems. For structures to be served by sewage disposal systems, the applicant shall submit a complete design prepared and stamped by a registered professional engineer and containing all information required by the Board of Health to approve sewage disposal systems.
3. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and at the project boundaries the rate of runoff shall not be increased.
4. To the extent feasible, development shall minimize demands placed on Town services and infrastructure.
5. The development shall provide for safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.
6. Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town including the use of appropriate building materials, screening, and other architectural techniques.
7. Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally infeasible, in which case such utilities shall be screened.
8. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors from objectionable features.
9. To the extent feasible, proposed projects shall be designed in such a way as to minimize shadows on neighboring properties.
10. There shall be no unreasonable glare onto public roads and other public ways, into the night sky, or onto neighboring properties from lighting or reflection.
11. The site plan shall comply with all zoning requirements.