

TOWN OF WESTON  
MASSACHUSETTS

BOARD OF APPEALS

COMPREHENSIVE PERMIT UNDER M.G.L. CHAPTER 40B [9/7/17 DRAFT]

APPLICANT: 104 Stony Brook LLC, PO Box 158 Waban, MA 02468.

LANDOWNER: 104 Stony Brook LLC

SUBJECT PROPERTY: 104 Boston Post Road, Weston, MA

DISPOSITION: The Application for a Comprehensive Permit is granted, conditioned by the findings, conclusions, conditions, requirements and statements contained throughout this Decision in its entirety.

RECORD OF PROCEEDINGS:

There having been presented to the Zoning Board of Appeals (the “Board” or the “ZBA”) a petition for a Comprehensive Permit dated February 22, 2017, by 104 Stony Brook LLC (the “Applicant”) the Board decided to hold a public hearing on said petition on Thursday, April 6, 2017 at 7:00 pm, and caused the following notice to be published in The Town Crier, a newspaper of general circulation in Weston:

TOWN OF WESTON  
MASSACHUSETTS  
BOARD OF APPEALS  
Hearing Notice

Notice is hereby given that the Board of Appeals of the Town of Weston will hold a public hearing on **Thursday, April 6, 2017 at 7:00 P.M.** in a conference room at the Weston Town Hall, on an application by 104 Stony Brook LLC, P.O. Box 158, Waban, MA as to **104 Boston Post Road** (Map 24, Lot 5) requesting a Comprehensive Permit under M.G.L. Ch. 40B for 154 rental housing units (39 of which will be affordable) on 2.1 acres.

The petition and plans on above application with said Board of Appeals are available for public inspection in the office of the Board of Appeals on Monday through Friday, from 9 A.M. to 4:30 P.M. Documents may also be viewed at:

<http://www.weston.org/509/Current-40B-Proposals>

The Board also mailed the foregoing notice postage prepaid to the parties in interest deemed by the Assessors Office to be all persons affected by said petition as they appear on the most recent tax list, Board of Appeals Members, Li, Carlson, and Laroque, plus the Planning Boards of [ ]

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

Pursuant to the foregoing notice, the Board of Appeals opened the public hearing on April 6, 2017 at 7:00 P.M. in the Weston Town Hall. The following members were present for all of the public hearings sessions listed in Section IV, below:

Winifred I. Li, Chair  
Jane Fisher Carlson, Acting Secretary  
Stephen J. Laroque (absent on April 6, 2017, but reviewed the hearing videotape)

## BACKGROUND

The development project proposed under this Comprehensive Permit application (the “Project”), was originally submitted to the Massachusetts Housing Finance Agency (“MassHousing”) by the Applicant on November 23, 2016 for Project Eligibility/Site Approval under M.G.L. c. 40B §§ 20-23, a copy of which was provided to the Board. The Project as originally designed consisted of 154 units of rental housing, 39 of which were to be restricted as affordable units. MassHousing provided a 30-day period for the Town to review the Site Approval application, and to submit comments to Mass Housing. At the request of the Town Manager, this period was extended by MassHousing for a period of two weeks. The Town submitted a letter dated January 11, 2017, which summarized the comments in its Project Eligibility/Site Approval letter (“PEL” or “Site Approval”) issued February 21, 2017. A list of documents filed with the Town concerning the original design is attached as Exhibit A.

The Applicant has re-designed the Project since the initial filing with MassHousing, after receiving comments and a determination from the Conservation Commission concerning the portion of the original project located in the 200’ jurisdictional riverfront and wetlands resource areas. As a result of the Conservation Commission’s comments, and before the opening of the public hearing on April 6, 2017, the Project was re-designed dated March 28, 2017 in order to remove it entirely from the jurisdictional resource area. As a result, the most recent design, for which the Comprehensive Permit is issued, is comprised of 150 rental units, 38 of which will be restricted as affordable units (“Affordable Units”) for low or moderate income persons or families. The rental units as most recently designed are to be housed in a residential structure consisting of three-, four- and five-stories, located at the Intersection of MA Routes 128 and 20 (Boston Post Road at Sibley Road) across from the Weston Corporate Center. The Site abuts Commercial and Industrial properties to the north and east and the City of Cambridge Water Department to the south and west. Route 20 is one of Weston’s major state highways, and the project is located immediately adjacent to Route 20.

The Applicant has been meeting with officials of the Town of Weston since late summer of 2016 in attempt to bring project forward as a “Friendly 40B,” under the Town’s Guidelines, including public meetings before the Weston Housing Partnership and Affordable Housing Trust, Board of Selectmen, Historical Commission, Planning Board, Town Planner, Superintendent of Schools and representative members of the School Committee, all immediate abutters, the Conservation

Commission, the Land Use Coordinator Inspector of Buildings & Zoning Enforcement Officer, Department of Public Works, Board of Health officials, and the Fire Department.

I. The Applicant submitted to the Board the following plans and materials as prepared by the Applicant and its consultants, dated March 28, 2017, and as most recently revised as set forth below (herein collectively known as the “Plan of Record”):

A. Site Development Plans for Stony Brook Weston, 104 Boston Post Road, Weston, MA, prepared by Allen & Major Associates, Inc. (“A&M”), March 28, 2017.

1. Cover (rev. 7-28-17)
2. Drawing ABB-1 Abbreviations & Notes (rev. 7-28-17)
3. Drawing ABB-2 Abbreviations & Notes (rev. 7-28-17)
  
4. Drawing EX-I Existing Conditions Plan (rev. 3-28-17)
  
5. Drawing C-1 Demolition & Erosion Control Plan (rev. 7-28-17)
6. Drawing C-2A Layout & Materials Plan (rev. 7-28-17)
7. Drawing C-2B Parking Plan (P-2) (rev. 7-28-17)
8. Drawing C-2C Parking Plan (P-1) (rev. 7-28-17)
9. Drawing C-3A Grading & Spot Grades Plan (rev. 7-28-17)
10. Drawing C-3B Drainage Plan (rev. 8-11-17)
11. Drawing C-4 Utilities Plan (rev. 7-28-17)
12. Drawing C-5A Landscape Plan (rev. 8-11-17)
13. Drawing C-5B Landscape Details (rev. 8-11-17)
14. Drawing C-6 Fire Truck Turning Plan (rev. 7-28-17)
  
15. Drawing D-1 Details (rev. 7-28-17)
16. Drawing D-2 Details (rev. 7-28-17)
17. Drawing D-3 Details (rev. 7-28-17)
18. Drawing D-4 Details (rev. 8-11-17)
19. Drawing D-5 Details (rev. 7-28-17)

B. Stony Brook Weston (Revised Submission), prepared by Smook Architecture and Urban Design, 8 Lyman Street, Suite 206, Westborough, Massachusetts 01581 (“Smook”), March 28, 2017.

1. Sheet A0.0 Cover
2. Sheet A0.1 Locus Plan, Drawing List, Project Narrative, and Building Tabulations
  
3. Sheet A1.0 Lower Level Partial Plan
4. Sheet A1.1 P1 Parking Level Plan
5. Sheet A1.2 P2 Parking Level Plan
6. Sheet A1.3 Typical Floor Plan (1<sup>st</sup>-3<sup>rd</sup> Floors)
7. Sheet A1.4 Fourth Floor Plan
8. Sheet A1.5 Fifth Floor Plan
9. Sheet A1.6 Roof Plan

- 10. Sheet A1.7            Enlarged Typical Unit Plan
- 11. Sheet A2.0            Exterior Elevations
- 12. Sheet A2.1            Courtyard Elevations
- 13. Sheet A3.0            Building Section
- 14. Sheet A4.0            Perspective
- 15. Sheet A4.1            Perspective

II. Town department documents, letters, and emails submitted to the ZBA include:

- A. Letter dated January 10, 2017 from the Weston Board of Selectmen to MassHousing
- B. Memorandum dated December 22, 2016 from the Weston Board of Health to the Board of Selectmen, including copy of 310 CMR 15.000
- C. Letter dated January 4, 2017 from the Weston Planning Board to the Board of Selectmen.
- D. Memorandum by email dated January 13, 2017 from the Weston Affordable Housing Trust to the Board of Selectmen.
- E. Memorandum dated December 21, 2016 from the Weston Conservation Commission to the Board of Selectmen.
- F. Memorandum dated January 10, 2016 [sic] from the Weston Historical Commission to the Town Manager and Board of Selectmen.
- G. Letter dated April 6, 2017 from the Board of Selectmen to the Zoning Board of Appeals.
- H. Memorandum dated April 6, 2017 from Town Engineer to the Zoning Board of Appeals.
- I. Memorandum dated April 26, 2017 from Conservation Commission to Zoning Board of Appeals.
- J. Memorandum dated June 7, 2017 from the Weston Planning Board to the Zoning Board of Appeals.
- K. Letter dated June 27, 2017 from David B. Soar, Chief of Weston Fire Department, to Zoning Board of Appeals.
- L. Letter dated August 8, 2017 from Weston School Committee to Zoning Board of Appeals.

III. Additional Documents in the file include, but are not limited to:

- A. Documents submitted by the Applicant, the Applicant’s consultants, the Board’s peer reviewers, and others:
  - 1. Project Eligibility Letter for Stony Brook Weston, MA, MH ID #906, dated February 21, 2017, issued by MassHousing, 1 Beacon Street, Boston, MA.
  - 2. Application by 104 Stony Brook LLC to the Zoning Board of Appeals for Comprehensive Permit, dated February 22, 2017, date stamped by Town Clerk on February 22, 2017, including plans, site approval letter from MassHousing, list of team professionals, electronic copy of plans.
  - 3. Email dated March 7, 2017 from Julie Barry, Prince Lobel Tye, LLP to Noreen Stockman enclosing letter to Board dated March 7, 2017, Transportation Impact Assessment dated January 2017 by Vanasse & Associates, Inc., for Boston Properties, 133 Boston Post

- Road project, and Fiscal Impact Analysis dated February 3, 2017 by Fougere Planning & Development for Boston Properties.
4. Preliminary Traffic Study and Access Plan, prepared by Vanasse & Associates, Inc., 35 New England Business Center Drive, Suite 140, Andover, MA 01810-1066 (“VAI”), dated March 10, 2017.
  5. Letter dated March 31, 2017 from the Massachusetts Historical Commission to 104 Stony Brook LLC.
  6. Power Point Presentation to the Board, dated April 6, 2017.
  7. Drainage Report Cover Letter dated April 18, 2017 from A&M to the Zoning Board of Appeals, enclosing Site Plans dated March 28, 2017 and Drainage Report for Stony Brook Weston.
  8. Drainage Report for Stony Brook Weston, prepared by A&M, dated April 18, 2017, 247 pages.
  9. Memorandum dated May 1, 2017 from Kleinfelder to the David Kaplan, Watershed Manager, City of Cambridge Water Department.
  10. Letter dated May 1, 2017 from Julie Barry, Prince Lobel Tye, LLP, to the Board in response to letter dated April 6, 2017 by Board of Selectmen to the Board.
  11. Letter dated May 2, 2017 by VAI to 104 Stony Brook LLC, enclosing Conceptual Improvements Plan, 4 sheets: Sidewalk and Crosswalk Plan; Route 20 Left Turn Lane; Site Distance Plan; Truck Turning Plan.
  12. Response Letter to Kleinfelder Peer Review dated May 5, 2017 by A&M to David Kaplan, Watershed Manager, City of Cambridge Water Department.
  13. Drainage Report Cover Letter dated May 5, 2017 by A&M to Zoning Board of Appeals, enclosing Drainage Report dated April 18, 2017, and Response Letter to Kleinfelder Peer Review.
  14. Drainage Plan, Drawing C-3B, revised May 5, 2017; Grading & Spot Grade Plan, Drawing C-3A, revised May 5, 2017.
  15. Email dated May 9, 2017 from Kleinfelder to David Kaplan, Watershed Manager, City of Cambridge Water Department.
  16. Memorandum dated May 12, 2017 by VAI to 104 Stony Brook LLC, enclosing Conceptual Improvements Plan, 4 sheets.
  17. Conceptual Design Executive Summary for Proposed Wastewater Treatment and Evaporation Facilities dated May 12, 2017 by Stantec Consulting Services, Inc. dated May 12, 2017, prepared for 104 Stony Brook LLC.
  18. Letter dated May 15, 2017 by Nitsch Engineering, Board’s peer reviewer, to the Board.
  19. Memorandum dated May 16, 2017 by A&M to Board in response to Kleinfelder Peer Review. Includes Supplemental Drainage Report information.
  20. Drainage Plan, Drawing C-3B, revised May 16, 2017, by A&M.
  21. Details of Detention System, Drawing D-4, revised May 16, 2017, by A&M.
  22. Operations & Maintenance Plan by A&M, revised May 16, 2017.
  23. Memorandum dated May 17, 2017 by Stantec Consulting Services, Inc. for 104 Stony Brook LLC in response to Nitsch Engineering peer review of WWTF.
  24. Email dated May 18, 2017 from David Calhoun, 104 Stony Brook LLC, to Noreen Stockman, Board clerk, enclosing Conceptual Design Executive Summary for Proposed Wastewater Treatment and Evaporation Facilities by Stantec Consulting Services, Inc. dated May 12, 2017.

25. Memorandum dated May 18, 2017 by A&M in response to Nitsch peer review comments. Includes Supplemental Drainage Report information & Operations & Maintenance Plan revised May 16, 2017.
26. Grading & Spot Grade Plan; Drawing C-3B revised May 16, 2017.
27. Detail Plan; Drawing D-4, Revised May 16, 2017.
28. Memorandum dated May 18, 2017 by Karen Sebastian LLC, Board peer landscape reviewer.
29. Memorandum dated May 22, 2017 by A&M in response to peer review comments by Karen Sebastian LLC.
30. Landscape Plan, Drawing C-5A, revised May 22, 2017.
31. Landscape Plan, Drawing C-5B, revised May 22, 2017.
32. Landscape Plan, Drawing C-5A, revised May 30, 2017.
33. Memorandum dated May 22, 2017 by Kleinfelder, City of Cambridge peer reviewer
34. Boring Logs dated June 5, 2017 by New England Boring Contractors, Derry, NH (3 pages) and Boring Location Plan, Sheet B-1, dated by A&M.
35. Letter dated June 12, 2017 from MDM Transportation Consultants, Inc. to Board with Transportation Peer Review Comments.
36. Email dated June 13, 2017 by Julie Barry, Prince Lobel Tye, LLP to Noreen Stockman, enclosing letter to Board dated June 13, 2017, enclosing letter to Board dated June 13, 2017 and WWTF case studies.
37. Letter to Board dated June 13, 2017 from Julie Barry, Prince Lobel Tye, LLP to Board, enclosing WWTF case studies.
38. Revised Plans dated June 15, 2017 by A&M: Sheet 1 Existing Conditions; Sheet C2-A Layout & Materials Plan; Sheet C-3A Grading & Spot Grades Plan; Sheet C-3B Drainage Plan; Sheet D-4 Details; Sheet D-5 Details. Revised Sheet 1 Existing Conditions; dated March 28, 2017.
39. Memorandum dated June 14, 2017 by Chessia Consulting Services, LLC to Board of Selectmen with copy to Zoning Board of Appeals.
40. Memorandum dated June 15, 2017 by A&M in response to David Kaplan, Watershed Manager, City of Cambridge Water Department in Response to Kleinfelder Peer Review letter dated May 22, 2017. Includes Boring Logs dated June 5, 2017 by New England Boring Contractors, Derry, NH (3 pages) and Boring Location Plan, Sheet B-1, dated by A&M.
41. Truck Turning Plan, Sheet C-6, by A&M, revised June 15, 2017
42. Drainage Report revised June 15, 2017 by A&M.
43. Email dated June 16, 2017 by Julie Barry, Prince Lobel Tye, LLP to Noreen Stockman, attaching letter to Board dated June 16, 2017 and Preliminary List of Waivers.
44. Memorandum dated June 16, 2017 by Weston Fire Department as peer reviewer for Board.
45. Memorandum dated June 16, 2017 by A&M in response to Weston Fire Dept. peer review comments.
46. Conceptual Traffic Plans submitted June 19, 2017 by VAI to Board.
47. Email dated June 28th to Weston Fire Department with Landscape Plan, Drawing C-5A; Revised May 30<sup>th</sup> & Truck Turning Plan, Drawing C-6; Revised June 28, 2017.
48. Letter dated June 28, 2017 by Karen Sebastian LLC, peer review of Landscape Plan, Sheets 5A & 5B by A&M.
49. Letter dated June 29, 2017 by A&M to Board in Response to Karen Sebastian LLC Peer Review Letter dated June 28, 2017.

50. Landscape Plan, Drawing C-5A, revised June 29, 2017.
51. Landscape Plan, Drawing C-5B, revised June 29, 2017.
52. Memorandum dated July 6, 2017 by A&M in response to Chessia Consulting Services LLC memorandum.
53. Memorandum dated July 6, 2017 by VAI in response to comments dated June 12, 2017 of MDM Transportation Consultants, Inc. as peer reviewer for Board.
54. Memorandum dated July 14, 2017 by A&M to ZBA; Conditional Approval for Proposed Stormwater Management System.
55. Memorandum dated July 19, 2017 by Karen Sebastian LLC, Board peer landscape reviewer.
56. Memorandum dated July 28, 2017 by A&M to ZBA in response to comments from ZBA, Nitsch, Cambridge Water Department, & Karen Sebastian LLC comments.
57. A&M Full Set of Civil Site Development Plans (Cover thru Details; Sheet D-5) (19 plans), Revised July 28, 2017.
58. Drainage Report revised July 28, 2017 by A&M.
59. Memorandum dated July 28, 2017 by A&M in response to peer review comments by Karen Sebastian LLC.
60. Landscape Plan, Drawing C-5A, revised July 28, 2017.
61. Landscape Plan, Drawing C-5B, revised July 28, 2017.
62. Memorandum dated August 2, 2017 by Karen Sebastian LLC, Board peer landscape reviewer.
63. Memorandum dated August 3, 2017 by MDM Transportation, Board peer traffic reviewer.
64. Email dated August 9, 2017 by Nitch Engineering.
65. Memorandum dated August 11, 2017 by A&M to ZBA in response to comments from ZBA, and Nitsch, Cambridge Water Department, & Karen Sebastian LLC comments.
66. Drainage Report revised August 11, 2017 by A&M.
67. Revised Plans dated August 11, 2017 by A&M: Sheet C-3B Drainage Plan; Landscape Plan, Drawing C-5A, Landscape Plan, Drawing C-5B, Sheet D-4 Details.
68. Letter dated August 28, 2017 by VAI in response to comments submitted on August 3, 2017 by MDM Transportation Consultants, Inc.
69. Email dated August 29, 2017 by Pamela Kammer on behalf of Julie Barry, Prince Lobel Tye, LLP to Noreen Stockman, enclosing letter to Board dated August 29, 2017, concerning Objection to "Site Analysis" by Planning Board.
70. Letter dated September 6, 2017 by VAI, in supplemental response to comments submitted on August 3, 2017 by MDM Transportation Consultants, Inc.

B. Correspondence and other communications from Project neighbors and other Weston residents

1. Letter dated April 6, 2017 from Sean M. McKendry, City of Cambridge Law Department to Board.
2. Letter dated May 22, 2017 from Sean M. McKendry, City of Cambridge Law Department to Board.
3. Memorandum dated July 7, 2017 by City of Cambridge concerning Proposed Conditions and Comments.

IV. The Weston Zoning Board of Appeals held a public hearing comprised of [NUMBER] sessions, duly advertised on the following dates: April 6, 2017, May 2, 2017, May 22, 2017, June 19, 2017, July 10, 2017, July 17, 2017, September 13, 2017 .... A site walk was conducted on July 7, 2017. On [DATE], the public hearing was closed.

V. DECISION

Following the close of the public hearing and after due and open deliberation, the Board voted ~~X-X~~ to grant with Conditions, as set forth herein, the requested Comprehensive Permit under M.G.L. Chapter 40B for the development of a project consisting of a maximum of 150 rental units, 38 of which will be affordable, as defined by MassHousing, all to be housed in one multifamily residential structure with varying elevations of three, four and five stories with 2 stories of below grade structured parking, and basement and mechanical rooms, to be located at 104 Boston Post Road at the Intersection of MA Routes 128 and 20 (“the Site”), on the basis of the following Findings, and subject to the following Conditions and as set forth in the plans provided to the Board as set forth herein. Revised plans reflecting all of the Conditions of this Permit shall be prepared and submitted to the Board for review and approval to the extent they have not already been submitted. Accordingly, the Board acts on the requested Waivers, as set forth below. Any Waiver not expressly granted herein is hereby denied.

Findings:

After hearing and carefully considering the concerns raised by the City of Cambridge, the owner of property abutting the Site and the only abutter to submit comments, and town departments during the course of the public hearing, and reviewing the documents, plans and other evidence concerning the Project, the Board makes the following Findings:

1. The Site contains approximately 2.1 acres, with approximately 1.7 acres to be redeveloped, and is located in Business Districts A and B, a commercial/office district of Weston.
2. The Site is located at the Intersection of MA Routes 128 and 20 at the corner of Boston Post Road and Sibley Road across from the Weston Corporate Center, a location that is directly accessible by residents commuting on Route 128 without need to access town center. Vehicular access into the Site is provided from Boston Post Road onto Sibley Road with two curb cuts for access into and egress from the Project onto Sibley Road and the abandonment of the existing curb cut on Boston Post Road. Traveling west along Boston Post Road into Weston, commercial space occupied by Biogen and Monster is located north of the Site. The south of the Site is wooded undeveloped land, which will remain undeveloped as a result of the modification to the Project plans, which eliminated any impacts to the riverfront and wetlands resource areas. To the east, along Sibley Road, are commercial and industrial developments consisting of the Mobil Gas Station, various commercial tenants, and offices.
3. The Site presently contains an existing residential building with historical significance, the Sibley House, which is currently used for offices. The Applicant has proposed to donate the Sibley House for relocation and perhaps re-use for additional affordable housing units within the Town of Weston. The Applicant is working with veterans groups and the Weston Affordable Housing Partnership/Trust for possible donation and re-use of the building off site.

4. The Site elevation is approximately 138 feet at the center and drops to a low point of approximately 90 feet to the south. The proposed Project will lower the site elevations closer to the existing grades for vehicle access to the Boston Post Road and Sibley Road driveways. As redesigned, the Project Site contains no known wetlands or riverfront resource areas as confirmed by the Conservation Commission's Memorandum referenced in Section II.X, above.
5. According to the Architect's Plans, the Project will consist of one multi-family residential structure with varying elevations of three, four and five stories constructed over a parking podium with two stories of below-grade structured parking, which will be accessed via two curb cuts along Sibley Road with the existing curb cut from Boston Post Road to be abandoned. The Site design includes the incorporation of an emergency access route around the rear of the building consisting of reinforced pavers capable of withstanding fire apparatus loading. The remaining 0.40 acres will remain in its current condition and the development will be situated outside wetland resource areas including the 200-foot riverfront buffer.
6. Of the 150 units, not less than 25% of the units will be restricted as affordable for low or moderate income persons or families earning at or below 80% of the Area Median Income: 14 A1 units (1 Bed, 1 Bath), 7 A+1 units (1 Bed, 1 ½ Bath), 13 B2 units (2 Bed, 2 Bath), and 4 C3 units (3 Bed, 2 ½ Bath). There will be affordable units located on each of the 5 floors. The remaining 112 units will be market rate.
7. 104 Stony Brook LLC controls the entire Site as evidenced by a Deed to it from Massachusetts Broken Stone Company dated January 9, 2015.
8. The Applicant obtained a Project Eligibility Letter ("PEL") from MassHousing dated February 21, 2017, pursuant to 760 CMR 56.00 for the Project.
9. As indicated in MassHousing's PEL, the Town of Weston submitted a Housing Production Plan on June 28, 2016, which had not been certified as of the date of issuance of the PEL. According to DHCD's Chapter 40B Subsidized Housing Inventory (SHI), as of April 30, 2013 3.6% of Weston's housing inventory is considered low or moderate for purposes of M.G.L. Ch. 40B. According to the Weston Housing Needs Assessment of August 5, 2016, of the 3,952 housing units, 149 (3.77%) meet Chapter 40B requirements. An additional 246 units would be required for the town to achieve the 10% threshold of 395. As such the Town of Weston does not satisfy any of the statutory and regulatory exemption thresholds outlined in Chapter 40B and 780 CMR 56.00
10. As a condition of any approval hereunder, not less than 25% of the 150 rental units shall be restricted as affordable for low or moderate income persons or families, and shall be marketed and rented to eligible households whose annual income may not exceed 80% of the area median income ("AMI") adjusted for household size as determined by the U.S. Department of Housing and Urban Development ("the Affordable Units"), and subject to the approval by DHCD, the Affordable Units shall be eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD

11. Traffic – The Applicant submitted a traffic analysis prepared by Vanasse & Associates, Inc., and MDM Transportation Associates, the Town’s peer review traffic consultant, has commented thereon. As the Project is located on MA Routes 128 and 20, the Board does not have jurisdiction, however, the Applicant has agreed to certain conditions, as referenced in Section II.X.
12. Stormwater Management – The Applicant submitted a Drainage Report dated April 18, 2017 prepared by Allen & Major Associates, Inc. (“A&M”), which was revised in full on May 5, 2017, with supplemental updates on May 16, 2017, June 15, 2017, July 28, 2017, and August 11, 2017 in response to comments by Nitsch Engineering, the Board’s peer review engineer, and Kleinfelder Engineering, the peer reviewer for the City of Cambridge Water Department. Chessia Consulting Services LLC also submitted comments (“Chessia Comments”), which were obtained by the Town Manager purporting to act on behalf of the Board of Selectmen although there has been no review or approval of the Chessia Comments by the Board of Selectmen as of the date of this decision. The Chessia Comments reached conclusions that were different from those of the Applicant and all other peer reviewers, and omitted that Conservation Commission has already determined that no resource areas are affected by the Project as re-designed as of March 28, 2017.

To ensure that the Stormwater System will function properly given that the subgrade for the project will not be established, and the soils not tested until construction begins, the Applicant agrees to the following condition: The Stormwater Management System as most recently modified by Allen & Major will be a detention system, which will consist of a solid corrugated metal pipe laid in a bed of crushed stone and over-blasted bedrock with a large storage capacity, and will utilize a level spreader outlet design consisting of an outlet control structure with varying outlet elevations to reduce peak flows for all analyzed storm events as well as a rip-rap lined concrete level-spreader system with perforated pipe set in a Gabion basket, the purpose of which is to dissipate outlet velocities to the maximum extent practicable to mitigate any potential scouring or erosion on the slope leading to the Stony Brook and Stony Brook Reservoir.

The Applicant and design engineer will work directly with the Building Inspector during the permitting and construction phases to ensure the most appropriate design for the system is utilized, and will notify the Board of any changes to the design.

13. Landscaping – the Applicant submitted a Landscape Plan and Landscape Details by A&M (Sheets C-5A and C-5B of the Project Plans), revised on May 22, 2017, May 30, 2017, June 28, 2017, and August 11, 2017 in response to comments by the Board’s peer landscape reviewer, Karen Sebastian, that found the proposed screening was inadequate due to the limited space for plantings and the urban heat effect. In response, the Landscape Plan has been revised, most recently as of August 11, 2017, to increase screening as requested.
14. Wastewater Treatment Facility – The proposed wastewater treatment facility (“WWTF”) for the Project has a design flow of 25,850 gallons per day (“gpd”), none of which will be discharged to town sewer or to groundwater as the WWTF will use evaporation facilities, and, thus, as a system in excess of 10,000 gpd, it falls under MassDEP’s jurisdiction for review and approval, and not the Board’s. The Project will be conditioned upon said review and any required approvals by MassDEP. Nevertheless, the Applicant submitted to the Board

a Conceptual Design Executive Summary for Proposed Wastewater Treatment and Evaporation Facilities by Stantec Consulting Services Inc. dated May 12, 2017, and a representative from Stantec attended the public hearing to address the Board's questions and comments. The peer reviewer for the City of Cambridge, Kleinfelder Engineering, provided comments on the WWTF

15. The Planning Board submitted several memoranda, referenced in Section II.X, expressing opposition to the Project, and also acknowledging that the Planning Board has not reviewed the most current filings, per the Planning Board's June 7, 2017 memorandum.
16. The Board of Selectmen submitted several memoranda, referenced in Section II.X, and apparently the Chessia Comments, expressing opposition to the Project although the comments fail to acknowledge that the Conservation Commission has already determined that no resource areas are affected by the Project as re-designed as of March 28, 2017.
17. The Historical Commission submitted several memoranda, referenced in Section II.X, expressing opposition to the Project, and specifically to the removal and relocation of the Sibley House. The Applicant continues to work with various agencies, including veterans groups, to accept the building as a donation for use off Site.
18. The Conservation Commission issued a letter from Michele Grzenda, Conservation Agent, dated April 26, 2017, in Section II.X, concerning the Project as modified and stating that Conservation Commission review and approval are not required.
19. The Weston Housing Partnership issued a letter dated May 24, 2017, referenced in Section II.X, supporting the Project.
20. The Town Engineer issued a Memorandum dated April 6, 2017, referenced in Section II.X, supporting the Project.
21. Weston Fire Chief David Soar submitted a letter dated June 29, 2017, referenced in Section II.X, stating that the Fire Department is satisfied with the site plan access for the Project.
22. The Site Layout Plan (see Section I.X, above) provides for 197 parking spaces on two levels of underground garage, which is not in compliance with zoning but for which the Board has granted a Waiver. See below, and Exhibit A to this Decision.
23. There were no neighbors or town residents who expressed opposition to the Project, other than those individuals on certain town boards, notably the Weston Historical Commission. The only abutter to the Project to submit comments and attend the hearing was the City of Cambridge Water Department and its concerns have been addressed in certain conditions at Section XX, below.
24. In accordance with Board regulations, the Board determined that it required technical advice unavailable from municipal employees. As a result, the Board employed outside consultants:

Nitsch Engineering, 2 Center Plaza, Suite 430, Boston, MA 02108 – Engineering Peer Review.

MDM Transportation Consultants, 28 Lorde Road, Suite 280, Marlborough, MA 01752 – Traffic Impact Assessment Peer Review.

Karen Sebastian, Landscape Architect, 44 Leonard Street, Waltham, MA 02451.

Horsley Witten Group, 294 Washington Street, Suite 801, Boston, MA 02108.

These outside consultants provided assistance to the Board in plan review, impact analysis, traffic safety and access, and other technical assistance necessary to insure compliance with relevant laws and regulations prior to action by the Board. In addition, the Board employed KP Law for necessary legal assistance, including but not limited to, analyzing the Application, and providing legal counsel for the Decision. All consultants were selected and retained by the Board, with the actual and reasonable costs for the services paid by the Applicant.

In addition, the City of Cambridge retained Kleinfelder Engineering, 215 First Street, Suite 320, Cambridge, MA 02142 for drainage and stormwater review.

The Weston Town Manager, purportedly acting for the Board of Selectmen, retained Chessia Consulting Services, LLC – Stormwater Peer Review.

25. The Project does not comply with certain zoning bylaw provisions. As provided in Chapter 40B, the Applicant has requested waivers from these provisions, see below and Exhibit B to this Decision.

On [DATE], the Board voted X-X to adopt the above-stated findings of fact.

#### Conditions for the Stony Brook Weston Comprehensive Permit

##### A. General Conditions

1. This Comprehensive Permit is issued for the Project with the Conditions as set forth herein.
2. The Permit is issued to the Applicant or an affiliate of the Applicant and as otherwise provided by 760 CMR 56.05(12)(b) et.seq.
3. The Comprehensive Permit is based upon a Project Eligibility Letter issued to the Applicant from MassHousing and dated February 21, 2017. No grading, land disturbance, issuance of any building permit or construction of any structure or infrastructure shall commence until the Project receives final approval from the subsidizing agency and evidence of said approval is provided to the Board.
4. The Project shall be limited to a maximum of 150 rental units, all of which are eligible as rental units for inclusion in the Town's subsidized affordable housing inventory under M.G.L. Chapter 40B as maintained by MassHousing or any successor agency, with a maximum of 235 bedrooms, as proposed by the Applicant on the plans referenced in the Plan of Record. As a condition of any approval hereunder, not less than 25% of the 150 rental

units shall be restricted as affordable for low or moderate income persons or families, and shall be marketed and rented to eligible households whose annual incomes shall not exceed 80% of AMI. All Affordable Units shall be eligible to be included in the Town's Subsidized Housing Inventory, as maintained by DHCD.

The Applicant shall notify the Town Manager of Weston when building permits and occupancy permits are issued for the Affordable Units and cooperate with the preparation of request forms to add the units to the Town's SHI as provided for under 760 CMR 56.03(2). The 38 Affordable Units shall remain permanently affordable for so long as the Project is not in compliance with the Town's Zoning Bylaw, or for the longest period allowed by law, if longer, so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under G.L. c. 40B, §§ 20-23.

To the extent allowed by the Subsidizing Agency or under G.L. c. 40B, an affordable restriction and regulatory agreement shall be signed with the Town and recorded at the Middlesex Registry of Deeds. As required by law or hereunder, the Applicant shall be a limited dividend organization and comply with the limited dividend requirements of G.L. c. 40B, § 20 and otherwise limit its profits as required under G.L. c. 40B (as determined by the Subsidizing Agency) and any excess profits shall be paid by the Applicant and distributed as required by the Subsidizing Agency and in accordance with applicable law, regulations, and/or guidelines.

5. The Applicant shall submit a copy of written evidence indicating the availability of qualifying program funds or conventional financing to complete the Project to the Building Inspector prior to the issuance of a building permit. The Applicant shall copy the Board on this submission.
6. This Decision shall be recorded at the Middlesex County Registry of Deeds. This Decision shall become effective upon recording. Proof of recording shall be forwarded to the Board and the Building Inspector prior to issuance of a building permit or the start of construction.
7. The Applicant shall copy the Board and the Building Inspector on all testing results, official filings, and other permits issued for the Project, including but not limited to any conditions issued by MassDEP concerning the WWTF or MassDOT concerning traffic and/or roadway improvements.
8. All units proposed as part of the Application, including both market-rate and affordable units, shall be evenly distributed throughout the Project and shall have the same exterior appearance and construction quality and shall be built in conformity with the plans and renderings submitted, and revised, as part of the Application for a Comprehensive Permit. The plans accompanying the Building Permit application shall reflect all of the Conditions of this Permit. No building permits for the Project shall be issued unless the final building plans have been submitted to the Building Inspector who shall confirm the consistency of such plans with all aspects of the Comprehensive Permit and the Massachusetts Building Code. The Applicant will submit a copy of the Final Approval from the Subsidizing Agency to the Building Inspector. The Applicant shall copy the Board on these submissions.

9. The Applicant shall allow the Building Inspector, members of the Board and Town staff (acting in their capacity as a member of the Board or other Town official) to enter and inspect the Project during construction after providing reasonable notice of not less than 24 hours to the Applicant.
10. The Applicant shall not enter onto anyone else's property without obtaining the necessary permission or legal right to do so, in advance.
11. Each condition in this Decision shall run with the land and shall, in accordance with its terms, be applicable and binding on the Applicant and the Applicant's successors and assigns.
12. This Decision permits the construction, use, and occupancy of a maximum of 150 rental units on the Site. The construction or renovation and occupancy of the Project shall be in substantial conformity with the Plans referenced above and as modified to be consistent with this Decision and there shall be no further division or subdivision of the Site, or the creation of additional housing units or any other structures or infrastructure except that which is shown on the proposed plans (as required to be revised by this Decision) without further approval of the Board in the form of an amendment to this Decision and pursuant to statutory requirements applicable at the time and in accordance with the terms and conditions of this Decision.
13. The Project shall comply with all applicable rules, regulations, filing and permit requirements and certifications required by the regulations governing the Massachusetts Environmental Policy Act ("MEPA") to the extent that MEPA review is required (which has not been suggested or indicated as of the time of issuance of this Permit), compliance with which shall be a condition precedent to the commencement of work authorized under this Comprehensive Permit, and no grading, land disturbance, issuance of any building permit or construction of any structure or infrastructure shall commence until any applicable requirements of MEPA have been complied with in full.
14. The Project shall comply with all applicable rules, regulations, filing and permit requirements and certifications required by the regulations of the Massachusetts Department of Environmental Protection ("MassDEP") concerning the WWTF and stormwater management, compliance with which shall be a condition precedent to the commencement of work authorized under this Comprehensive Permit, and no grading, land disturbance, issuance of any building permit or construction of any structure or infrastructure shall commence until any applicable requirements of MassDEP have been complied with in full.
15. The Project shall comply with all applicable rules, regulations, filing and permit requirements and certifications required by the regulations of the Massachusetts Department of Transportation ("MassDOT"), compliance with which shall be a condition precedent to the commencement of work authorized under this Comprehensive Permit.
16. Prior to the issuance of any building permit, the Applicant shall:
  - a. To the extent it is a public record, deliver to the Board a copy of the financing contract between the Applicant and the federal or state agency or conventional

financing commitment providing the financing for the construction of low or moderate income housing required by the Chapter 40B for a Comprehensive Permit for the Site.

- b. As part of the building permit process, deliver to the Building Inspector final architectural drawings for all buildings shown on the Plan of Record as revised by the Comprehensive Permit (i.e., to conform with the requirements of the Comprehensive Permit) providing a scaled depiction of the front, rear and side elevations, duly sealed and signed by an architect registered in the Commonwealth of Massachusetts and the elevations used shall be as established by a professional land surveyor. The Applicant shall copy the Board on this submission.
  - c. As part of the building permit process, deliver to the Building Inspector final plans for all landscaping shown on the Plan of Record as revised by the Comprehensive Permit, prepared and duly sealed by a Landscape Architect registered in the Commonwealth of Massachusetts and showing the on-site landscaping and screenings, shade trees as well as the type and number, size and location of all proposed landscaping materials. The Applicant shall copy the Board on this submission.
  - d. As part of the building permit process, deliver to the Building Inspector final and detailed utilities plans and profiles shown on the Plan of Record as revised by the Comprehensive Permit including properly labeled drainage components and all site utilities; electric, gas, and water supply lines, and to the detail required to obtain a building permit in accordance with the State Building Code. The Applicant shall copy the Board on this submission.
  - e. As part of the building permit process, deliver to the Building Inspector final and detailed plans and profiles shown on the Plan of Record as revised by the Comprehensive Permit prepared and duly sealed by a professional engineer. Final plans shall be delivered to the Building Inspector for review to determine if they are in conformance with this Decision. The Applicant shall copy the Board on this submission.
  - f. As part of the building permit process, deliver to the Building Inspector any and all existing easements and covenants affecting the use of the Site and locating them on a site plan. The Applicant shall copy the Board on this submission.
17. Prior to the occupancy or use of any portion of the Project, the Applicant shall submit to the Building Inspector "As-Built Plans" showing all infrastructure that exists on the Site, above and below grade, including appropriate grades and elevations. The As-Built Plans shall be duly sealed and signed by a registered architect, professional land surveyor or civil engineer, as the case may be, certifying the Project is built consistent with the Plan of Record as revised by this Comprehensive Permit. Nothing herein shall prohibit the issuance of an occupancy certificate for a portion of the Project as completed, subject to the approval of the Building Inspector. The Applicant shall copy the Board on this submission.

18. Prior to the occupancy or use of any building constituting a part of the Project, the Applicant shall submit to the Building Inspector accurate as-built utilities plans and profiles, showing actual in-ground installation of all utilities. The Applicant shall copy the Board on this Submission.

#### Site Development/Construction Conditions

1. The Applicant shall ensure safe and convenient vehicular access to the Site during the entire duration of the construction of the Project. Parking during construction shall be prohibited along MA Route 20.
2. The Applicant shall submit a construction and permitting schedule to the Building Inspector prior to the start of construction and regular reports as appropriate or upon request by the Building Inspector. The Applicant shall copy the Board on this Submission.
3. The Applicant shall forward final signed and sealed architectural plans to the Board and the Building Inspector at the time of applying for building permits. All construction shall be inspected by the Building Department and shall be in compliance with all Massachusetts State Building Code Requirements, and all other state and federal requirements that apply, including all local requirements not raised below.
4. The Applicant shall be responsible for ensuring that nuisance conditions do not exist in and around the Site during the construction operations. The Applicant shall at all times use reasonable means to minimize inconvenience to those in the general area and to maintain security at the Site during construction. In the event of blasting at the Site, a formal Blasting Procedure application will be submitted to the Fire Department for approval.
5. Hours: The hours of operation for any construction activities on-Site shall be consistent with Article III, Section 13 of the Town of Weston General By-laws. Specifically, construction activity shall be permitted Monday through Friday, from 7:00 am to 6:30 pm. Construction activity shall also be permitted on Saturdays from 7:00 am to 5:00 pm. No outside construction activity shall take place outside the specified permitted hours on Sunday or New Years' 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.

These limits shall not apply in the event any public agency requires emergency work to remediate/mitigate a hazardous situation.

6. Noise: The Applicant shall implement measures to ensure that noise from Project construction activities does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. In the event of blasting at the Site, a formal Blasting Procedure will be submitted to the Fire Department for approval. The Applicant shall cease any excessively loud activities when directed by the Building Inspector.
7. Roads: The Applicant shall be responsible for maintaining, repairing and sweeping Boston Post Road and Sibley Road and the Project's interior roadway, and for the removal of snow and sanding of the Project's internal walkways and roadway during construction of the

Project. All public ways shall be maintained and kept free of construction debris. The Applicant and its contractors, employees, and agents shall perform cleanup of all construction debris, including soil caused by Site construction activity, on adjacent public streets and within 100 yards from the entrance to the Project as needed. The Applicant is responsible for obtaining an accurate pre-construction survey of the surrounding roadways to the Site, shall be responsible for any repairs to such roadways necessitated by the Applicant's construction activities, and shall review the same at the preconstruction meeting referenced in Paragraph 8, below. The Applicant shall monitor damage to public streets and shall promptly repair any damage to public infrastructure caused by any Site construction activities undertaken by the Applicant's contractors, employees or agents.

8. Prior to starting any work under this Comprehensive Permit, the Applicant and the general contractor shall hold a preconstruction meeting with the Building Inspector, Town Engineer, and the Department of Public Works representative to review the requirements in order to ensure compliance with this Decision.
9. Prior to starting any work under this Comprehensive Permit, the Applicant shall provide to the Building Inspector:
  - a. The company affiliation, name, address and business telephone number of the construction superintendent who shall have overall responsibility for construction activities on site.
  - b. A copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Site have been paid.
  - c. Certification from the Applicant that all required federal, state and local licenses and permits have been obtained.
  - d. Proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work.
  - e. Proof that street signage is in place to ensure that emergency personnel can locate the Site to provide emergency services to protect and secure the Site and construction personnel.
  - f. At least 48 hour written notice.

In addition, the Applicant shall provide the Building Inspector with at least 48 hours written notice prior to restarting work if activity on the Site ceases for longer than one month.

10. Utilities: Utilities within the Site, including but not limited to electric, cable and telephone, shall be located underground. A final utility plan approved by the applicable public utility companies shall be submitted to the Town Engineer and Building Inspector at such time as required.
11. The Applicant shall install and maintain sedimentation control devices during construction to prevent movement of sediments from the construction site to off-site areas, into the adjacent

right-of-way, into adjacent water bodies via surface run-off or into underground drainage systems. Sedimentation and erosion control shall be accomplished 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.
- d. Unestablished lawns and seeded embankments or other open areas.

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

12. No areas shall be left in an open, unstable conditions longer than fourteen (14) days. Bare ground that cannot be permanently stabilized within fourteen (14) days shall be stabilized by annual rye grass following U.S. Natural Resource Conservation Service procedures. Final stabilization shall be accomplished by loaming and seeding exposed areas. Disturbed areas shall be brought to final finished grade and stabilized permanently against erosion as soon as practicable.
13. At such times as any building or other structure remains in an open or unstable condition, the Applicant shall provide additional site security as needed.
14. In the event of blasting at the Site, a formal Blasting Procedure application will be submitted to the Fire Department for approval.
15. Prior to issuance of building permits, the Applicant shall:
  - a. Provide to the Building Inspector a final Stormwater Pollution and Prevention Plan (“SWPP”) to address specific sedimentation, erosion and dust control, which illustrates, at a minimum, locations of measures such as hay socks, silt fence, sedimentation basins, and all other erosion controls on the plans, and provides detailed construction sequencing and methods to protect the infiltration capacity of each infiltration system relating to the detention system.
  - b. Obtain a National Pollutant Discharge Elimination System General Permit (“NPDES”) from the U.S. Environmental Protection Agency, as necessary for construction of the Project at the Site.
  - c. Provide procedures that outline the specific operation and maintenance measures for all stormwater/drainage facilities, including any temporary facilities that shall be employed to minimize or eliminate the threat of transmission of mosquito-borne diseases to residents of the Project and nearby residents.

16. During construction, no run-off shall be directed down the driveway onto Boston Post Road or Sibley Road. The following conditions shall be implemented by the Applicant during construction:
  - a. Maintain the construction site free of dust that would create a hazard or nuisance of adjacent properties.
  - b. Trucks hauling debris shall be covered and sprayed down with water as required to minimize dust. Spillage on roads shall be cleaned up immediately, and overloading trucks, which may contribute to spillage on haul roads, is prohibited.
  - c. Maintain any drainage or sediment controls in good working order (hay bales, silt fencing, etc.). Inspect all drainage and sediment controls prior to and immediately after any storm event.
  - d. Boston Post Road and Sibley Road shall be swept clean of dirt, sediment, construction debris, etc., at the end of each work day.
17. Dumpsters shall be covered when not being loaded to keep debris within the Site, and the Applicant shall be responsible for the prompt removal of any debris which escapes enclosure. Use of the dumpster(s) shall be limited to the duration of the active construction period.
18. All fill used in connection with this Project shall be clean fill, as approved by the applicable Town of Weston department or official with jurisdiction. No fill shall contain any trash, refuse, rubbish or debris, including, but not limited to: lumber, brick, asphalt, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, appliances, motor vehicles or any part of the foregoing. Any fill subject to specialized disposal in conformance with current environmental criteria shall not be used.
19. Prior to issuance of building permits, the Applicant shall conduct a hydrant flow test to determine available flow and pressure to fight a fire, and provide the results of such test to the Water Superintendent and Fire Chief. In the event that there is insufficient water pressure or volume for fire protection, plans shall include on-site improvements such as a fire pump or off-site improvements to the municipal water distribution system as required to maintain a residual pressure of 20 psi in the municipal water distribution system. If any such additional site improvement proves necessary, the Applicant must obtain the Board's approval for a modification of the Permit and the Plan of Record. The procedure for flushing, disinfecting and pressure testing of the water mains shall be approved by the Town's Water Superintendent.
20. The applicant will, no later than 45 days prior to the start of construction, prepare a Construction Fire Safety Program in accordance with the NFPA 241 Standard for Safeguarding Construction, alteration, and Demolition Operations 2013 Edition. The Fire Safety Program will be reviewed in person with the Weston Fire Chief and Captain and Senior Management for the development entity and the General Contractor. The Safety program once reviewed and approved a copy will be filed with the Board and the Safety Program will commence at the start of construction.

21. The following conditions must be adhered to prior to any construction activities and during construction:

- a. The Applicant shall stake the perimeter every 10 feet a few inches inside the property line.
  - i. No part of the stakes along the perimeter shall be on abutters' properties.
  - ii. Trees straddling the property line shall be assumed to be jointly owned by the Applicant and the abutter. The perimeter stakes shall be installed on the Applicant's side of jointly owned trees, entirely on the Applicant's property.
- b. The Limit of Work is the limit of grading and general excavation. No construction staging or stockpiling of equipment or materials shall be placed outside the Limit of Work.
- c. The Applicant shall install a Limit of Work fence at the limit of grading and excavation as shown on the Plan of Record, as revised to conform with the Conditions of this Decision. The fence shall prevent debris from exiting the Site and shall prevent trespassers from entering the Site. The fence shall be inspected and approved by the Building Inspector prior to construction for conformance with the Plan of Record, as so revised.
- d. No grading or excavation shall disturb or undermine the ground of the adjacent properties. In the event of blasting at the Site, a formal Blasting Procedure will be submitted to the Fire Department for approval. The Board requires that the Applicant adjust plant locations whenever existing roots are encountered during excavation for root balls.
- e. Any required root pruning of abutters' trees, if necessary, shall be performed either directly by or under the guidance of a Certified Arborist. Any such root cutting shall occur only on the Applicant's property (unless there is permission or legal right to enter onto abutting property) and shall occur only in accordance with all of the requirements of Massachusetts state law.

22. All exterior lighting at the Site shall be dark sky compliant and shall not allow spillover of light onto adjoining properties, in accordance with the Plans and the Town's Bylaws.

### C. Legal Requirements

1. The Applicant shall be bound by all conditions and requirements set forth in this Comprehensive Permit.
2. The internal roadways, utilities, drainage system, wastewater collection, and all other infrastructure shown in the Plan of Record shall remain private, and the Town of Weston shall not have, now or ever, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to the removal of wastewater, snow removal, and trash collection.

3. No material deviations to the Plan of Record, as amended to comply with this decision, including renderings or drainage plans, shall be made without prior approval of the Building Inspector and/or the Board, after such notice and hearing, if any, required under 760 CMR 56.05(11).
4. Any modifications to this Permit shall be subject to the provisions of 760 CMR 56.05(11), or any successor regulation thereto.
5. The following conditions must be satisfied prior to issuance of a Certificate of Occupancy:
  - a. Utilities and Infrastructure compliance: All utilities (water, wastewater, electrical, cable and gas) shall be installed as shown on the Plan of Record, as amended to comply with this Decision, and in accordance with applicable Town standards.
  - b. Utility Easements: All easements for private systems within a public way shall stay secured via license agreement or other action from the Town. Cross easements from all property owners in the area shall be secured to clarify legal rights for various existing and proposed utilities to be located on the site to the extent required.
  - c. Roadway Improvements: The Applicant shall undertake all improvements located on its property as required by MassDOT.
  - d. As-Built Plans for New Utilities: The Applicant shall prepare an “As-Built” plan of any new utilities and roadway improvements, indicating location and depth of any new utilities, layout of roadway, and other features, as constructed. This plan shall be provided to the Board, and the Building Inspector prior to the final coat of asphalt being installed on the roadway.
6. This Comprehensive Permit shall lapse if the Applicant does not commence construction within three (3) years of the date it becomes final (which is the date this Decision is filed with the Town Clerk if no appeal is filed, or the date the last appeal is decided or otherwise terminated favorably to the Applicant in the event of an appeal). The Board may authorize an extension of the three (3)-year period under the applicable state regulations. Construction shall be completed within five (5) years of this Permit taking effect.
7. The provisions of this Comprehensive Permit shall be binding upon the Applicant, and its successors and assigns, and the authorizations and obligations hereunder shall run with the land. Any instrument for the sale or transfer for rights or interests in all or any part of the Site shall include a condition that all successors are bound by the terms and conditions of this Comprehensive Permit. This Permit is issued to 104 Stony Brook LLC. Any subsequent transfer of this Comprehensive Permit to a person or entity other than 104 Stony Brook LLC shall require written confirmation from DHCD pursuant to 760 CMR 56.05(12)(b), that the transferee meets the project eligibility requirements in 760 CMR 56.04(1), and written notice of any such transfer shall be provided to the Board.

8. The Applicant shall not take any action, or fail to take any action, such that the Project would be brought out of compliance with M.G.L. Chapter 40B, this Comprehensive Permit, or the applicable DHCD Regulations and Guidelines.
9. The Applicant will submit a copy of the final form of the proposed lease for affordable units approved by the Subsidizing Agency to the Building Inspector. The Applicant shall copy the Board on this submission.
10. The Applicant shall be responsible for maintaining landscaping and shall be responsible for trash removal, snow removal, biannual inspection, and maintenance of catch basins, dry wells, inspections of the WWTF, maintenance of any fence installed on the border with the City of Cambridge land, and other infrastructure maintenance.

D. Traffic, Safety and Other Conditions

1. On site traffic signage and pavement markings shall conform to the applicable standards of the current edition of the Manual for Uniform Traffic Control Devices (“MUTCD”).
2. Appropriate driveways, sidewalks, and curbing, sufficient for the safe separation of pedestrians from moving vehicles, shall be provided throughout the Site as shown on the Plan of Record to allow safe vehicular and pedestrian access within the Site.
3. Fire protection methods and systems shall meet all State Fire Code requirements, and a certification of compliance shall be provided to and approved by the Weston Fire Chief or his or her designee.

E. Affordability Requirements

1. The Affordable Units: At least twenty-five percent (25%) or 38 units within the Project shall be made available for rental by low and moderate income individuals (those who earn 80% of AMI) or households as defined by MassHousing.
2. Because of the acute need for additional affordable housing in Weston, the Applicant shall work diligently to provide local preference to Weston residents. To the extent allowed by the Subsidizing Agency, the Applicant shall provide a preference category to the extent allowed under State and Federal law. To the extent the Subsidizing Agency requires evidence be provided in support of the Local Preference, it shall be the responsibility of the Town to provide such evidence. This condition shall become void if the Subsidizing Agency does not approve this Local Preference requirement by such time as the Affordable Units are ready to be marketed, or shall be voidable by the Board if the preference would preclude the Affordable Units from being included on the Town’s SHI. Local preference shall be given to Weston residents to the extent allowed under State and Federal Law.
3. Affordability Restriction: Prior to the issuance of any building permit, the Applicant shall submit to the Building Inspector a copy of the executed and recorded Regulatory Agreement. If the Subsidizing Agency permits, the Regulatory Agreement shall require that the Affordable Units in the Project shall be rented to income-qualifying (i.e., 80% of AMI as

defined above) individuals or households in accordance with this Decision. The Applicant shall copy the Board on this submission.

In addition, as this Decision grants permission to build the Project under the Comprehensive Permit Statute, M.G.L. ch. 40B, §§ 20-23, and as the Applicant has obtained the benefits of a Comprehensive Permit, the Project shall remain subject to the restrictions imposed by this Decision and the affordability restriction required under M.G.L. ch. 40B for 30 years.

If the Comprehensive Permit is modified, then the parties shall modify the Regulatory Agreement to conform the Regulatory Agreement to the modifications.

4. Regulatory Agreement: The Applicant must execute a Regulatory Agreement with the subsidizing agencies and submit copies of said agreement to the Board. In the event that MassHousing does not serve as the subsidizing agency for the Project, the Applicant will execute a Regulatory Agreement with the Town of Weston in substantially the same form used by MassHousing. The Regulatory Agreement shall also contain provisions governing the protection and administration of the Affordable Units covered by this Decision.
5. Audit Requirements: To ensure compliance with the Regulatory Agreement and the requirements of the Comprehensive Permit, the Applicant shall, concurrent with the requirement to provide an annual audit to MassHousing, provide a copy of its annual audit to the Board.

#### F. Surety and Covenants

1. To the extent that landscaping is not completed prior to the issuance of the first certificate of occupancy, the Applicant shall provide the Town with a satisfactory surety, evidence by a written agreement, that shall not expire unless and until it is satisfactorily replaced or released, and in an amount to be determined by the Board in consultation with Town boards and officials and other consultants based upon the Applicant's reasonable estimate of the costs to complete such landscaping work.

In addition, the Applicant shall provide surety sufficient to loam and seed any disturbed areas that are yet to be developed as per the plans. Such surety shall be held by the Town Treasure until the Treasure is notified by the Board to release the surety. Requests to reduce the surety may be submitted as the landscaping work progresses and shall include the amount of requested reduction, a list of work outstanding, and a cost estimate of the same. The amount of the surety retained shall be based on the cost estimate of the remaining work, and the surety shall be fully released upon the completion of landscaping work.

#### G. Drainage Conditions

1. On-site stormwater disposal and management shall conform in all respects to the MassDEP Stormwater Management Program and all applicable provisions of the MassDEP Stormwater Management Policy.

The Stormwater Management System as most recently modified by Allen & Major consists of a detention system with corrugated metal pipe laid in a bed of crushed stone and over-

blasted bedrock with a large footprint and storage capacity, and will utilize an outlet control structure/level spreader design consisting of an outlet control structure with varying outlet elevations to reduce peak flows for all analyzed storm events as well as a rip-rap lined concrete level-spreader system with perforated pipe set in a Gabion basket, the purpose of which is to dissipate outlet velocities to the maximum extent practicable to mitigate any potential scouring or erosion on the slope leading to the Stony Brook and Stony Brook Reservoir. When construction activities commence, and the proposed subgrade has been established, the Applicant will be able to confirm that the soils are favorable for the proposed infiltration system, which will be constructed as designed except it will use perforated corrugated pipe. The Applicant and design engineer will work directly with the Building Inspector during the permitting and construction phases to select the most appropriate design (infiltration or detention) for the system, and will notify the Board of any changes to the design.

As part of the building permit process, the Applicant shall submit to the Building Inspector final drainage plans shown on the Plan of Record, as revised by the Comprehensive Permit, duly sealed and signed, certified by an engineer licensed in the Commonwealth of Massachusetts that the stormwater disposal and management system satisfies all applicable requirements of MassDEP's Stormwater Management Policy to the maximum extent practicable. The Applicant shall copy the Board on this submission.

2. All stormwater drainage basins shall be located so as to facilitate the maintenance and operation of the basins and drainage utility.
3. The final plans shall include a final design of the stormwater management system as well as an operation and maintenance plan therefor, and the design of the system shall comply with the MassDEP Stormwater Guidelines. The system shall also comply with the following conditions:
  - a. Construction: The stormwater infiltration facilities shall be constructed as shown on the Plan of Record, as amended to comply with this Decision.
  - b. Inspection: Prior to the backfilling of the system, a representative of the DPW shall inspect the construction of the stormwater infiltration facilities. It is the Applicant's responsibility to contact the DPW for inspection of the work.
  - c. Ongoing Maintenance: All portions of the stormwater management system shall be inspected at a minimum of twice per year, as well as immediately following construction, to ensure that they are in proper working order. All sumps are to be cleaned per the most current installation of the Operations and Maintenance (O&M) Plan in the most recently revised Drainage Report prepared by A&M. At a minimum, sumps shall be cleaned once each year, regardless of the depth of accumulated sediment and debris. These requirements shall be incorporated into the Operation and Maintenance Agreement following peer review.

On [DATE], the Board voted X-X to adopt the above-stated Conditions.

Waivers:

The Waivers set forth in the Applicant's [DATE] Waiver Request, attached to this Decision as Exhibit A, are granted as to any zoning dimensional and use requirements that are necessary to construct the Project as shown on the Plan of Record. The Applicant shall have the right to return to the Board to seek further waivers, post-approval, should the Applicant determine that the Plan of Record needs to be modified, or conditions are encountered during construction that necessitate further waivers. To the extent signage is desired by Stony Brook Weston, it shall present a plan to the Board for approval of the signage and its location. To the extent that a construction and leasing trailer is desired and not shown on the Plan of Record, the Applicant shall return to the Board for approval of the trailer and its location.

I hereby certify that the foregoing is a True Record of the Board's vote taken on [DATE], to grant the Comprehensive Permit, with Conditions.

Attest: \_\_\_\_\_  
Jane Fisher Carlson, Acting Secretary  
Weston Zoning Board of Appeals

Date of Decision:

Filed with Town Clerk on:

Sent to Applicant, certified mail, on:

Notices to interested parties, first class mail, on:

EXHIBIT A – List of Documents Submitted Prior to 3/28/17 Modified Project Design

A. Preliminary Site Development Plans for Stony Brook Weston, 104 Boston Post Road, Weston, MA, prepared by Allen & Major Associates, Inc. (“A&M”), November 18, 2016.

1. Sheet 1 Existing Conditions Plan
2. Drawing C-1 Conceptual Layout Plan
3. Drawing C-2 Conceptual Grading Plan
4. Drawing C-3 Conceptual Utilities Plan
5. Drawing C-4 Conceptual Planting Plan

B. Preliminary Architectural Plans prepared by Smook Architecture & Urban Design (“Smook”), November 18, 2016.

1. Cover Sheet A0.10
2. Drawing A0.1 Locus Plan, Drawing List, Project Narrative & Building Tabulation
  
3. Drawing A1.0 Typical Garage Plan (P1 & P2 Levels)
4. Drawing A1.1 Ground Floor Plan
5. Drawing A1.2 Typical Floor Plan (2<sup>nd</sup> & 3<sup>rd</sup> Floors)
6. Drawing A1.3 Fourth Floor Plan
7. Drawing A1.4 Fifth Floor Plan
8. Drawing A1.5 Roof Plan
9. Drawing A1.6 Enlarged Typical Unit Plans
  
10. Drawing A2.0 Southwest Perspective
11. Drawing A2.1 Southeast Perspective
  
12. Drawing A3.0 Site Section

II. Town department documents, letters, and emails submitted to the ZBA include:

- A. Letter dated November 22, 2016 from 104 Stony Brook LLC to Board of Selectmen enclosing completed Application Form for the MassHousing New England Fund (“NEF”) Program.
- B. November 28, 2016 from Mass Housing to the Weston Board of Selectmen
- C. Memorandum dated December 21, 2016 from the Weston Conservation Commission to the Board of Selectmen.
- D. Memorandum dated December 22, 2016 from the Weston Board of Health to the Board of Selectmen, including copy of 310 CMR 15.000
- E. Letter dated January 4, 2017 from the Weston Planning Board to the Board of Selectmen.
- F. Letter dated January 10, 2017 by Board of Selectmen to MassHousing
- G. Memorandum dated January 10, 2016 [sic] from the Weston Historical Commission to the Town Manager and Board of Selectmen.
- H. Memorandum dated January 13, 2017 from Weston Affordable Housing Trust to Board of Selectmen



EXHIBIT B: LIST OF WAIVERS

LIST OF WAIVERS

The following is a preliminary list of waivers requested by the applicant for the proposed Stony Brook Weston Project, submitted under G.L. c. 40B. As the development progresses past the conceptual level, additional waivers may be requested.

GENERAL BY-LAWS

Article VIII Zoning By-law

**Note: As a point of clarification, the Applicant does not require Waivers from the Board for all of the listed Zoning Requirements, except for those required for an as-of-right development in the applicable District. The Applicant nevertheless has included in the List of Waivers all provisions under the Zoning By-law for which it is expected that the Building Inspector may use to review and apply to the Project, in order to avoid any confusion or ambiguity as to the relief provided for the Project under the Comprehensive Permit.**

1. SECTION V.D. BUSINESS DISTRICTS (A and B)  
  
WAIVER TO ALLOW RESIDENTIAL USE WITHIN THE BUSINESS DISTRICT
  
2. SECTION V.H AQUIFER PROTECTION OVERLAY DISTRICTS  
  
WAIVER TO ALLOW ANY EXCAVATION OR GRADING, WITHIN 6 FEET OF THE MAXIMUM HIGH GROUNDWATER TABLE ELEVATION  
  
If groundwater is encountered an appropriate Dewatering General Permit (DGP) through the EPA will be filed.
  
3. SECTION V.I.3.a EARTH REMOVAL  
  
WAIVER TO ALLOW REMOVAL OF EARTH THAT MAY EXCEED EARTH IMPORTED
  
4. SECTION V.I.3.b EARTH MOVEMENT  
  
WAIVER TO ALLOW REMOVAL OF EARTH THAT MAY EXCEED 1,000 CUBIC YARDS
  
5. SECTION VI.D.2 BUSINESS B DISTRICT DIMENSIONAL REQUIREMENTS  
  
WAIVER OF CERTAIN DIMENSIONAL REQUIREMENTS:
  - A. Waiver to exceed minimum street setback on easterly side of lot along Sibley Road for a portion of the building and along northerly side of lot along Boston Post Road & Sibley Road for retaining walls (see table, below);
  - B. Waiver to exceed minimum lot line setback along westerly property lines for ledge face;
  - C. Waiver to exceed maximum building coverage (see table, below);
  - D. Waiver to exceed maximum floor to lot ratio (see table, below).

ITEM	EXISTING	REQUIRED/ALLOWED	PROPOSED
MIN. STREET SETBACK (FT)	34'±	25'	3.9'± East 0'± North Retaining Walls
MIN. LOT LINE SETBACK (FT)	82.7'±	10'	0'± West Ledge
MAX. BUILDING COVERAGE (%)	1.7%±	25%	50.5%±
MAX. FLOOR TO LOT RATIO	<0.02:1 ±	1:2	2:1 ±

6. SECTION VI.E BUSINESS B DISTRICT HEIGHT REQUIREMENTS; LOTS OF LESS THAN FIVE ACRES.  
 WAIVER TO EXCEED 35' OR 2 ½ STORIES (SEE TABLE, BELOW).

ITEM	EXISTING	REQUIRED/ALLOWED	PROPOSED
MAX. BUILDING HEIGHT FT. & STORIES	2.5 Stories ±	35' or 2.5 Stories, whichever is less	78'± & 5 stories

7. SECTION VIII.A.1.i OFF-STREET PARKING REGULATIONS; PARKING REQUIREMENT BY USAGE  
 WAIVER TO REDUCE THE REQUIREMENT TO LESS THAN TWO SPACES PER DWELLING UNIT (SEE TABLE, BELOW).

ITEM	REQUIRED/ALLOWED	PROPOSED
Two spaces per dwelling unit.	150 units x 2 = 300 total spaces	197 spaces/ 150 units = 1.3 parking stalls per unit

8. SECTION XI.A SITE PLAN APPROVAL AS A PREREQUISITE

Waiver of prerequisite Site Plan Approval from the Planning Board. Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

9. SECTION VIII.A.2 LOCATION AND SIZE OF AREA FOR EACH PARKING SPACE

Waiver of the location and size of each parking area, including maneuvering and access for the tandem parking, and "...for maneuvering and for access to and from the parking area, [which] shall be continually available and shall be not less than 350 square feet in area."

10. WAIVER OF ALL FILING AND/OR APPLICATION FEES UNDER THE ZONING BY-LAW

Waiver of any filing or application fees with the Planning Board, Zoning Board, Board of Selectmen, Building Inspector, and fees for any other town board or

department concerning review of the project, including review of requested waivers.

**Article XI Material Removal By-law**

1. SECTIONS 1-3 WAIVER OF PROHIBITION ON REMOVAL OF SOIL, LOAM, SAND OR GRAVEL

**Article XXIII Scenic Roads By-law**

1. SECTION V WAIVER OF PROCEDURE FOR ACTIONS AFFECTING SCENIC STONE WALLS OR TREES

Waiver of prerequisite application, prior written approval, and hearing of the Planning Board. Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

**Article XXVI Demolition Delay Bylaw**

1. SECTIONS I-IX WAIVER OF REQUIREMENTS FOR 12-MONTH DEMOLITION DELAY

Waiver of 12-month demolition delay as efforts to preserve Sibley House off site have been rejected; applicant still working with Housing Partnership on possible relocation for affordable housing.

**Building and/or Engineering Dept. Fees**

Waiver of any fees or costs of filing and/or review of application by the Building and/or Engineering Departments, and/or any other town board or department, and/or any peer reviewer fees for 12-month demolition delay.

**Article XXVIII Stormwater and Erosion Control Bylaw**

1. SECTION IV APPLICABILITY. SUBSECTION C.2. MAJOR PERMIT

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

2. SECTION VI ADMINISTRATION. SUBSECTION C. MASSACHUSETTS STORMWATER HANDBOOK

Waiver of requirement to comply with Massachusetts Stormwater Management Standard 3. Due to the existing soil conditions, a proposed infiltration system that infiltrates the required recharge volume may not be possible. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and

filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

3. SECTION VI ADMINISTRATION. SUBSECTION E. MASSACHUSETTS STORMWATER HANDBOOK

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

4. SECTION VI ADMINISTRATION. SUBSECTION F. SWPA APPROVAL PROCESS. SUBSECTION 2. PUBLIC HEARING PROCESS

Waiver of requirement for a Stormwater Management Permit hearing from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

5. SECTION VII PERFORMANCE STANDARDS

Waiver of requirement to meet local stormwater & erosion control performance standards outlined within the Town of Weston Stormwater & Erosion Control Regulations. Project is submitted under G.L. c. 40B, a Comprehensive Permit is required from the Weston Zoning Board of Appeals. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

**Stormwater & Erosion Control Regulations**

1. SECTION 4.0 APPLICABILITY

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

2. SECTION 5.0 APPLICATION PROCEDURES FOR STORMWATER MANAGEMENT PERMITS

Waiver of requirement for a Stormwater Management Permit from the Town of Weston Stormwater Permitting Authority (SWPA). Project is submitted under G.L. c. 40B, and Comprehensive Permit is required from the Weston Zoning Board of Appeals.

3. SECTION 7.0 DESIGN STANDARDS; A. STORMWATER MANAGEMENT DESIGN AND PERFORMANCE CRITERIA; SUBSECTION 1.a

Waiver of requirement to comply with Massachusetts Stormwater Management Standard 3. Due to the existing soil conditions, a proposed infiltration system that infiltrates the required recharge volume may not be possible. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

4. SECTION 7.0 DESIGN STANDARDS; A. STORMWATER MANAGEMENT DESIGN AND PERFORMANCE CRITERIA; SUBSECTION 1.e

Waiver of requirement due to the existing soil conditions to comply with the stormwater runoff volume being less in the post-development condition than in the pre-development condition. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

5. SECTION 7.0 DESIGN STANDARDS; A. STORMWATER MANAGEMENT DESIGN AND PERFORMANCE CRITERIA; SUBSECTIONS 2.a.iv & 2.b

Waiver of requirement due to the existing soil conditions to comply with the stormwater runoff volume being less in all storms in the post-development condition than in the pre-development condition, stormwater infiltration systems being located 2 feet above high groundwater, and stormwater infiltration systems being surrounded by existing pervious material. The site will require the filing of a Notice of Intent (NOI) to the EPA for Construction General Permit (CGP) with discharge to Outstanding Resource Waters (ORW). The Applicant will coordinate with the Cambridge Water Department on the preparation of the required Stormwater Pollution Prevention Plan (**SWPPP**) and filing of the WM 15 - NPDES General Permit Notice of Intent per 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

**SWPA and/or Conservation Commission Fees**

Waiver of any fees of the SWPA, Conservation Commission, Building Department, or any other town board or department for any review of the project's stormwater management design and performance criteria, construction and/or implementation.

**Board of Health Regulations and Guidelines**

1. CHAPTER VI GUIDELINES FOR SEPTIC DESIGN AND INSTALLATIONS

Not applicable as Project’s wastewater system is in excess of 10,000 gpd and is not a subsurface disposal system; MassDEP has jurisdiction. Applicant agrees to condition proposed by City of Cambridge to provide approval from MassDEP or document(s) from MassDEP that its approval is not required, and to provide further information concerning adequate provisions for removal of sewage from WWTF in event of operational failure.

**Board of Health Fees** Waiver of any fees associated with any review of the project or any component thereof by the Board of Health.

**BUILDING PERMIT AND PEER REVIEWER FEES**

Waiver of all building permit fees, including but not limited to fees for Building Permit Application Sections 1-6 and 8, and of all peer reviewer fees for any peer reviewers engaged by the Building Inspector and/or any other town board or official.

**SEWER CONNECTION AND ALL OTHER SEWER RELATED FEES**

Waiver of all fees related to sewer, including but not limited to connection. While the WWTF does not require connection to sewer, the Applicant requests waiver of all fees that could have been or may be assessed.