

# TOWN OF WESTON

Planning Board Meeting March 23, 2022, 2022  
Document Prepared by Susan Peghiny



**Video Recording:** [insert](#)

**Meeting called to order at 7:04 PM.** Chair Alicia Primer read Governor Baker’s Suspending Certain Provisions of the Open Meeting Law.

<b>Planning Board Members</b>	<b>Present</b>	<b>Staff Members</b>	<b>Present</b>
Alicia Primer (AI) - Chair	Yes	Imaikalani Aiu (IA) – Town Planner	Yes
Leslie Glynn (LG)	Yes	Christine Zale (CZ) – Assistant Town Planner	
Steve Oppenheimer (SO)	Yes	Dave Conway (DC) - Consulting Civil Engineer	
Alex Selvig (AS)	Yes	Kim Turner (KT) - Consulting Landscape Architect	
Lori Hess (LH)	Yes	Jonathan Murray – Town Counsel	
<b>Others</b>			
Laurie Bent, Select Board Chair	Yes		

**PUBLIC COMMENT:** There was no public comment.

## **OLD BUSINESS**

### **Draft Rules Review**

Representation: Jonathan Murray, KP Law (Weston Town Counsel)

Overview: Mr. Murray reviewed the goals, history, and current status of the Draft Rules Review. He said there are 2 areas that are candidates for consolidation and rewrite: Site Visit Procedures and Filing Fees. His next steps are to rewrite the Site Visit Procedures and Filing Fees.

Discussion: AP asked if there are bigger areas than Site Visit Procedures and Filing Fees that might be streamlined. Mr. Murray said the two identified areas were very obvious but others such as Application Procedures and Pre-Filing Town Planner Meetings are staff time intensive and could probably be simplified. He shared some other areas that might be good candidates but said he will need input from the Board.

The Board will review Mr. Murray’s recommendations to provide feedback.

## **NEW BUSINESS**

### **MBTA Communities Housing Choice Draft Rules Review and Comment**

Overview: IA provided background on the Multifamily Zoning Requirements for MBTA Communities and the implications of the zoning on Weston.

Discussion: AS asked what the current housing stock is. IA said there are just over 4000 units based on the last census.

AS asked what funding would be lost if Weston does not comply, and what were those funds used for in the past. IA said access to Housing Choice, MassWorks, or Gaming funds could be affected but they are not major funding sources for the Town.

LG said it is interesting that two stations identified are whistle stops which do not get full service. She also asked if extra funding would be available if the Town did grow at the 25% rate indicated in the Draft Rules.

Public Comments: Diana Chapman, Love Lane, said the Select Board was sending a letter to the State saying that Weston does not fall into the category for the new rules, so she does not this is a big risk.

***Motion:** AS moved to approve the memo as amended by LG. LG seconded, and the motion passed unanimously by rollcall vote.*

## **PUBLIC HEARING**

### **Zoning Bylaw Amendment - Sustainable Tree Initiative – Tree Working Group, Applicant**

Representation: Lori Hess, Alicia Primer, and Laurie Bent, Tree Working Group.

Overview: IA reviewed the changes that have been made to the Proposed Bylaw Amendment since it was last presented to the Board.

#### Documents:

- [Developer Meeting](#)
- [Framework Presentation Sustainable Tree Initiative](#)
- [Print Version of Private Tree Survey](#)
- [Proposed Zoning Bylaw Amendment for Sustainable Tree Initiative](#)
- [Tree Bylaw Revisions Presentation 3-23-22](#)
- [Tree Survey Summary](#)
- [Tree Survey Summary Presentation](#)

#### Discussion & Public Comments:

John Migeo, 58 Johnson, Carlisle MA, developed 56 Deerpath Lane which is the property that was used to show clear cutting in the initial presentation. He explained why the trees were removed and what was planted as replacements.

Rochelle Memrow, Beaver Road, asked what problem is trying to be solved with this proposal. Ms. Hess said that tree loss is the number 1 complaint received by the Planning Board. Plus, a survey was done that showed residents are concerned about clear cutting due to construction. Climate concerns are also a reason for the proposal. LG added that lights and glare from new houses are frequent complaints, which trees help mitigate. Plus, water runoff becomes an issue when too many trees are removed.

John Sallay, 555 Wellesley Street, said that Sections B & C should be clarified to explain that the bylaw is focused on large new construction, and he then gave wording change suggestions. He will forward these to Planning.

Kate McGovern, 107 Love Lane, asked how fines would work if trees die 2-3 years after construction. IA explained that the tree would need to be replaced with another tree of similar size and was the current owner's responsibility. This was discussed further.

Adrienne Giske, 251 Boston Post Road, said this is a win-win for abutters because privacy between homes will be maintained.

Tom Timko, 66 Woodchester Drive, said his experience as a developer in Wellesley was that 80-90% of the projects were exempt from the tree regulation (which the Weston proposal is based on). Of the ones that went into tree mitigation the process was straight forward and relatively easy to proceed with and in the end enhanced the quality of the property. He thinks this bylaw is a good idea and enthusiastically supports the bylaw.

Nick Kermarix, 351 Highland Street, said he is trying to build a house in Weston and this bylaw will make that more difficult.

Mario Alayna, 137 Sherborn Circle, suggested that the proposed Critical Root Zone (CRZ) be changed to 12" because this will save more trees, and increase the likelihood that a tree will survive construction. He also suggested that the diameter at breast height be increased to 10" because of ornamental trees that very close to a structure. He said he had sent some language to the Board for changes as relates to trees that are almost dead and will likely not survive construction. Finally, he said safety during excavation is important and space is needed for that. He asked for language to be included that allows a little extra space.

Diana Chaplin, Love Lane, expressed concern that the bylaw will make the houses larger and more expensive. She said she has seen trees become a liability in other Towns with these type of laws.

Anne Bennings, 527 Boston Post Road, pointed out that neighboring towns include more than just dead trees in their bylaws, and they do not require mitigation for invasive trees.

Olga Shulman asked who would be in charge of this process, and also asked if fines would be imposed if someone was building on a property and a neighbor asked for trees to be removed because they are afraid the trees will fall (in accordance with Mass law). AP said the process would be administrative and handled by the Town's consultant arborist with the Planning Board becoming involved only when there is Site Plan or RGFA approval required, or if there is an

appeal to the arborist's decision. There was a discussion of the process. The issue of the neighbor will need to be considered.

SO asked what happens if a tree dies after the 24 months (for trees) or 3 years (for root damage). AP said the plan is to remove the Town from the issue after the required time has passed.

SO asked if creating a tree safe area for 6" trees could be eliminated. AP and IA said this was left over from a previous version that included interior lot protections and would be removed.

LG pointed out some other items that are "left overs" from a previous version of the proposal as well as some suggested changes to the proposal.

AS made clear that the bylaw would only apply in 3 cases, so most people will never encounter it.

Tom Timko shared some of his practical experience with this type of law in other towns.

Rochelle Memro thanked the Board for being receptive to input that is being provided.

Olga Shulman mentioned that septic systems might be out of the building envelope and asked that this be taken into consideration.

***Motion:** LH moved to continue the Public Hearing to April 6, 2022. LG seconded, and the motion passed unanimously by rollcall vote.*

## **CONTINUED PUBLIC HEARING**

### **Zoning Bylaw Amendment - Development Standards for Municipal Utilities – Town of Weston, Applicant**

Overview: AP advised the meeting that the discussion would focus on the bylaw, not specific tank projects. She explained that the bylaw under discussion is the one that will appear in the Warrant, although amendments from the floor of Town Meeting are possible.

#### Documents:

- [Hydraulic Profile-Graphic](#)
- [Proposed Zoning Bylaw Amendment for Municipal Utilities.](#)
- [Transmittal of Zoning By Law Amendment](#)
- [Water Tank Graphics Board](#)

Discussion: SO expressed confusion over the vote the Board took at the last meeting and included changes to the proposal. IA reviewed the process, explaining that the Select Board chose not to incorporate Planning's recommendations from the last meeting. There was a discussion of how the Board should proceed.

Ms. Bent said the Select Board wants to work with the Planning Board on this process. She went on to explain that even if the Select Board goes ahead with the Article as written, they are sensitive to Planning's issues and recommendations. She went on to say that there would probably be support for amendments from the floor, unless they cause delays or cost to the project.

There was a discussion of Ms. Bent's comments, especially the unlimited height and peer-review issues.

#### Public Comments:

Diana Chaplin, Love Lane, said the Article 34 should be amended on Town Meeting Floor to repair the existing tank.

Adrian Aydelott said the tanks should go through a Site Plan Review because they are the size of a building, and there will be extensive site disturbance and facilities (like security, parking, lighting, etc.). She also asked for confirmation that there is no plan for a wind turbine on the sites, which was confirmed.

Rochelle Memro, Beaver Road, said she can not image that these projects would not be reviewed by the Planning Board given their complexity.

Laurie Bent said she would prefer that there be a discussion and collaboration before the project is done, rather than subjecting it to extensive review. She explained that there is a Working Group that is overseeing the process which she thinks is better than Site Plan Review.

There was a discussion of Ms. Bent's comments, how the process would work and who would be in charge and involved.

***Motion:** LH moved to continue the Public Hearing to April 6, 2022. SO seconded, and the motion passed unanimously by rollcall vote.*

**FUTURE MEETINGS**

March 30, 2022

April 6, 2022

April 20, 2022

**ADJOURNMENT**

***Motion:** LH moved to adjourn, AS seconded, and the motion passed unanimously by rollcall vote.*

Meeting adjourned at 9:30p.m.

Respectfully submitted,

Susan Peghiny  
Recording Secretary