

TOWN OF WESTON

Planning Board Meeting April 5, 2023

Document Prepared by Christine Zale



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Meeting called to order at 7:01PM.

Planning Board Members	Present	Staff Members	Present
Alicia Primer (AP)	Yes	Imaikalani Aiu (IA) – Town Planner	Yes
Leslie Glynn (LG) – Chair	Yes	Christine Zale (CZ) – Assistant Town Planner	Yes
Shawn Lanier (SL)	Yes	Dave Conway (DC) - Consulting Civil Engineer	Yes
Alex Selvig (AS)	Yes	Kim Turner (KT) - Consulting Landscape Architect	Yes
Lori Hess (LH)	Yes	Others	

LG opened the meeting and read Governor Baker’s Suspension of Certain Provisions of the Open Meeting Law.

LG said that any individual wishing to record this meeting will need to disclose that at the start of the meeting. No one stated they would be recording.

PUBLIC COMMENT

No public Comment

TOWN PLANNER REPORT

- IA discussed the calendar – and upcoming meetings/ site visits
 - 4/25 is the 3rd Water Tank meeting. LG stated that while the Select Board has withdrawn the bylaw for height they are moving forward with requesting money for the design phase.
 - IA discussed future meetings schedule.
- Admin Approvals
 - 46 River Road- porch enclosure, adding 252sf to 8,168sf RGFA house. LG wanted to confirm that all the lights are dark sky compliant and make sure the irrigation is using water sense controllers. The PB agreed with the proposal. IA will draft a memo for the approval.
 - 703 BPR- Request to build a recessed entry, they wish to build a 1 story enclosure adding approx. 200sf of interior space. PB ok with request for admin approval, but want to confirm the lights are dark sky compliant and within the lumen limit.
 - DPW Tree Removals
 - 490 Concord- Vines are strangling a large Sugar Maple that is decaying. There was a discussion of potential replacement. LH said she would add it to the list of future replanting. Diana Chaplin, Love Lane, said this tree deserves special considerations and it is unfortunate to have a public tree lost to invasive species. There was a discussion of ways to make the public more aware how to notify the Town of trees that are in danger or decline. PB ok with Removal
 - 33 Conant – Dead Tree with large wound. PB ok with removal
 - Trees on Merriam – several hazard and dead trees hanging over the sidewalk. LH commented that the quality of the trees in this area is very mixed and agreed these trees should come down. There was a discussion of concerns of removing 1 tree that an owl may be nesting in.
- Large Project Updates
 - 269 North- has met with building inspector and will be submitting their building permit soon. LG asked IA to check with the building inspector to confirm that previous conditions have been met.
- Riverside Updates
 - Land swap proposal received from Greatland. Working on technical details

- Long Range Updates
 - Rules and Regs – Section 2 Draft Complete. IA discussed the potential for additional edits to be made after meeting with the stormwater permitting authority (SWPA)
 - Public Tree Maintenance- IA to meet with consultant to get an update.
 - Historic Heritage – pushed to fall Town Meeting.
 - Unified Master Plan – LG asked if the Town Manager had received responses for volunteers. AS shared concerns of the Master Plan being run by the Select Board rather than the Planning Board. There was a discussion of the make up of the committee and the authority of the PB over the Master Plan. AP and AS agreed there should be more than one PB member on the Unified Master Plan Committee. The PB discussed who would be deciding who is on the Unified Master Plan Committee and the scope of a unified master plan. LG requested IA find a time for the PB to meet to discuss in more detail. Diana Chaplin, Love Lane, commented on how the consultant would be selected and that focusing on that would help the PB.
- Committee Updates
 - Tree Advisory Group – Arbor Day Celebration 4/28
 - Invasive Plan Advisory Group- Education programs to be held on 4/18 and 4/28
 - Sustainability- AS shared Conservation Commission is looking to codify their wetlands buffer zone into a formal bylaw. There is a potential grant for the school committee to get an EV bus, but it is currently not a priority item. Exploring replacing the Town Hall oil burning boiler with heat pumps, but the cost would be extremely high.

Public Hearing

2023 Annual Town Meeting – Zoning Bylaw Amendment- Establish Height Standards for Municipal Water Tanks – Town of Weston Select Board, Applicants –

- CANCELLED DUE TO WITHDRAWAL OF AMENDMENT

Continued Hearing

121 Rolling Lane – 1,283sf Additions to 5,994sf RGFA Existing House – RGFA Site Plan Approval – Alexandra Kavadas, Owner

Representative: David Brown, Architect; Alexandra Kavadas, Owner

Architectural Plans for 121 Rolling Lane	Civil Plans for 121 Rolling Lane
Landscape and Lighting Plans 121 Rolling Lane	Lighting Specifications for 121 Rolling

Overview: Brown recapped the previous meeting discussion regarding the 9 Bradford pear trees on site. He noted that the trees were not listed on the Weston or State list for invasive plants.

Discussion: LH discussed further research on the Bradford Pear and that the USDA now lists the tree as an invasive tree that is harmful to ecosystems and has a very weak structure. The main issue is that the trees are not sterile and cross pollinate with all other pear trees creating thorny thickets pushing out native species.

AP said the Bradford pears are a dangerous and invasive species and should be added to Weston’s list of invasive plants and removed from the property.

SL discussed that he felt requiring the removal of the trees as a condition to modify their home was overreaching and he was not in support.

LG said trees were not yet banned in Massachusetts and were not currently on the Department of Environmental Protections list of “to-be banned” plants. She said she felt while it would be best practice to remove the trees but that the PB should not require their removal if the trees are not currently banned. She requested that when the trees die they not be replaced with the same species.

There was a discussion of the USDA banning of the Bradford Pears and the PB’s standards and purview over plantings and site plan review.

Kavadas discussed that she purchased the home 5 years ago she did not plant the Bradford Pears and their removals would be difficult. The trees on her property are well cared for and in good condition and said she was hoping for a decision tonight.

AP said she thought the PB should take a vote tonight.

LH asked if the vote was to not remove the trees that a condition could be included that when the trees die they be replaced with native species. Kavadas said she would be happy to do that.

Motion: LH made a motion for the removal of the Bradford Pear Trees. AP seconded.

LH, AP – voted in favor of the motion

SL, AS, LG – voted against the motion

The motion does not pass.

AS made a motion to close the public hearing for 121 Rolling Lane – RGFA Site Plan Approval. LH seconded and the motion passes in a unanimous rollcall vote.

0 Hemlock Road- 1 Lot Subdivision – Flexible Subdivision – Richard Barno Applicant

Representative: Jonathan White, Attorney

Building Height Calculations of 0 Hemlock	Flexible Subdivision Plan for 0 Hemlock
Density Proof Plan for 0 Hemlock	House Location Study
Density Proof Plan with Grading for 0 Hemlock	Landscape Plans for 0 Hemlock
Testimony from Majority Owners of Hemlock in opposition	Testimony from 11 Hemlock in opposition
Testimony from 15 Hemlock in Support	Testimony from 321 BPR in opposition
Testimony from 327 Boston Post Road in Opposition	Testimony from Clover Nicholas and Edmond R du Pont
Testimony from Joe Wilson on 0 Church Street	Testimony from the majority of the Owners of Hemlock Road in opposition
Testimony from Mike Nurczynski on 0 Church Street	Testimony Response From White
Title Evaluation from Town Counsel	Title Memorandum Updated
Letter from Attorney Jonathan White	Power Point in Opposition
1948 Zoning Bylaw Excerpt	Barno Assessor Card
Barno Tax map, Bailey property	Letter to Planning Board from Atty Jonathan White
Opposition to 0 Hemlock from Nolan King Atty	Supplemental Opposition from Atty King

Overview: White said the Conservation Commission voted against the requested waiver for the proposed subdivision. He said that tonight the PB would be voting on the density plan and whether or not the necessary waivers- dead end road, width of right of way, 4.23 buffer requirement – are substantial.

He presented the plans on screen, discussed the history of the property, and the necessary waivers.

White said that the PB could waive any of the regulations including the buffer requirement. White said that he is asking the PB to determine, that under the current circumstances, that a waiver was not substantial.

IA disagreed with White’s interpretation of the PB finding a waiver not substantial and said that Conservation would have to grant the waiver, as this had always been the practice for these decisions.

White shared the proposed Flex subdivision plan on screen.

Discussion: LG asked for clarity on how the requested waiver no longer impacts the abutters property. White explained that the engineer continued the length of Hemlock Road at 33ft wide, rather than 50ft, onto the property and remove the impact the abutter’s buffer.

Gwen King, Attorney for the abutters, said the conservation commission voted unanimously to not grant the waiver. She said at the Conservation Commission meeting Town Counsel said the conservation commission’s decision would prevent the PB from granting a waiver. She said that the 4.23 buffer requirement is not ambiguous and the PB may waive the requirement only if the subdivider provided a written statement from the abutting lot owners, which they have not done. She said that is impossible to build the road without the waivers and that the property should not be grandfathered in because the owner purchased the property with the current regulations.

LG said the Conservation Commission is typically lenient in their decisions and she would be reluctant to oppose their decision. She said she would be relying on Town Counsel’s opinion on the matter, AS, LH, and AP agreed.

Motion: SL made a motion to close the public hearing for 0 Hemlock Road- 1 Lot Subdivision- Flexible Subdivision. AS seconded and the motion passes in a unanimous rollcall vote.

AP made a motion to deny the requested waiver for 4.23 buffer requirement. AS seconded and the motion passes in a unanimous rollcall vote.

AP made a motion to deny the density plan. AS seconded and the motion passes in a unanimous rollcall vote.

Old Business

506 North Ave- Scenic Road Site Plan Approval Amendment – Building Height Variance, Litchfield Development, Owner

Representative: Joseph Duquette, Attorney; Karen Sebastian, Landscape Architect

506 North Ave Landscape and Lighting Plan	Elevation As Built for 506 North
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Overview: Duquette gave a presentation on the background of the property and the requested amendment for an increase in the building height.

Sebastian presented new landscape plans with additional screening along the road.

Discussion: KT was satisfied with the proposed plan and noted that the buffer was dense.

AS asked if the framing plan for the attic was checked. IA said the site plan approval plans did show an 8ft attic. LG confirmed that during a site visit the attic was not built over 8ft.

AS said he was hesitant to approve this, and that it was up to the builder to bring the roofline down. He said he did not think solar panels would mitigate this.

AP said during a site visit a large scaling tree was discussed to help ameliorate the issue of the height.

SL said he did not think solar panels would remedy the situation but questioned how many developers may, in the future, try to gain extra space based off the granting of this amendment. He said he did not think the number is high but recognized AS's sentiment of not wanting people to take advantage of the rules and regulations.

DC recalled this issue happening before and in that case a variance was granted rather than changing the roof.

AP discussed a previous PB house that was built in the wrong location and had to be moved and there is precedent for taking restorative action.

LH said this was an honest mistake and did not think it was appropriate to have the roof removed due to the environmental consequences and that the improves screening mitigates this height issue.

Duquette said that two abutters have provided written letter of support and that if the PB were to approve this they would still need to go before the ZBA.

There was a discussion of adding a scaling tree near the house and issues with invasive plants along the neighbors' property. Sebastian said she could adjust the location of the tulip tree.

IA said that the variance would be specific to the house as built.

AP discussed drainage and run off issues on site and indicated something would need to be done.

LG said that one of the lights by the rear door will need to be removed.

Public Comment: Diana Chaplin, said that the Conservation Commission have started an Invasive species removal program for homeowners who need more information or resources.

Motion: LH made a motion to recommend approval of a variance for 506 North Ave – Scenic Road Site Plan Approval subject to the landscaping conditions discussed. SL seconded.

LH, SL, AP, LG- voted in favor of the motion

AS- voted against the motion.

The motion passes.

New Business

9,11, 15 and Riverside Road – Park Road Design- Review Under Conditions of Approval – Greatland Realty, Applicant

Representative: Kevin Sheehan, Greatland Realty; Rick Plenge & Tim McIntosh, VHB

75-100 DOT Submittal Park Rd (North) - Plans	Park Road Roll Plan – SOUTH-r1
Park Road Roll Plan-North-r1	

Overview & Discussion: Plenge gave an update from the last time they were before the PB. He presented plans and discussed the shared use path noting that the southern section of Park Rd will be constructed first as the northern section requires MassDOT approval.

LG asked about the width of the path and the number of trees removed for the path. Plenge said it varies 9-10ft and 20 trees are proposed to be removed and will be replaced with new trees for screening.
LG asked about the size of the trees for removal. McIntosh said the landscaping plan includes a table of the trees slated to be removed and proposed.
There was a discussion on stonewall repairs.
LG questioned the landscaping along Orchard Ave and suggested KT help determine the proposed plantings in that area.
LG asked for signage on Orchard Ave indicating that it is a private road.
Plenge presented the northern portion of the shared use path which is within MassDOT jurisdiction. He said that the bridges are not rated to support a raised shared use path and that the design had been changed to have an on street two-way bike way. He discussed modifications to Park Road and improvements to the intersection at South Ave.
LG asked IA if this discussion could be continued to get input from Traffic and Sidewalk Committee and the neighbors. IA said this could be continued to the 26th.

Public Comment: Judy Nitsch, Blake Rd, asked for more information on the planting on both the north and south sections of the project and information on the location of signage at the intersection of Orchard Ave and a stop sign at the I90 west bound ramp.

Continued Discussion: Sheehan asked the PB to provide a list of questions or additional items they need to see on the roadway plans.
LG said the PB wants to see more landscaping details and wants to confirm that traffic and sidewalk is ok with the project design. Sheehan discussed that the project has already been reviewed by traffic and sidewalk.
AP asked if a motion to continue was needed. IA said no motion was needed.

20 Riverside Road – PV Array in Parking Lot – Review Under Conditions of Approval – Greatland Realty Applicant

Representative: Tessa Schied, Sunwealth

20 Riverside Solar- Site Plan	Parasol TEE Carport Data Sheet
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Overview: Scheid presented preliminary project design with three different Tee Carport solar array structures.

Discussion: LG asked what factors into the choice of structure. Scheid says cost is a consideration but the main concern is energy use offset. Scheid says the energy efficiency of each design is site dependent.
LG asked if the fire department needs to review the panels. Schied said that they coordinate with the fire department if needed, but typically work with the property site hosts to ensure they are not in the way of any fire lane.
LG asked what percentage of the lab usage will the panels offset. Schied said this has not been calculated yet because the tenant has not moved into the building.
The PB expressed appreciation for the presentation.
IA said this request was originally going to be an administrative approval but if the PB is ok with what is being proposed then the PB could make a motion to allow the PV Array's to be installed.

Motion: AP made a motion to approve 20 Riverside Road- PV Array in Parking Lot, LH seconded and the motion passes in a unanimous rollcall vote.

5 Clifford, 576 North – Lot Release of Flexible Subdivision Lots

Overview: IA shared the subdivision plans on screen. He shared that the construction is complete and the site has been inspected by KT, CZ and himself and the plantings have all been installed. He said that all documentation is complete and the lot is ready to be released for sale.

Motion: AP made a motion to release 5 Clifford Lane, 576 North Flexible Subdivision. LH seconded and the motion passes in unanimous rollcall vote.

Decision

102 Ash Street- Flexible Subdivision Amendment- Change Approved Driveway Location – Anthony Seretakis, Applicant

Overview & Discussion: IA recapped that town counsel had reviewed the decision, including the changes made by the applicant's attorney and are ok with the changes. IA shared the decision on screen. AP said she was opposed to the revision made by the applicant's attorney. LG said that according to Town Counsel there is nothing within the decision that would preclude the possibility of a future demolition by permit.

Beth Nolan, attorney for the applicant, said that previous iterations of the decision included references to the preservation of the house when the application is for a driveway modification. Nolan said she was ok with the removal of the wording "without eliminating the possibility of future demolition by permit" within findings Section C.

Anthony Seretakis, owner/ applicant, was opposed to the removal of that language and was concerned that a future buyer may believe that the house could not be demolished. Nolan said she would defer to the owner's wishes and asked the PB to retain the language in question. There was a discussion of previous iterations of the decision.

LG said the inclusion of the language did not impact the PB's ability to review the house in the future nor the owner's ability to pursue a demolition through proper channels.

Motion: *LH made a motion to Approve 102 Ash Street – Flexible Subdivision Amendment- Change Approved Driveway Location. SL seconded.*

LG, LH, SL, AS voted in favor.

AP voted against the motion.

Other Business

Rules and Regs Section 3 Review

Item not discussed

MINUTES

Motion: *AP made a motion to approve 2/15/2023 meeting minutes as edited. LH seconded and the motion passed in a roll call vote.*

Adjournment: *AP moved to adjourn. LH seconded and the motion passes in a unanimous rollcall vote.*

Meeting adjourned at 10:06pm