

# TOWN OF WESTON

Planning Board Meeting April 20, 2022

Document Prepared by Christine Zale



**Video Recording:** <https://cloud.castus.tv/vod/weston/video/62689a9bca105a00086b2641?page=PLAYLIST>

**Meeting called to order at 7:03 PM.** Chair Alicia Primer read Governor Baker's Suspending Certain Provisions of the Open Meeting Law.

Planning Board Members	Present	Staff Members	Present
Alicia Primer (AP) - Chair	Yes	Imaikalani Aiu (IA) – Town Planner	Yes
Leslie Glynn (LG)	Yes	Christine Zale (CZ) – Assistant Town Planner	Yes
Steve Oppenheimer (SO)	Yes	Dave Conway (DC) - Consulting Civil Engineer	No
Alex Selvig (AS) via telephone	Yes	Kim Turner (KT) - Consulting Landscape Architect	No
Lori Hess (LH)	Yes	<b>Others</b>	
		Barbara Fullerton – Tree Advisory Group	Yes
		Katharina Wilkins – Sustainability Committee, Chair	Yes

## 1.0 Public Comments

Olga Shulman stated she had concerns about privacy and she was uncomfortable giving her address in a public format. She stated the process was antiquated and an unsafe practice for online public meetings.

IA noted this was a standard practice

LG stated this should go back to Town Counsel and the Select Board for their review. LH agreed.

AP stated that for the purposes of this meeting they will continue to ask for a disclosure of addresses. AS agreed that address disclosure should still be required until an opinion from Town Counsel is made.

Mario Alana, Sherborne Circle, stated that if there is rebuttal to testimony, that the initial speaker should be able to address the rebuttal comments.

AP stated the PB's responsibility is to gather information - not to debate testimony.

Harold Thomas, 63 Ash Street, noted the recent increase in petty crime around trail head at the reservoir and wanted to know what could be done to mitigate it.

AP said this would be a Select Board issue and to contact them and police for enforcement.

## 2.0 Other Business

### 2.1 Town Planner Report

- Review of upcoming meetings & site visits.
- Admin Approvals
  - 254 Conant: Tree in poor condition straddling ROW. PB ok with removal, discussion of potential succession Tree being planted.

## 3.0 Continued Public Hearing

### 3.1 Zoning Bylaw Amendment - Sustainable Tree Initiative

Representation: Lori Hess, Alicia Primer

Overview: IA gave overview of past changes to the bylaw including changes to the scope, applicable lot area, and the mitigation schedule. IA went over the current changes including minimum replacement caliper, change in PV array surety, and option of preserving trees in interior for remediation. Provided example of proposed bylaw changes as applied to 145 Beaver Road.

Documents:

- [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:

AP noted that IA's presentation illustrated the goals of thoughtful development that the PB is trying to achieve.

Katharina Wilkins, 63 Brook Rd, Ms. Wilkins is the chair of the Sustainability Committee stated the Committee has voted to support the Sustainable Tree Bylaw. She spoke about Weston Ahead and provided an overview of the 18-month project the Sustainability Committee undertook. She noted the amount of public outreach that has been done for the Sustainable Tree bylaw and that the PB has been responsive to public comment.

Carol Lee, 44 Spruce Hill, spoke in support of the bylaw. She noted that she moved to town because of the wooded landscape. She discussed that there are several houses in her neighborhood that are tear downs and does not want to see those lots clear cut. She said that the tree cover defines the town. She discussed the environmental havoc and water usage caused by lawn being put in.

Lee Crocket, 20 Walnut, lives in a 1965 ranch style home and spoke against the bylaw. He stated that he is looking at building a new home in town. He discussed the financial impact this bylaw would have on his lot and the large trees he would want to remove. Applying this bylaw to only to new homes being built appears unfair application of the law. He noted the bylaw was excessive and not well thought out and needs to be more reasonable

Mario Alagna, Sherburne Circle, showed Zoning maps of A and B Zoning districts and used an existing lot to illustrate how restrictive the CRZ area is. He stated that you need to give more room for a new house to be built and to develop the property. He stated the bylaw needs to be made more reasonable or people will cut down the trees and wait out the two-year period. He spoke about inconsistencies within the bylaw.

IA discussed setback areas stating the smallest lot area there is 9,000sf interior lot to work with and with the largest lots there is 21,450sf of interior area to work with, and that is sufficient space to build within. He also compared to what Wellesley allows.

LG commented that by reducing impervious surfaces you reduce the size and cost of a stormwater management system. She stated the Board is looking for creativity when developing a lot so it is better aligned with the neighborhood environs.

Lali Haynes, 40 Beaver Rd, has been Weston resident since 1979. She asked about what comparisons have been made to other Towns on private septic rather than public sewer. LH and IA noted that portions of Lincoln and Concord rely on septic systems, while Weston is 100% septic.

Greg Shay, 11 Shady Hill Road, read his statement that the proposed bylaw should not be implemented and it is discriminatory and subjective. He stated that significant tree loss is not a major issue and Weston is a leader in conservation matters. He noted the conservation land of Weston as compared to other communities and listed potential negatives that would occur if bylaw was to go through.

Janette Patel, Bay State Rd, spoke in support of the bylaw. She stated that towns like Concord that have private septic and do have a tree bylaw, moreover that development has not been stopped and that property values of surrounding towns with tree bylaws have not decreased. She stated she supports this bylaw as it will force developers to be more thoughtful and sensitive in how they develop lots. She spoke on the environmental importance of trees and the privacy trees give neighbors. She said there may be elements of the bylaw that may need to be tweaked but the Town should seriously consider having a tree bylaw.

Eugene Reznick, 24 Beech Road, agreed that in general a tree bylaw is a good idea however the bylaw in the warrant may still have issues. He questioned the accuracy of the bylaw currently on the warrant. AP replied the accurate bylaw is posted online and will be handed out at Town Meeting. Reznick believes handing out the bylaw at town meeting would not be helpful to residents as they will not have had time to read it. Reznick questioned how the 2 year look back period was arrived at, how the bylaw may have the opposite affect intended and if there was data of how many trees have been removed in the last 2 years.

LH responded that the 2 year look back period was based on feedback from surrounding towns with tree by-laws. Also that the Weston Historical Commission has experienced that their 12 month demo delay is not an adequate amount of time to forestall demolition. Accordingly, the proposed tree bylaw is based on a 24 month look back. She stated that surrounding towns with tree bylaws have not seen an increase in tree removals since enacting their bylaws and do not see this bylaw as having an opposite affect of its intent.

Olga Shulman, stated Lincoln has no tree bylaw and has private septic., Cambridge, Arlington, Concord and Wellesley do have tree bylaws and they have sewers and much smaller lots. She stated Lincoln as the closest comparison Town and

they do not have a Tree Bylaw. She questioned the data and complaints received regarding tree removal. She stated a PB approved house at 83 Brown looks like it has been clear cut.

Amit Fernandes, 52 Whitney Tavern Rd, voiced his support for the bylaw and that it was important to take the initiative with the bylaw before there is a need or problem. He stated that the bylaw is written in a way that protects homeowners, preserves neighborhood and protects the trees.

Diana Chaplin, Love Lane, said that the bylaw doesn't save trees but monetizes trees. She stated thinks that many people are confused by the bylaw because there have been so many drafts and it feels very rushed. She stated that residents being told that the bylaw does not affect them if they are not building sends the opposite message of trying to save tree.

Jonathan Buchman, 63 Sylvan Lane, said he thought the bylaw was being jammed through too quickly. He said this bylaw would not save trees as homeowners could take down as many trees as they want. He would prefer this to be on fall town meeting. He said that the Board was not listening to peoples concerns on the proposed bylaw.

Jeanette Patel, Bay State Road, stated that this bylaw is similar to what is being implemented in Concord and there have not been adverse effects. She noted that if the bylaw has been changed since it was first proposed than the PB has been listening to concerns. She stated this bylaw does not restrict development.

SO, thanked Janette Patel for recognizing the Board for listening to concerns. He said he would like to see the bylaw passed at Town meeting but agrees that there could be some changes to things like payments, fences, and diseased and dead trees. He noted potentially this could be postponed to Fall Town Meeting. He responded to comments that this bylaw does not apply equally to all properties and suggested to Board consider applying this bylaw to all lots and not just new builds.

LH discussed the reasoning for the current path for the bylaw that the PB is taking and discussed the scope of the current bylaw based on the responses received by residents.

IA addressed the 1% number constantly referenced by opponents to the proposed tree bylaw in public hearings as the percentage of trees which are protected under the proposed tree bylaw. He stated that when more trees are being cut than saved on a property this represents a far greater than percentage than 1%.

AS discussed that the board has been listening to comments and that this bylaw has been discussed for months. He addressed comments made by SO and he would not support a bylaw applied to all properties in Weston.

LG agreed with AS and would not want all trees under someone's supervision. She discussed that part of what the PB is trying to do is educate residents about the importance of trees and their positive impact on climate change.

Barbara Fullerton, 3 Winter St, said that The League of Woman Voters will have a hearing on the tree bylaw on the 27<sup>th</sup>.

PB discussed holding an additional meeting regarding the bylaw. PB Board agreed to hold an additional public meeting prior to Town Meeting to discuss final details and that they will be voting on the final version it at the May 4<sup>th</sup> meeting.

*Motion: LG made motion to close the public hearing. LH seconded, and the motion passes by unanimous rollcall vote.*

LH left meeting at 8:33pm

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

**Overview:** AP reopened the public hearing. IA provided updates from Town Manager and Select Board member Lori Bent, who questioned the level of review the PB would have over any public utility project. Instead of Limited site review by the PB, the Select Board said they would establish an advisory group, consisting of a SB member, a PB member, and members at large from the neighborhood. to make non-binding recommendations to the engineer and DPW.

#### Documents:

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

#### Discussion & Public Comment

LG said it was important for the PB to have a limited site plan review. She discussed potential conditions and the type of input the PB would want to have. She addressed potential construction impact and noted it was something the PB would need to work with DPW, inspectional services, and the neighbors.

Diana Chaplin, Love Lane, said she was appreciative of the PB looking out for the neighborhood during this process and the neighbors want to be helpful in this process and have their voices heard.

SO stated he was unsure of what the direction and process the PB was taking. The PB Board discussed their potential standing/ approval power they would have under the bylaw as currently drafted vs. a limited site plan review. IA said that as currently drafted the PB had no oversight or approval standing. IA said that under the current regulations as they stand this would go before the ZBA for a Variance on height and other Boards such as the Conservation Commission would also have review.

Bruce Pastor, Highland Meadows, stated it is a high possibility that Article 27 will be defeated at town meeting as the Study on which is based is 4 years out of date and inconsistent. Accordingly, Article 28 would be moot. He said the town needs an updated study.

IA discussed the Water Storage Planning Committee suggested by Select Board member Laurie Bent, and the possible statutory role of the committee. The PB discussed the roles and duties of the potential committee the level of input and review they would want.

Aaron Johnson, 51 Willard Rd, said this is something this is something that should have already been done and expressed concerns of delaying the proposal. He stated he has concerns about the safety of Weston's water supply.

Tom Seeman, 100 Highland St, was appreciative of PB listening to abutters and having a concern for the impact of the tanks and how they are built.

*Motion: LG made motion to close the public hearing. AS seconded, and the motion passes by unanimous rollcall vote. Suggested bylaw amendment to be voted on at the next meeting.*

## **4.0 Public Hearing**

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### **4.1 Flexible Subdivision Site Plan Approval, Flexible Subdivision Special Permit, and Scenic Road Right of Way Permit for 119 and 121 Church Street – New 5,311sf RGFA House, Modify Approved Driveway, and Modify Stone Wall – Kimberly Fitzgerald, Applicant**

Representation: Brian Nelson, MetroWest Engineering; Karen Sebastian, Landscape Architect; Justen Berlucci, McKay Architects

Documents:

- [119-121 Landscape & Lighting](#)
- [119-121 Church Architectural Plans](#)
- [119-121 Church C1, Existing Conditions Plan](#)
- [119-121 Church C2, Erosion and Sediment Control Plan](#)
- [119-121 Church C3, Proposed Layout Plan](#)
- [119-121 Church C4, proposed Grading Plan](#)
- [119-121 Church C5, Proposed Site Plan](#)
- [119-121 Church C6, proposed Sceptic Plan](#)
- [119-121 Church C7, Details Plan](#)
- [119-121 Church Cover sheet](#)
- [119-121 Church St. Weston – Hydrologic Analysis](#)

Overview: Brian Nelson gave an overview of the property and discussed the history of the previously approved 3 lot subdivision. He discussed the current character of the lot and reviewed the engineering plan and site plan for the proposed house and driveway modification. He discussed changes made to the site plan in response to the site walk.

Karen Sebastian reviewed the original subdivision planting plan. She discussed the landscape plans from the initial site walk and the revised landscape and lighting plans based on comments received at the site walks.

Justen Berlucci reviewed the architectural plans including elevations, proposed materials, and floorplans.

Discussion: LG asked about the redline envelope shown on the on the floor plans. Justen Berlucci explained that it was the guideline created for the original subdivision plan. LG asked for the RGFA and there was a discussion of finished and unfinished space in the proposed house. Site sections were shared and discussed.

SO recused himself as a voting member of the Planning Board as he is an abutter of the project. He spoke as a neighbor, questioning why the entire house isn't flipped so the garage is to the North which will shorten the driveway, reduce

impervious surfaces and allow uninterrupted views to the meadow without looking at asphalt. Further, the solar orientation of the pool and patio did not make sense.

AP noted the original subdivision plan had the driveway terminating at the north side of the property and it makes more sense than what is being proposed. She stated that the proposed rear projection was outside the footprint allowed by the original subdivision and should be removed. She agreed with SO that the house should be flipped.

The architect responded to PB comments with agreement that they would discuss them with the owners.

LG noted the wrap around porch has very few windows. She asked about the location of the septic system. The engineer discussed the septic location, elevations, and stormwater.

AS agreed that he would like to see the house flipped.

SO responded to comments made by the architect regarding the driveway and privacy.

Todd Bremner, 7 Lower Field Rd, the abutter directly below the proposed house, noted a steep drop to his house and that the extension at the rear is closer than was agreed to in the original Sub Division. He is also concerned about noise and light from the roof decks, the regrading of the driveway, and headlights spilling into his lot.

AP suggested to continue the hearing and review the original subdivision guidelines as well as a headlight study. She was appreciative of the work they have done so far.

*Motion: LG made motion to continue the public to May 18<sup>th</sup>, 2022. AS seconded, and the motion passes by unanimous rollcall vote.*

#### **4.2 RGFA Site Plan Approval – 25 Meadowbrook Rd- 202sf pool house addition to an existing 5,998sf RGFA House – Zachary Sadek, Applicant**

Representation: Jason Lavoie, Civil Engineer; Jeff Plant, Landscape Architect; Marc Kaplan, General Contractor

Documents:

- [25 Meadowbrook Architectural plans](#)
- [25 Meadowbrook Landscape Plans](#)
- [25 Meadowbrook Civil Plans](#)

Overview: AP noted at the site visit there were some of the lights on site were not dark sky compliant and needed to be corrected. Jason Lavoie gave brief summary of the project proposal of a pool house addition.

Jeff Plant discussed landscape and lighting plans. He addressed comments received at the site regarding additional screening around pool equipment and changes to the existing lighting to bring the property into compliance. He also noted protections for an existing large tree adjacent to the pool house.

Marc Kaplan discussed the architectural Plans.

Discussion: LG asked about the noise level of the existing pool equipment and if the pool house lighting was on a timer. Marc Kaplan stated the lights were not on a timer.

*Motion: AS made motion to close the public hearing. SO seconded, and the motion passes by unanimous rollcall vote.*

The decision for this item is scheduled for May 4<sup>th</sup>, 2022.

#### **4.3 Scenic Road Right of Way Permit - 470 Conant Road – Remove Section of Stone Wall for New Driveway- Scott and Maryam King, Applicants**

Representation: Scott King, Homeowner

Documents:

- [470 Conant Existing Conditions](#)
- [470 Conant Proposed Plans](#)

Overview: AP addressed the error on the meeting agenda incorrectly labeled this application as 470 Concord Road. The PB reached out to Town Counsel to see if this would be a violation, but because the neighbors and the meeting were properly noticed and advertised with the correct address the public hearing can occur.

Scott King discussed the existing conditions of the property and issues they have with the current steep driveway as well as discussed future plans for changes to the garage.

Discussion: AP questioned tree clearing that has occurred on the lot noting that Google Street view shows the lot used to be much more heavily wooded. Scott King stated the street view images were from 3 years prior to their ownership of the property and explained that trees they had removed were mainly due to storm damage and insect infestation.

LG asked for confirmation that the stones slated to be removed will be reused to rebuild the wall where the existing driveway exists. Scott King confirmed.

LG questioned the width of the new proposed driveway. Scott King stated the width would be 18ft. The PB questioned and discussed the 18ft opening vs. the 14 ft opening the fire Dept normally requests.

SO requested some clarity on the driveway flare at the street.

AP requested for the applicant to submit clearer plans showing the driveway flares and where it narrows.

David Stevens, 474 Conant, he has a PB approved house with a 14ft wide driveway and an 18ft flare. He stated the new driveway location would be safer.

John Hennessey, abutter to south of property, expressed support for the project and stated he also has a flared driveway which is necessary for safety.

Cathy Nicholson, 440 Conant, stated she is supportive of the project and noted it is tasteful and important for safety.

Motion: LG made motion to continue the public to May 18<sup>th</sup>, 2022. AS seconded, and the motion passes by unanimous rollcall vote.

The decision for this item is scheduled for May 18<sup>th</sup>, 2022.

## **5.0 Decisions:**

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### **5.1 83 Brown St- Scenic Road Site Plan Approval Amendment – Add lights to garage and stone wall at front property line- Douglas George, Weston Brown LLC Applicant**

Motion: AS made motion to approve 83 Brown St- Scenic Road Site Plan Approval Amendment – Add lights to garage and stone wall at front property line as edited by LG. SO seconded, and the motion passes by unanimous rollcall vote

### **5.2 12 Westerly Rd- RGFA Site Plan Approval Amendment – Add Fence, gates, and additional landscaping to front yard of existing 7,882sf RGFA house- Jason and Shannon Robins, Applicants.**

Discussion: IA said LH was assigned to review this decision but it was not completed it ahead of this meeting. AP stated this would be reviewed at the next Planning Board meeting.

## **Minutes:**

**March 23th, 2022:** LG moved to approve the minutes of March 23<sup>rd</sup>, 2022 Planning Board meeting as edited by AS. SO seconded, and the motion passes by unanimous rollcall vote.

## **Future Meetings:**

May 4, 2022

May 18, 2022

## **ADJOURNMENT**

Motion: SO moved to adjourn, LG seconded, and the motion passed unanimously by rollcall vote.

**Meeting adjourned at 10:30 p.m.**