

# TOWN OF WESTON

Planning Board Meeting January 18, 2023  
Document Prepared by Christine Zale



## Video Recording:

<https://cloud.castus.tv/vod/weston/video/63cbe6b8c250ee000877a650?page=HOME>

## Meeting called to order at 7:03PM.

Planning Board Members	Present	Staff Members	Present
Alicia Primer (AP) – joined at 7:30pm	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	<b>Others</b>	

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.

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## PUBLIC COMMENT

No Public Comment

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## TOWN PLANNER REPORT

- IA discussed the calendar – and upcoming site visits in February.
- Large Project Updates
  - Still working on amenable solution to Park Rd improvements, working with MassDOT on maintenance of shared use path.
- Long Range Updates
  - Rules and Regs- IA working on section 2 draft and edits
  - Public Tree Maintenance Plan – TAG had meeting with the consultant today. Follow up meeting to be scheduled with DPW.
  - Historic Heritage- met with Town Counsel to reboot the process.
  - Unified Master Plan – working on draft charge and steering committee.
- Other Town Projects
  - Accessory Apartments- IA to catch up with Affordable Housing Chair, to get an update.
  - Water Tanks- Select Board announced the meeting sessions on the project. Potentially seeking funding for 2 tanks.
  - Route 30 Reconstruction- site walk of last section of route held today. IA noted there will likely be wetland and floodplain permitting.
  - MBTA Mutli-family housing– will be discussed with HPP Implementation Committee.
- Committee Updates
  - Sustainability- to be discussed later in the meeting.

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## **0 Church Street (0 Hemlock Rd) – Flexible Subdivision Special Permit – Create Buildable Lot – Richard Barno, Applicant**

Representative: Eric Joseph, Civil Engineer; Richard Barno, Applicant; Jonathan White, Attorney

<a href="#">Building Height Calculations of 0 Hemlock</a>	<a href="#">Flexible Subdivision Plan for 0 Hemlock</a>
<a href="#">Density Proof Plan for 0 Hemlock</a>	<a href="#">House Location Study</a>
<a href="#">Density Proof Plan with Grading for 0 Hemlock</a>	<a href="#">Landscape Plans for 0 Hemlock</a>
<a href="#">Testimony from Majority Owners of Hemlock in opposition</a>	<a href="#">Testimony from 11 Hemlock in opposition</a>
<a href="#">Testimony from 15 Hemlock in Support</a>	<a href="#">Testimony from 321 BPR in opposition</a>
<a href="#">Testimony from 327 Boston Post Road in Opposition</a>	<a href="#">Testimony from Clover Nicholas and Edmond R du Pont</a>
<a href="#">Testimony from Joe Wilson on 0 Church Street</a>	<a href="#">Testimony from the majority of the Owners of Hemlock Road in opposition</a>
<a href="#">Testimony from Mike Nurczynski on 0 Church Street</a>	<a href="#">Testimony Response From White</a>
<a href="#">Title Evaluation from Town Counsel</a>	<a href="#">Title Memorandum Updated</a>
<a href="#">Letter from Attorney Jonathan White</a>	<a href="#">Power Point in Opposition</a>

**Overview:** IA discussed the Buffer Requirement request referenced in the letter sent by Attorney King, who represents the abutters. IA discussed the zoning setbacks from a property line v. the zoning setback from a right of way. If this rule is applied for this proposed subdivision, the applicant would need to get permission from the neighbors at 12 Hemlock. IA said this is a PB rule/reg the PB may interpret its applicability on a case by case basis.

Attorney King, gave a presentation regarding the Buffer Requirement stating the PB can only waive this regulation upon the subdivider providing a written statement from the abutting lot owner. She discussed the existing property lines and the buffer zone of the owners at 12 Hemlock. She stated both the definitive subdivision plan and flexible subdivision plan violate the buffer requirement. She discussed the public record request submitted to find instances where the Buffer Requirement and/or the standard 50ft right of way requirement was waived by the PB in the last 10 years. She stated it was appropriate for the PB to deny the application at this point.

Jonathan White, Attorney for the Applicant, said he had been traveling and asked for a continuance in order to respond to the issues in writing so Town Counsel could see it. He noted a 1947 approval to extend Hemlock Road onto this property. He discussed waivers and the PB's ability to waive requirements according to state statutes and the PB rules and regs. He discussed the impact on the Town owned conservation land and the abutting property of 12 Hemlock. Attorney White said he would like to speak with Rob Gemma, engineer, to review the geometry to determine if there was any way to not impact the abutters property and therefore avoid triggering the Buffer Requirement. He also wants to speak with Conservation regarding an easement.

**Discussion:** LG said the PB would be measuring the setback from the edge of the road. She commented the WFAT wants a trail easement and the PB supports their request. She also discussed the odds of potential future Conservation land development.

SL asked Attorney White to further explain the ability for the PB to waive the buffer zone requirement which necessitates the consent and approval of the abutter. Attorney White said this was within the PB regulations not the town bylaws.

AP said that it cannot be fairly stated that conservation land can never be built on. She asked if the 1947 approval to extend Hemlock Rd predated the rule/reg of the buffer zone requirement. IA said yes, the rules and regs are more recent.

Attorney King discussed if the PB were to waive a strictly worded rule/reg, a court would find that arbitrary and capricious. She said there are no previous examples of this kind of waiver being granted by the PB. She said without a waiver in hand this application should not be considered further.

Attorney White asked if IA knew how many sf of 12 Hemlock would be impacted.

LG said that the PB would need to see if the engineer could review and reconfigure the plans to pull the access road away from the abutting property and whether conservation commission would grant approval.

Attorney White said he would appreciate a month continuation.

Attorney King requested that if there are not waivers in hand at the next meeting the PB be prepared to vote.

SL responded to Attorney King that the PB is not putting off their responsibilities and want to be sure they as a Board understand the arguments presented.

**Motion:** AP made a motion to continue the Public hearing for 0 Church St (0 Hemlock Road) to 2/15/2023, LH seconded, motion passed in a unanimous rollcall vote.

## **297 Meadowbrook – RGFA Site Plan Approval – New 12,086sf RGFA House – Neil and Puja Shah, Owners**

**Representative:** Sean Reilly, Coastal Engineering; CP Drewett, Drewett Works Architecture; Colin Casper & Dave Schumacher, Schumacher Landscape; Jonathan White, Attorney; Neil and Puja Shah, Owners, Matt Kauffman & Brian Vona; KVC Builders; Peter Covo, Attorney

<a href="#">Architectural Plans 297 Meadowbrook</a>	<a href="#">Civil Engineering Plans 297 Meadowbrook</a>
<a href="#">Landscaping Plan 297 Meadowbrook</a>	<a href="#">Lighting Cutsheet 297 Meadowbrook</a>
<a href="#">Lighting Plans 297 Meadowbrook</a>	<a href="#">297 Meadowbrook Road Construction Management Plan</a>
<a href="#">Shah FAQ sheet- Existing and Proposed info</a>	<a href="#">297 Meadowbrook Garage Building Pics</a>
<a href="#">Letter of Intent – Shah – 12.16.2022</a>	

**Overview & Discussion:** Matt Kauffman, KVC builders, shared revised landscape plans which indicated delineation of formal lawn from meadow mix. There is a 2:1 ratio of low mow meadow mix to lawn area.

He discussed that the area of the septic system will be restored to the current condition with a meadow mix. The trees plantings have been spread out throughout the meadow and added shade trees including red maples and red oaks. Trees have been pulled closer to the house along the Meadowbrook side.

KT said she had no concerns with the landscape plan presented.

AP asked about the 96 arborvitae being proposed to be planted. Matt Kauffman said they are new plantings to extend the existing hedge.

LH thanked the applicants for swapping the lawn and meadow mix. She shared concerns about the arborvitae plantings and the lack of biodiversity and asked if they could consider something more native and naturalistic.

Matt Kauffman said they arborvitae row will be internal to the property.

LH asked if there was a more native species they would feel comfortable using in that area.

Colin Casper, Landscape Architect, discussed alternative planting species and pest control of the arborvitae.

There was a discussion on breaking up the arborvitae and increasing the diversity and quality of plantings on the site.

LH noted that the Lily Turf is a non-native ground cover species and asked if there was a native replacement.

C.P. Drewett presented a horizontal gate design. One up light has been added to the address number. The new gate design has 8” horizontal slats with 1” spacing between the slats.

LG said she had hoped for 3-4” spacing. C.P. Drewett said that made the gate climbable and didn’t look as nice.

AP asked if the light could be mounted to face down. C.P. Drewett said the numbers could be back lit.

LG said she would like to take a vote on the gate and continue discussing the landscaping. AP said that she was comfortable moving to a decision pending the changes to landscape that could be discussed in the Landscape findings. The PB was in agreement.

LG said she would like to see more native species in the proposed hedge wall and asked if there were tree wells around the trees along the rear slope and wanted to make sure the root systems were not compressed.

**Motion:** AP made a motion to close the hearing for 297 Meadowbrook - RGFA Site Plan Approval. LH seconded motion passes in unanimous roll call vote.

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**Public Hearing**

**30 Country Drive- RGFA Site Plan Approval – Addition to Existing house Totaling 6,435sf RGFA- John W. & Alison Vander Vort, Owners**

**Representative:** Brian Timm & David Gallant, Engineer; Alison Vander Vort, Owner; David Rubino, Architect; Colin Hand, Landscape Architect

<a href="#">30 Country Dr RGFA Neighborhood Presentation</a>	<a href="#">30 Country Dr Site Photos</a>
<a href="#">30 Country Dr Stormwater Management Report</a>	<a href="#">30 Country Drive Architectural Diagrams</a>
<a href="#">30 Country Drive Exerior Kitchen Elevations</a>	<a href="#">30 Country Drive Exterior Kitchen Plans</a>
<a href="#">30 Country Drive Project Narrative</a>	<a href="#">30 Country Drive RGFA Diagram</a>
<a href="#">30 Country Drive Site Plans</a>	

**Overview:** Brian Timm discussed the proposal for 100sf addition and changes to the existing portico on the front and installing an outdoor grill at the back.

Drew Gallant, presented the plans and drawings showing the dormer addition and building footprint increase and the addition of a fence surrounding the existing generator. He noted all improvements are within the setbacks and discussed stormwater measures.

Brian Timm stated 1 tree will be removed for the addition and discussed the proposed limit of work.

**Discussion:** DC said the changes are very minimal.

KT agreed the changes are minimal and the site is well screened.

AS asked if there were any nods to sustainable features being proposed.

Alison Vander Vort, owner, said a well has been installed on the property within the last two years and they have explored solar panels however the orientation of the house is not ideal for solar panels. She said they an electric charging station for their vehicles.

AP said the proposed changes are very minimal and not impactful.

**Public Comment:** Anthony Defelipo, 8 Surry, said he attended the end of the site visit and had no issues with the proposed changes.

**Motion:** AP made a motion to close the hearing for 30 Country Drive – RGFA Site Plan Approval. AS seconded and the motion passes in unanimous rollcall vote.

**47 Pincroft Rd – RGFA Site Plan Approval – Addition to Existing house Totaling 5,642sf sf RGFA- Alex Mackey, Owner**

**Representative:** Kent Duckham, Architect; Marc Mazzarelli, Landscape Architect; Alex Mackey, owner

<a href="#">47 Pincroft Architecture and Elevations</a>	<a href="#">47 Pincroft Average Natural Grade Calculations</a>
<a href="#">47 Pincroft Engineering Drainage Calcs</a>	<a href="#">47 Pincroft Landscape Plans</a>
<a href="#">47 Pincroft Lighting</a>	<a href="#">47 Pincroft Proposed Site Plan</a>
<a href="#">47 Pincroft RGFA Neighborhood Context</a>	<a href="#">47 Pincroft Site Plans</a>

**Overview:** AS said he is longtime friend of the owners and recused himself from the hearing.

Kent Duckham, Architect, presented plans for a rear addition of 223sf and plans for a rear terrace and shed. He discussed the stormwater management plans proposed for the addition and terrace. He noted 48” of caliper trees were proposed to be removed and 51” caliper inches proposed to be added to the site.

The Architect shared the rear terrace landscape plan.

**Discussion:** LG asked about the proposed area for the new drainage and if it would just be lawn.

DC said yes and that the changes to the site are minimal and the stormwater they are installing will mitigate the increase in impervious area.

KT said the applicants have responded to her comments regarding to the buffer to the terrace patio. She said she was not concerned about the trees coming down.

LH asked about the planting list and noted a number of non-native species proposed.

Marc Mazzarelli, Landscape Architect, discussed the proposed planting species.

LG asked if the grass was going to be a drought resistant mix and asked about using a watersense EPA sprinkler system.

LG asked KT if a fence around the spa would be helpful for screening. KT said it wouldn't add much as the cedars will get very tall.

LG asked DC if a rain garden or permeable pavers would minimize the stormwater.

AP commented on the tight plantings along to right side of the rear patio .

Alex Mackey, owner, said there was adequate room for the proposed plantings.

LG asked the distance from the erosion control measures to the front of the proposed fireplace.

The Architect said the fireplace could be moved 3ft to the left to increase the plant bed to 6ft.

LH asked if there could be an alternative to the baltic Ivy. The Landscape architect asked for the preference of the PB.

KT said she could review and make a recommendation on alternative ground cover.

LH requested an alternative for the non-native Hokone grass.

The PB reviewed drawings for the proposed shed.

**Motion:** AP made a motion to close the hearing for 47 Pincroft Rd- RGFA Site Plan Approval. SL seconded and the motion passed in an unanimous rollcall vote.

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## **Old Business**

### **667 Wellesley – Scenic Road Site Plan Approval Amendment – Amend Irrigation Condition – 589 Well St, LLC Owner**

**Representative:** Joseph De Renzis, Partner for 667 Wellesley St.

<a href="#">Landscape and Lighting Plan</a>
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<a href="#">Sprinkler Plan for 667 Wellesley</a>
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**Overview:** Mr. De Renzis shared and discussed the sprinkler plan with water sense controllers and drip irrigation. He said they cut back on sprinklers by 50%.

**Discussion:** LG said the plan looked much simpler.

**Motion:** AS made a motion to remove the well irrigation condition and replace with the EPA water sense irrigation for 667 Wellesley St- Scenic Road Site Plan Approval Amendment – Amend Irrigation. LH seconded and the motion passes in an unanimous rollcall vote.

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## **New Business**

### **125 Highland St – Approval Not Required Plan – Create Buildable Lot – Bush Hill Farm LLC, Owner**

**Representative:** Beth Nolan, Attorney

**Overview:** IA discussed the request to create a buildable lot and will be going around to get signatures from the PB.

**Discussion:** SL asked why the PB needed to sign off on an Approval Not Required. There was a discussion as to why one approves an Approval not Required plan as required under Massachusetts state law. Beth Nolan, Attorney, discussed that it is helpful to the Registry of Deeds if and when the property is sold and is helpful for title requirements.

### **6 Buckskin Dr- Approval Not Required Plan – Adjust Lot Line- Arthur and Nicole Gibson, Owners**

**Representative:** Pat Arno, engineer

**Overview:** IA presented the site plan stating the owners are transferring frontage to create a buildable lot out of Lot 2 on their plan.

**Discussion:** AS asked what the size of Lot 2 was. Pat Arno, engineer, discussed the zoning districts and size of the lots. AP asked IA if both lots will be conforming. IA said that he will bring plans around for signatures at the next site walk or PB can come by his office to sign.

### **Expanded Stretch Code Adoption – Sustainability Committee**

**Representative:** Katherina Wilkins, Chair of Sustainability Committee; Julie Gagen, Sustainability Coordinator

**Overview & Discussion:** AS discussed the commitment to reduce the amount of greenhouse gases in MA by 2050 and towards that end the state has created an expansion of the Stretch Code. The Expanded Stretch Code would require a vote at Town Meeting.

Katherina Wilkins said in 2011 Weston became a Green Community and the question is if the Town should adopt the extended stretch code. There was a discussion of the stretch code being a bylaw or a state regulation and the requirement of a vote at Town meeting.

Julie Gagen presented slide show and gave an overview of the levels of Building Codes in Massachusetts. She discussed the expanded stretch code being an opt-in option and the time period for implementation if the code were to be adopted. She discussed the regional movement towards the Expanded Stretch Code.

Katherina Wilkins discussed that the sustainability committee would like to pursue the expanded stretch code in conjunction with the Planning Board and when it should be brought before town meeting.

LG said she was interested in adopting the expanded stretch code but would like to know a bit more about it.

LH said she was supportive of the endeavor and would be happy to help bring this to town meeting.

SL asked what kind of opposition this measure has received from the community.

Julie Gagen explained the how the regulations were formed in partnership with the building community and the stretch code is being enveloped within the building code.

LG discussed what would be the trigger for conforming to the new standards for building in Weston.

Katherina Wilkins discussed the Sustainability Committee's reasons for not pursuing a complete fossil fuel ban and the goal of undertaking a more practical approach.

**Motion:** AP made a motion to support Sustainability Committee in adopting the Stretch Code that is inline with the state priorities. AS seconded and the motion passed in unanimous rollcall vote.

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### **Decisions**

#### **83 Brown St- Scenic Road Site Plan Approval Amendment- Remediate Clearing Beyond Limit of Work and Additional Planting – New Newton LLC, Applicant**

**Overview:** IA said KT has reviewed the plan and is ok with it. AP edited the decision and IA added additional conditions.

**Motion:** AP made a motion to approve 83 Brown St – Scenic Road Site Plan Approval Amendment as edited. AS seconded and the motion passes in unanimous rollcall vote.

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### **MINUTES**

**Overview:** AP recused herself as she was not at the 11/2 meeting

**Motion:** LH made a motion to approve 11/2/22 meeting minutes as edited by SL. AS seconded and the motion passed in a roll call vote

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

**Meeting adjourned at 9:53pm**