

TOWN OF WESTON

Planning Board Meeting May 4, 2022
Document Prepared by Christine Zale



Video Recording: <https://cloud.castus.tv/vod/weston/video/6287c06b0fe9df00089677c0?page=PLAYLIST>

Meeting called to order at 7:06 PM. Chair AP 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	No
Steve Oppenheimer (SO)	Yes	Dave Conway (DC) - Consulting Civil Engineer	No
Alex Selvig (AS)	No	Kim Turner (KT) - Consulting Landscape Architect	No
Lori Hess (LH)	Yes	Others	

Prior to public Comment AP noted this was SO’s final meeting and thanked him for his time on the PB. PB expressed gratitude for his 9 years on the PB.

Public Comments

Mikael Wegenbaur, 7 Blossom Lane, Wayland wanted to enter documents related to 863 BPR into the record including memo from Wayland Town Administrator from 4/30/2019, MassDOT road safety audit from 3/2020, Memo from Wayland Board of Public Works from 4/28/2022. He has sent the documents to IA.

Continued Public Hearing

1.) Zoning Bylaw Amendment - Sustainable Tree Initiative – Tree Working Group, Applicant

Overview: IA noted that while this item is listed as a continued public hearing, the PB voted to close the public hearing at the last meeting on April 20th. The decision will be reviewed tonight and the chair of the PB can and will allow additional public testimony at tonight’s meeting.

AP recapped the state law requirements for new zoning bylaw is one public hearing and the PB has had eight public meetings related to this bylaw proposal.

IA discussed remediation costs and the different methods including trunk value and diameter replacement for how this can be calculated and provided examples on calculating the replacement area of a 6” tree.

AP stated primary goal of the bylaw is to save trees and encourage mitigation.

Documents:

Developer Meeting	Tree Bylaw Comment Letter to PB from Jonathan Silverstein
Framework Presentation Sustainable Tree Initiative	Tree Bylaw PB updates Slides 4-28-22
Print Version of Private Tree Survey	Tree Bylaw Revisions Presentation 3-23-22
Proposed Zoning Bylaw Amendment	Tree Bylaw Update Presentation 4-20-22
Recommendation to the Moderator for Article 30 Sustainable Tree	Tree Survey Summary
	Tree Survey Summary Presentation

PB Comments: LG stated she received postcard in the mail stating ‘Vote No on 30’, and the comments on the postcard erroneous and the sender is anonymous so there is no way to contact and have a dialogue with the senders.

Public Comment

Mario Alagna, questioned if there would be any additional changes to the 5/4 version of the bylaw and questioned why Conservation Commission was approached so late. He reviewed comments raised by the conservation commission. He also questioned why Health and Building were not consulted in this process and discussed why septic systems should not be placed under driveways. Stated his concern with the CRZ (critical root zone) on excavation and regrading.

AP stated the final draft presented last week is the final draft of the bylaw and the PB will not be making further changes.

LG stated many of these questions have been answered in previous meetings.

LH and IA clarified the July 1st start date

Jonathan Silverstein, of Blatman, Bobrowski, Haverty & Silverstein, stated he was representing a coalition of Weston property owners, builders, and residents who have concerns with the proposed bylaw. He stated that in their view the extremely high fines of this bylaw constitute unlawful exaction under U.S Supreme Court. He discussed a case in Michigan that came before federal court of appeals that where the fines imposed for tree removal were considered an unlawful exaction. He said his clients are in favor of tree protection but requested something applied more uniformly. He urged the PB and the Town to be more collaborative in their processes.

Jon Witten, of KP Law, responded to Jonathan Silverstein's comments and stated his opinion was this proposed bylaw was not a regulatory taking. He discussed his differing legal opinion from Atty. Silverstein and noted that suggestions made in Silverstein's letter to the PB could be taken into consideration.

Greg Shay, 11 Shady Hill Rd, read a prepared statement requesting the PB pull the proposed tree bylaw from the Town Meeting Agenda. He stated the bylaw is confusing and poorly understood and is applied unfairly and noted the Conservation Commission does not endorse this proposed bylaw.

Jon Witten, KP Law, said that this bylaw is not spot zoning.

Diana Chaplin, Love Lane, asked LG to explain the postcard she received and what is erroneous, AP said the PB will not further discuss an anonymous mailer. Diana discussed reasons for why people may want to remain anonymous.

Olga Shulman, Country Drive, responded to comments made by Jon Witten and questioned how the two year look back on tree removal could apply to new owners of a property.

IA discussed the two year look back in the proposed bylaw would apply to any property owner, intention of the original owner does not matter.

Jon Witten, KP Law, discussed the look back provision and how the trigger would apply as the bylaw looks back holistically over a period of time.

SO discussed that the bylaw does allow for exceptions to the look back in certain cases and can be appealed to the ZBA.

Craig Meyer, ? Road, questioned what the total number of trees in the Town of Weston and whether the PB has made an estimate of how many trees will be preserved by the proposed bylaw.

IA responded and discussed the application of the proposed bylaw and addressed assumptions on the number of trees being protected by the bylaw.

Mark Cahill, Sherburn Circle, discussed his opinion on over planting of trees on some properties is not healthy. He discussed the large replacement requirements within the bylaw do not allow for healthy large trees to grow and mature.

Rochelle Nemrow, Beaver Road, questioned how the look back period would be applied if there is no oversight or monitoring of the tree removal occurring on properties. She questioned how the bylaw could apply to trees she has paid to plant and then later remove to expand her home.

Giles Moore, Westcliff Rd, commented on the density of planting being a real issue. He discussed how landscapes change over time and that needs to be considered and also commented on the financial impact this bylaw would have on homeowners. He requested the PB to clarify their position on this bylaw as written. AP stated that the desire to save trees is not just about landscape but also about climate and the impact deforestation has on the climate.

Debbie Slotpole, Westerley Road, noted that the character of her neighborhood and others have changed dramatically in the last 10 years primarily due to new construction and tear downs. She stated she lives next door to a property that cleared the majority of the lot and discussed the impact that has had on her property and there will be continued clear cutting in town if steps, like the proposed bylaw are not taken now.

SO pointed out the first item under 6.C in the bylaw discusses the non-applicability of the bylaw if the construction project will does not call for tree removal. He also stated that a house cannot be built in the setback area and this bylaw protects the trees within the setback.

IA shared the Moderator Recommendation and noted the changes he had added.

Motion: LH motioned to approve the Recommendation to the moderator as edited by IA, LG seconded. All in favor and motion passed in unanimous rollcall vote.

2.) 863 Boston Post Road – Limited Site Plan Approval- 153 Student Childcare Center- Gus Miragias, Artisan Childcare, Applicant – Item will be continued

Overview: AP stated this item has been continued as the PB was waiting for information from MassDOT that arrived late and could not be included on the agenda.

IA said the hearing could be continued to 5/18/2022.

Motion: LH made motion to continue the hearing of 863 Boston Post Road to 5/18/2022, SO seconded. All in favor, motion passed in unanimous rollcall vote.

3.) 355 Highland Street- Scenic Road Site Plan Approval- New 6,647sf House – Nicholas Keramaris, Applicant- Item will be continued.

Overview: IA stated this hearing will be continued to 5/18/22. LG questioned if the hearing could be moved to a different date as AP would like to be present for the meeting. IA said that it could be continued to 6/1/22.

Motion: LH made motion to continue the hearing of 355 Highland Street to 6/1/2022, LG seconded. All in favor, motion passed in unanimous rollcall vote.

DECISIONS

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

Overview: IA shared Recommendation to the Moderator on the screen. The PB made minor edits.

Motion: LH made motion to approve the Recommendation to the Moderator, SO seconded. 3 in favor and 1 abstention.

PUBLIC HEARINGS

1.) 180 Boston Post Road Bypass- PWSOD Special Permit- Renew Monopole Special Permit – SBA Steel, LLC, Applicant

Representative: Greg Boucher, SBA Steel

Overview: AP opened public hearing and noted this is a renewal of a 2017 permission that was granted

Documents:

[Application Materials for 180 Boston Post Road BP Tower Renewal](#)

Discussion:

Greg Boucher stated that there have been no changes to the Tower in the last 5 years. He discussed the bond has been provided and the lease with the town expires in July 2023 but there are talks with the town to extend the lease.

IA explained that the approval granted would extend to the end of the lease period.

Motion: LH made motion to close the public hearing and meeting. LG seconded, all in favor in and the motion passed in unanimous rollcall vote.

The decision for this item is scheduled for May 18th, 2022.

2.) Rules Revisions – Update Advertising Fee and Notification Requirements – Planning Board, Applicant

Representative: IA

Overview: IA discussed that Town crier is no longer going to be in print and that advertising will now have to be through the Boston Globe. IA propose to change the advertising fee.

Documents:

[Proposed Advertising Fee Rule Revisions- Draft](#)

Discussion: General discussion of 40A advertisement requirements and surrounding papers occurred. IA noted that Site Plan Approvals print advertisement requirements are only required per the PB Rules and Regulations, and that requirement could be removed. Any special permit applications or subdivisions would still require printed advertisement. Mail notices would still be sent to abutters for all hearings.

LG questioned other potential options for running advertisements.

IA discussed the Boston Globe fee schedule and edited advertisement examples to reduce lines and extra verbiage. IA proposed the PB vote to remove the requirement for newspaper publishing for site plan approval and for applications governed by MGL. Ch.40A to adopt the \$1,400 fee.

Diana Chaplin, Love Lane, asked about papers in Wellesley and whether or not they covered Weston.

***Motion:** LG made motion to accept IA proposal to update the advertising fee with the exception that anything that doesn't require printing by law be removed and the rules and regulations be updated to reflect that. SO seconded, and the motion passed in unanimous rollcall vote.*

DECISIONS

1.) 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

***Motion:** LH made motion to approve 12 Westerly Rd – RGFA Site Plan Approval Amendment – Add fence, gates and additional landscaping to front yard of existing 7,882sf RGFA house as edited by AS. LG seconded and the motion passed in a unanimous rollcall vote.*

2.) RGFA Site Plan Approval – 25 Meadowbrook Rd – 202sf pool house addition to an existing 5,5998sf RGFA House – Zachary Sadek, Applicant

***Motion:** LH made motion to approve RGFA Site Plan Approval – 25 Meadowbrook Rd – 202sf pool house addition to an existing 5,5998sf RGFA House as edited by SO. LG seconded and motion passed in a unanimous rollcall vote.*

Minutes

No minutes for approval

Future Meetings

5/18/2022

6/1/2022

PB had discussion of upcoming meetings and meeting attendance.

Adjournment

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

Meeting adjourned at 8:52pm