



# TOWN OF WESTON

Planning Board Meeting April 28, 2021

Document Prepared by Susan Peghiny

**Video Recording:** <https://weston.vod.castus.tv/vod/?video=b092ecee-305a-43bf-a987-26d125fdf8d6&nav=programs%2FPlanning%20Board%20-%20Weston%20MA>

**Meeting called to order at 6:03 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 (AP) - Chair	Yes	Imaikalani Aiu (IA) – Town Planner	Yes
Leslie Glynn (LG)	Yes	Dave Conway (DC) - Consulting Civil Engineer	Yes
Steve Oppenheimer (SO)	Yes (late)	Kim Turner (KT) - Consulting Landscape Architect	Yes
Sue Zacharias (SZ)	Yes	Jonathan Witten (JW) – Town Counsel	Yes
Alex Selvig (AS)	No		

*Italics indicate formal action taken.*

## 1.0 Public Comments

There was no public comment.

## 2.0 New Business

### 2.1 9,11,13 and 20 Riverside Road – Zoning Bylaw and Map Amendments – Questions and Comments for Town Counsel

**Overview:** Mr. Aiu provided an update of the two zoning proposals on the Warrant Article, and the development agreement being worked on with Greatland. Town Counsel was asked to review the zoning items and the development agreement to determine if a proposal involving multiple dwellings can be a simple majority vote or if it needs a 2/3 majority.

**Documents:**

- [Acoustical Peer Review](#)
- [Applicant’s Presentation 3-17-21](#)
- [Applicant’s Presentation 3-31-21](#)
- [Applicant’s Presentation 4-14-21](#)
- [Article 31- ZBL Amendment Office and Research and Development District B](#)
- [Draft Development Agreement](#)
- [Exhibit A Park Road Improvements](#)
- [Exhibit B Land Swap Plan](#)
- [Exhibit C Additional Improvements](#)
- [Liberty Mutual housing option memo by neighborhood\(3.11.21\)](#)
- [Proposed Zoning Map Change](#)
- [Riverside Campus Redevelopment Traffic Impact Assessment - 2021-03-11](#)
- [Riverside Campus TIA Peer Review](#)
- [Riverside Lab Conversion Air Quality Opinion Letter](#)
- [Riverside Lab Conversion- Estimated Tax Revenues](#)
- [Riverside Rd Traffic Scoping Info Memo with figures](#)
- [Traffic Impact Analysis Appendix - Residential Add - 2021-04-02](#)
- [Warrant Article to Amend Zoning Bylaw by Adding Office & Research District B](#)
- [Warrant Article to Amend Zoning Bylaw by Adding Office & Research District B Ramsayer](#)
- [Weston Riverside Community Noise Information](#)

Discussion:

Mr. Witten opined that the new Housing Choice legislation is complex, confusing, and poorly written. The legal opinion of KP is that Articles 30 & 32 require a simple majority vote because the legislation grants cities & towns the ability to determine what is an “eligible location.” Since this is a matter of town opinion and determination, he believes a 2/3 majority vote would be representative of greater town support. He believes Weston could have an eligible location that complies with the purpose of the Housing Choice anywhere in town – not necessarily adjacent to near a mass transit station.

Warrant 32 will be presented as a simple majority vote, and there was a discussion of how to handle this at Town Meeting.

Ms. Glynn asked if Mr. Witten could provide specific guidance on what “eligible location” means in the legislation. Mr. Witten said it is broadly defined in the legislation as “(i) areas near transit stations, including rapid transit, commuter rail and bus and ferry terminals; or (ii) areas of concentrated development, including town and city centers, other existing commercial districts in cities and towns and existing rural village districts.” He advised that Articles 30 and 32 meet the definition of eligible locations.

Ms. Glynn asked if Housing Choice has any density requirements. Mr. Witten said if you’re an MBTA serviced community there are standards, and he feels Article 30 has addressed those.

Ms. Primer said one objection to this bylaw is that it is aimed at certain parts of the town and not the whole town. Mr. Witten said it’s an appropriate overlay district, and in order for it to be used elsewhere it would require a Town Meeting vote.

Mr. Witten advises that Articles 30 & 32 require simple majority.

Ms. Zacharias feels unprepared to make the types of decisions the law is asking of the Planning Board. Mr. Witten said the Board’s role has not changed except when regarding choosing eligible locations that are not within .5 miles of a train station – then the Planning Board chooses. There was a discussion of the Board’s role and responsibilities.

Ms. Glynn asked if Weston must have this zoning, and Mr. Witten said if the Town chooses not to seek state grant money (especially MassWorks) they would not have to do it, although it is risky because of future money the Town would not be eligible for because of this decision.

Ms. Glynn asked if this a development can be considered 40B and Housing Choice. The units will add to the denominator but may not add to the numerator. This will make 40B more attractive to cities & towns.

Mr. Aiu has drafted some amendments to the add to Site Plan Approval that say there will be considerations for air quality, TDM in this zone only. Mr. Witten said there is nothing in the legislation limiting items such as this and that leaves it as a majority vote.

Ms. Glynn asked if noise was included. Mr. Aiu said no because there is already a clear standard in the proposed bylaw. He said air quality testing is based on what types of tenants and testing done in the facility, which is why air quality needs to be reviewed for each use. She asked that noise be reconsidered and suggested adding lighting needs as well. She also asked about a no-cut tree zone for buffering. Mr. Aiu said lighting is already included in Site Plan Approval and said that noise could be added. There was a discussion of lighting. Mr. Aiu will develop new language regarding lighting and Site Plan Review by Right and by Special Permit.

**Mr. Oppenheimer join the meeting at this point.**

### **3.0 Public Hearings**

#### **3.1 416 Conant Road – Scenic Road Site Plan Approval – New 3615sf RGFA House**

Representation: Zack Burnett, owner & builder.

Overview: There was a discussion of some trees that Mr. Burnett removed.

Mr. Burnett reviewed the proposed house, location, lighting, and landscape plans. It will be a simple barn-style contemporary with a grey metal roof.

Documents:

- [Architectural and Landscape Plans for 416 Conant \(PDF\)](#)
- [Average Natural Grade Calculations for 416 Conant \(PDF\)](#)
- [Certificate of Action Site Plan Approval 416 Conant](#)

- [Existing Conditions Plan for 416 Conant \(PDF\)](#)
- [Google Street View from North with removed trees noted](#)
- [Google Street View from South with removed trees noted](#)
- [Photo of stumps at 416 Conant](#)
- [Proposed Site Plan for 416 Conant \(PDF\)](#)
- [Septic Plan for 416 Conant 2-23-21 \(PDF\)](#)
- [Stormwater Management Plan for 416 Conant \(PDF\)](#)
- [Stormwater Report for 416 Conant 3-3-21 \(PDF\)](#)

Discussion:

Mr. Conway has no issues with the proposal.

Ms. Turner said there is not a lot of information about the trees that will be planted. Mr. Burnett said this is noted on the new drawings. She said she would like to see more variety in the buffer. The Board gave Mr. Burnett some suggestions of other varieties that could be used.

Ms. Zacharias asked if the proposed house has any impact on the neighbors. A discussion of creating a berm along the septic buffering should be considered to keep the water on the site.

Ms. Glynn asked that the driveway stay far enough away from the White Pine at the front of the property to ensure it survives. She suggested they consider adding lower buffer plantings to screen the driveway. There was a discussion of the driveway width, and it was suggested a different material be used in front of the entrance and keep the area in front of the entrance separated. The owner agreed to these changes.

Ms. Glynn asked if the retaining wall would require a fence, and the owner said he plan to put a guardrail on top.

Mr. Oppenheimer expressed concern about how exposed the foundation wall is, and said they are normally screened with landscaping. Mr. Burnett said he was not planning to do this. He said a lot of trees on that side will remain to provide screening to the neighbors.

Ms. Primer said that the Historical Commission felt the original house was an antique that contributed to the scenic character of Conant Road. Ms. Primer asked that at the next meeting there is a plan showing the driveway changes, the tree revisions, and encouraged him to do something about softening the foundation.

Ms. Glynn said it would be helpful for the neighborhood architects to send some examples to the Board of houses in this style that reflect the features they feel are missing.

Public Comments:

Steve Larocque, 421 Conant Road, said he is concerned about the starkness of the plan, and feels it doesn't fit in the neighborhood. He is also concerned about the grade from the septic to the neighbor to the south. There was a discussion of the Boards scope of influence, architectural design, etc.

Motion:

*Mr. Oppenheimer moved to continue the Public Hearing. Ms. Glynn seconded, and the motion passed unanimously by rollcall vote.*

**3.2 180 Ash Street Right of Way – Scenic Road Right of Way Work – Remove tree for new Sidewalk**

Representation: Elika Bahrevar Weston DPW, Steve Fogg, Weston DPW,

Overview: Ms. Bahrevar explained that the only tree they are asking to remove is at 17” pine on the NW side of the library because the tree is less than 5’ from the pole (which can not be moved) and there is not enough clearance for the sidewalk.

Documents:

- [Plans and Photos of Tree near 180 Ash Street](#)
- [Slideshow of Ash Street Sidewalk Project](#)

Discussion:

Ms. Primer said that she was disturbed that the sidewalk was moved without input from the Planning Board.

Public Comments:

There was no public comment.

Motion:

*Ms. Zacharias moved to close the Public Hearing on 180 Ash Street Right of Way – Scenic Road Right of Way Work – Remove tree for new Sidewalk. Ms. Glynn seconded, and the motion passed unanimously by rollcall vote.*

The decision for this item will be scheduled for May 26, 2021.

## 4.0 New Business

### 4.1 150 Newton – Scenic Road Site Plan Approval – Deck and Patio Addition to 7485sf RGFA House

Representation: Greg Legault, architect.

Overview: Mr. Legault reviewed the proposed deck and patio proposal. The patio replaces an existing one and is slightly larger. He reviewed landscape screening and plans to work with the neighbor for plant selections.

Documents:

- [Stormwater Memo from Applicant 150 Newton St](#)
- [Architectural Plans for New Patio & Deck at 150 Newton](#)
- [Certificate of Action Amendment 150 Newton Patio Addition](#)
- [Landscape Plans for New Patio & Deck at 150 Newton](#)
- [PB App 150 Newton SIGNED](#)
- [Site and Civil Engineering Plans for New Patio & Deck at 150 Newton](#)

Discussion:

Mr. Conway has no problems. Ms. Turner said she has no issues but suggests the decision specify 10-12' evergreen trees to be determined.

Public Comments:

There was no public comment.

Motion:

*Ms. Zacharias moved to close the Public Hearing. Ms. Glynn seconded, and the motion passed unanimously by rollcall vote.*

The decision for this item will be scheduled for May 26, 2021.

## 5.0 Continued Public Hearings

### 5.1 9, 11, 13 and 20 Riverside Road – Zoning Bylaw and Map Amendment – Rezone from Business and Commercial Districts to proposed Office and Research B District

Representation: Kevin Sheehan, Greatland Realty Partners; Teri Ford, Greatland Director of Development; Todd Dundon, Gensler Architects; Lourenco Dantas, VHB Civil/Traffic Engineer; Drew Stengler, OJB Landscape Architects; Kristen Murphy, AcenTech Senior Acoustics Consultant; Glenn Schuyler, RWGI Air Quality Consultant; James Ward, Nutter, McClellan and Fish, Zoning Counsel; Elizabeth Graham, Safety Partners

Overview: Mr. Aiu said two peer reviews had taken place: Beta Engineering reviewed traffic, and Intertek looked at acoustical engineering.

Jeff Maxtutis from Beta Engineering reviewed the process and methodology they used to review the proposal and their results, including issues to be considered as the design advances. He feels that the proposed mitigation factors are appropriate and feasible. He added that the Transportation Demand Management Program is robust and asked that the proponent identify their level of commitment to the TDM and consider adding EV charging stations and to do an annual transportation survey.

Jeff Fullerton from Intertek said his focus was on the wording on the Zoning amendment and outlined his process. He feels the amendment is an appropriate way to limit the sound for this project and that it is achievable. The challenge is assessing the ambient sound level, and the report he sent delves into this. He pointed out that the highways will impact this assessment. He suggests that a third party do all future assessments. He pointed out that tonal sound studies need to be included. He believes the sound mitigation plans are reasonable and look protective of the community. He advises there be a post-construction compliance study done.

Documents:

- [Acoustical Peer Review](#)
- [Applicant's Presentation 3-17-21](#)
- [Applicant's Presentation 3-31-21](#)
- [Applicant's Presentation 4-14-21](#)
- [Article 31- ZBL Amendment Office and Research and Development District B](#)
- [Draft Development Agreement](#)
- [Exhibit A Park Road Improvements](#)

- [Exhibit B Land Swap Plan](#)
- [Exhibit C Additional Improvements](#)
- [Liberty Mutual housing option memo by neighborhood\(3.11.21\)](#)
- [Proposed Zoning Map Change](#)
- [Riverside Campus Redevelopment Traffic Impact Assessment - 2021-03-11](#)
- [Riverside Campus TIA Peer Review](#)
- [Riverside Lab Conversion Air Quality Opinion Letter](#)
- [Riverside Lab Conversion- Estimated Tax Revenues](#)
- [Riverside Rd Traffic Scoping Info Memo with figures](#)
- [Traffic Impact Analysis Appendix - Residential Add - 2021-04-02](#)
- [Warrant Article to Amend Zoning Bylaw by Adding Office & Research District B](#)
- [Warrant Article to Amend Zoning Bylaw by Adding Office & Research District B Ramsayer](#)
- [Weston Riverside Community Noise Information](#)
- [Weston Riverside Community Noise Information Revision 2 4-13-21](#)

#### Discussion for the Traffic Study:

Ms. Glynn asked if there could be fewer than 850 parking spaces. Mr. Maxtutis said the 850 spaces is based on the square footage of the development. Mr. Maxtutis is they think the TDM will be successful they could lower the number of spaces.

Mr. Sheehan said the parking ratio is low because they feel the TDM will be successful. Mr. Dantes said the current ratio is about 3.58 which is higher than other R&D existing zoning. Mr. Dantas & Ms. Glynn discussed parking ratios. Ms. Glynn asked that the ratio be reviewed because of the TDM.

Ms. Glynn asked if there was a way to model the trip generator for what it would have been like with full tenancy. Mr. Maxtutis said they had looked at estimated full-occupancy trip numbers and the rate would have been slightly higher. Ms. Dante said at Liberty Mutual full occupancy the Office Campus 2017 Peak AM rate would be 341 instead of 202 so the different Lab/R&D number would be negative, and the peak PM rate would be 315 trips.

Ms. Primer said while the number of increased trips looks like fairly small numbers, they represent a 45% increase in trips which she feels is a lot.

Ms. Glynn asked if the numbers include deliveries and pickups. Mr. Maxtutis said all trip types are included.

Ms. Glynn asked if the Park Road mitigations have been updated from what Liberty Mutual offered. Mr. Dante said the recommendations are a mix of the old ones and updated with improved safety and enhancements.

Ms. Glynn asked if the Riverside Development is factored into Mr. Maxtutis' study. Mr. Maxtutis and Mr. Dantas said it was.

Ms. Glynn asked what traffic growth rate range is acceptable. Mr. Maxtutis said 0.5% is on the high end of what is reasonable.

#### Discussion for the Sound Study:

Ms. Primer thinks it's important to have a post-construction sound compliance assessment written into the agreement.

Ms. Glynn said there must be a new sound study done with each new tenant.

Ms. Glynn asked if State sound regulations are good. Mr. Fullerton said he feels the State regulations are good, but some people will accept them and others will not.

Ms. Primer asked what the current ambient sound at the site is. Mr. Sheehan said they have not done those measurements yet. Ms. Murphy (Acentech) said they will do the studies to capture the noise on different property lines and at different times.

James Ward said he feels third party reviews should also be included in the site plan portion of the zoning bylaw.

#### Public Comments:

Ed Winchman asked how directional split of traffic flow is taken into consideration. He also said school buses wait a long time to get onto Park Street and asked how the left & right hand turns from the side streets are handled. Finally he asked what the delta increase is to the traffic flow in relation to other developments in the area.

Mr. Dantas said they use a data source tracking mobile devices to see where the traffic came from. For the left turns onto Park Street, he acknowledged there are queuing issues because of the Mass Pike entrance not because of this project. For the delta increase in traffic question they will consider it in the future studies.

Tom Gold said he's not sure the traffic mitigation measures address the queuing problems in the neighborhood. He knows this project doesn't create that problem but feels this is an opportunity to address the problem.

Franz Loeber asked if 2017 traffic studies are valid after the demolition of the toll plaza and reconstruction of the Mass Pike. Ms. Dante said the toll demolition was in 2016.

Hugh Kelly said he's concerned that there a lot of last-minute changes and that reading amendments at Town Meeting is ineffective. He also feels there a too many unanswered questions to ask the residents to vote.

Motion:

*Leslie Glynn moved to continue the meeting to 5/12, Sue Zacharias seconded. Motion passed unaminously.*

## **5.2 Multiple Dwelling TOD District Amendment and Rezone – Zoning Bylaw Amendment Information**

Overview: Jeff Maxtutis from Beta Engineering reviewed the Residential Scenario analysis saying it would at 15+ trips in AM & PM which is insignificant.

Mr. Aiu said for this property they are looking at 20 units total capped through the development on the east end of the property. The Zoning Bylaw allows the town to pursue different types of housing, as they don't currently know what they need. If the Town does not need more SHI units, they could use this bylaw to build workforce housing. He reviewed the density of existing housing and some proposed developments and said they could recommend a lower density such as 20 units in the proposed bylaw.

Documents:

- [Article 30 - Transit Oriented Multiple Dwelling Zoning Bylaw Amendment](#)
- [Article 31 Proposed Zoning Map Amendment](#)
- [Residential Feasibility Study by Greatland](#)
- [Slide Presentation on Transit Oriented Multiple Dwelling Overlay](#)
- [Testimony from Hugh Kelly](#)
- [Testimony from Kelly Murphy](#)

Discussion:

Ms. Glynn said it makes sense to take 50 out and make 20 the maximum. She is still concerned about the lack of test pits on the property. Ms. Primer agreed.

Mr. Sheehan explained that studies have been done with 20 units. He said he wanted to be clear that the total units in the development is 20 on 1.4 acres (equaling about 15 unit/acre) which is different than the bylaw that will allow 20 units per acre. There was a discussion of the potential design of the residential development.

Ms. Zacharias asked who would fund the building of the residential development. Mr. Aiu said the Town would see what kind of proposals they could get. There was discussion of the potential scenarios that could happen.

Mr. Oppenheimer agrees with the 20-unit limit.

Public Comments:

Youssef Rabhan asked why a new district needs to be created on such a short notice. Ms. Primer explained there is a new State law that they must comply with and that this district cannot be used elsewhere without Town Meeting approval.

Kelley Murphy asked how many developers or homeowners might try to be re-zoned. Ms. Primer reiterated her comments to Mr. Rahban, above and said anyone has the ability to re-zone their property with 40Bs. This overlay gives the Town more control over the developments. Mr. Aiu said he knows of 2 developers who had raised their hands for 40B.

Motion:

*Ms. Zacharias moved to continue the Public Hearing to May 12, 2021. Ms. Glynn seconded, and the motion passed unanimously by rollcall vote.*

## **6.0 Information**

### **6.1 Birch Lane – Comprehensive Permit Comment – WAHFI Affordable Housing Units**

Representation: Susan Haber, Weston Affordable Housing Foundation; Keith Gross, Architect for Weston Affordable Housing Foundation; Peter Endicott, Weston Affordable Housing Foundation.

Overview: Mr. Endicott said they are here to get the Planning Boards comments on their presentation for Town Meeting. He showed the location plan showing the existing houses as well as images of the new house that incorporates the existing houses and the new connecting section. The total cost is 1,020,000 in CPA funds which is being requested at Town Meeting.



Discussion:

No board comments.

Public Comments:

Dana Chaplin asked why the carports are not enclosed. Mr. Endicott said there are costs and dimensional issues. There was a discussion of the carports. She also asked how the houses would be maintained. Mr. Endicott said they are owned by WAHFI and they will be responsible for maintenance, which will be paid by rents.

## **7.0 Decisions**

---

### **7.1 255 Merriam Street – AARC Site Plan Approval – Eight Unit AARC Development**

*Ms. Glynn recused herself from this issue, and with Mr. Selvig absent and Mr. Oppenheimer not having attended the public hearing there was no quorum for this decision. This item is scheduled for May 12, 2021.*

### **7.2 Land Sake Expansion Comments**

Mr. Aiu displayed the last draft of the Planning Board comments as well as comments submitted by Ms. Zacharias and Ms. Glynn.

Ms. Zacharias reviewed her concerns and comments, especially traffic at the intersection and Land's Sake having no overnight lighting. She also asked about the new year-round hours of operation.

Pam Hess from Land's Sake said their winter hours will be fewer and there will be fewer open days than in the summer, but they don't have details right now. There will be no regular operations in the evening. There may be events in the evening. She said they will use dark sky lighting, there will be no all-night lighting, and they will use timers and motion sensors.

Ms. Glynn reviewed her comments about her concerns about Land's Sake's proposal/plan including reusing structures.

There was a discussion of the structure and content of the comments to be given to the Select Board and what the Planning Board's role should be.

## **8.0 Other Business**

---

### **8.1 Town Planner Report**

- Review of upcoming meetings & site visits
- 751 Boston Post Road appeal with the ZBA has been settled, although the abutters appeal is still in process.

### **8.2 Approval of Minutes**

**January 20, 2021:** *Ms. Glynn moved to approve the minutes of January 20, 2021 as amended. Ms. Primer seconded, and the motion passed unanimously by rollcall vote.*

**February 3, 2021:** *Ms. Glynn moved to approve the minutes of February 3, 2021 as amended. Ms. Zacharias seconded, and the motion passed unanimously by rollcall vote.*

## **10.0 Future Meetings**

---

May 12, 2021

May 26, 2021

## **11.0 Adjournment**

---

*Mr. Oppenheimer moved to adjourn. Ms. Glynn seconded. The motion passed unanimously by rollcall vote.*

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

Susan Peghiny  
Recording Secretary

