



# TOWN OF WESTON

Planning Board Meeting October 6, 2021

Document Prepared by Susan Peghiny

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**Video Recording:** Click [HERE](#)

**Meeting called to order at 7:02 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 – Chair (AP)	Yes	Imaikalani Aiu – Town Planner (IA)	Yes
Leslie Glynn (LG)	Yes	Dave Conway - Consulting Civil Engineer (DC)	No
Laurie Hess (LH)	Yes	Kim Turner - Consulting Landscape Architect (KT)	No
Steve Oppenheimer (SO)	Yes	Jonathan Witten – Town Council (JW)	Yes
Alex Selvig (AS)	No		

*Italics indicate formal action taken.*

## **1.0 Public Comments**

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There was no public comment.

## **2.0 Other Business**

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### **2.1 Town Planner Report**

- Review of upcoming meetings & site visits: No site visits
- Updates of 40B Projects:
  - 751 BPR: Abutters lawsuit is ongoing. The ZBA issues have otherwise been resolved.
  - 518 South Ave:
  - 255 Merriam St.: 2 foundation permits have been issued.
  - 269 North Ave:
- Long Range Plan Updates: IA is working to schedule the Public Tree Working Group so it can proceed in a parallel track with the DCR Grant Application.
- Members reported on their committees: LG reported that the CPC canceled their upcoming meeting. The cancellation of the Fall Town mtg. has eased up on the deadlines of various CPC applications.

## **3.0 New Business**

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### **3.1 Residential Special Permit and Site Plan Approval – Discussion with Town Council**

**Overview:** IA began this discussion by explaining how the Site Plan Review process does not always accomplish the results that the Board is seeking, especially in reference to managing the impact of large houses. He presented comparisons of other towns which have special permit requirements, not just Site Plan Review for large homes. He presented JW who has a lot of experience working with other towns to determine the best process to accomplish town goals and the best legal and administrative vehicles to do so.

JW said the Site Plan Review process which the town currently uses has minimal leverage to manage large house construction as it mainly allows the Board to manipulate vegetative buffers. Weston could enact a by-law which would require a Special Permit for new construction which exceeded yet-to-be established criteria such as a certain square footage, or an allowable floor area ration (FAR) which is based on the total SF of the buildings and buildable lot. It is important that the Special Permit process would not be required for all new construction just construction which exceeded yet-to-be-agreed-to parameters. This is often referred to as the “opt out”. If the developer does not want to go through the Special Permit process then they could opt out by presenting a design which did not trigger the Special Permit process.

From the town's point of view a Special Permit is preferable to a site plan approval because the applicant has the burden of demonstrating to the board that they have met all the conditions of the special permit. This gives the Board discretion - the ability to impose conditions, as well as deference – the ability to impose conditions - as if it were reviewed by a court. Site Plan Approval without a Special Permit for residential construction does not give the Board the same ability to impose or relax conditions. JW supports using a Special Permit because it gives the Board the ability to manipulate the massing/bulk and design of structures as well as location on the lot in a way Site Plan Approval cannot. He also talked about how aggressive or limited it the interpretation and enforcement of a Special Permit could be. The manner in which the by-law is written could allow lesser or greater discretion. He used an example that by right permits is ranked as a 1 and a variance is ranked as a 10. The by-law could be written to allow a 2-9 ranking depending on the issue.

Documents: [Other Town Comparison](#)

Discussion:

LG asked if design pertained to where a house is placed on a lot. JW said yes .

AP said many houses are so large they can't be screened and likes the idea of a gradient based on size so the impact of these very large buildings can be mitigated through this process.

JW pointed out that there must also be a level at which there is no requirement for a special permit (structures that can be built by right). This threshold must be reasonable.

There was a discussion of potential issues & benefits, what would trigger a special permit, and how to craft the special permit.

SO asked if the Board could adopt further setback limits based on size without a special permit. JW said they could as zoning bylaw amendment.

Public Comments:

Diana Chaplin asked how many site plan applicants have gone to the ZBA in the last 3 years because they did not agree with the PB's decision. AP said they can get the number. Diana is concerned that requiring a Special Permit for large houses will decrease property value while increasing the cost of homes in the town but she did not share her reasoning.

## **4.0 Public Hearing**

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### **4.1 161 Boston Post Road – Limited Site Plan Approval – Childcare Facility in Existing House – Artisan Childcare, Applicant.**

Representation: Gus Miragias, owner of Artisan Childcare Centers; Frank Stearns, Attorney for Artisan

Overview: Mr. Miragias reviewed the history of the center, which will eventually be built at 863 Boston Post Road, but was put on hold because of the pandemic. They decided to try to find a temporary location to accommodate the high student demand. They propose to lease 161 BPR, and existing house and garage. This location requires no construction, although there does need to be de-leading, and the installation of a fire alarm system. There will be 36 students in 3 rooms (state size mandates) on the first floor.

Mr. Miragias showed an image of the sign, explaining that the sign is larger than the regulation because the road is busy, and autos travel fast on it. He said the sign needs to be large so cars have enough visibility so to have time to turn.

Documents:

[Application for Artisan Day Care](#)

[Photo of Sign](#)

[Sign Specifications](#)

[Site Plan Markup](#)

[Traffic Safety and Parking Management Plan](#)

Discussion:

IA noted that DC and KT were at the site visit and expressed no concerns with the building/site.

LG asked if the driveway going onto a second property would be used. Mr. Miragias said they would not be using it and that the neighbors (who own 161 Boston Post Road) said they never use that driveway.

LG asked if there is enough parking, and Mr. Miragias said there will for the 6 staff and 1 director. There was further discussion that the submitted documents incorrectly noted the number of staff and the number of parking spaces. The applicant will revise and resubmit.

AP said that Weston sign requirements are very clear the sign must be redesigned to reflect the requirements. AI said otherwise they would have to seek a variance from the ZBA, which is difficult to obtain. Mr. Miragias said they would redesign the sign.

SO asked if the sign is lit. Mr. Miragias said yes from the top down, as requested by members on the visit. The applicant will submit fixture cuts to the PB for review and approval.

IA said that the sign requires a special permit regardless of its size because it is in a residential district

Mr. Stearns said he believes that because the use is Dover protected, a special permit requirement is not required. IA suggested the applicants recheck the bylaw and make their case to the building inspector.

Public Comments: There was no public comment.

*Motion: LG moved to continue the public hearing to October 20, 2021. LH seconded, and the motion passed unanimously by rollcall vote.*

The decision for this item is scheduled for October 20, 2021.

## **5.0 Continued Public Hearing**

### **5.1 9,15 and 20 Riverside Road - Site Plan Approval – Redevelop Existing Office Park to Biotech Offices – Greatland Realty Partners, Applicant**

Representation: Teri Ford, Director of Development; Lourenco Dantas, Traffic Engineer; Justin Mosca; Site Civil Engineer; Kevin Sheehan, Managing Partner; Jim Ward, Attorney.

Overview: Ms. Ford explained that the focus of tonight’s presentation is traffic.

Mr. Dantas said there are 3 components related to traffic: a traffic study, site plan w/transportation elements, and proposed off-site improvements plans / Park Road concept design. Mr. Dantas reviewed the results of the traffic study.

Mr. Mosca reviewed the existing driveway conditions and then the proposal which removes the drive closest to the existing building and replaces it with trees and plantings and a pedestrian trail. Mr. Mosca discussed in detail the parking spaces and locations for each building, as well as loading dock locations and the campus pedestrian circulation/recreation loop.

Mr. Dantas outlined the Transportation Demand Management (TDM) components of the plan to encourage non-vehicle travel to the site. He also explained planned off-site improvements.

Documents:

- [Architectural Plans for 20 Riverside](#)
- [Architectural Plans for 9-15 Riverside](#)
- [Boundary Survey Plans for 9-15 Riverside](#)
- [Civil Engineering Peer Review for Riverside Road](#)
- [Civil Plans for 20 Riverside](#)
- [Civil Plans for 9-15 Riverside](#)
- [Cover Letter for Riverside Road Redevelopment](#)
- [Landscape Plans for 20 Riverside](#)
- [Landscape Plans for 9-15 Riverside](#)
- [Offsite Roadway Improvement Plans for Riverside Rd](#)
- [Project Narrative for Riverside Road](#)
- [Site Lighting Report for Riverside Road](#)
- [Stormwater Report for Riverside Road](#)
- [Traffic Study for Riverside Road](#)

Discussion:

LG expressed concern about large trucks (such as those used by moving companies) being able to make the turn onto Riverside Road. Mr. Dantas said it meets vehicle design standards for WB-40 tractor-trailer trucks, and the curbs can be built to accommodate tractor trailer trucks going over them.

AP pointed out that many of the traffic issues should be considered by the Traffic & Sidewalk Committee, not Planning.

LG asked how the shuttles to Riverside will work (when they run, who makes these decisions, etc.). Mr. Sheehan said typically 4-hour periods in the AM and PM, with frequency varying with the route. They will coordinate with the 128 Business Council. LG asked if the neighbors could use the shuttle. Mr. Sheehan said yes, this could be a possibility.

LG asked if there is a list of trees to be removed for the new sidewalks and if there are new drainage requirements because of the sidewalks. Mr. Dantas said the recreation path on the west side of the site will vary with which trees

can/should be removed. The Park Road sidewalk will require consideration of utility poles he described other tree and vegetation issues.

#### Public Comments:

Judy Nitsch, 17 Blake Road, said there was discussion at the site walk about mitigation for truck backup beepers, especially for the B9 loading dock. LG had talked about proximity back up alarms which can be adjusted to be heard only within the immediate area. Ms. Nitsch asked that the Board consider imposing those conditions on the backup noise.

Ms. Nitsch said there were 4 items brought up at a neighborhood meeting that were not addressed in tonight's presentation:

- How does the anticipated date of the 25% design drawings noted in the developers schedule correlate with the 100% design drawings related to the Planning Boards approval of the Site Plan which targets Dec 2021. IA said he will discuss this issue with the design team as how to reconcile this. AP said the Board will not approve the project if they have not seen completed drawings.
- The addition of a "Don't Block the Box" sign at the end of Orchard Ave.
- The proposed 5' sidewalk and 10' shared bike path on the bridge which crosses the MassPike significantly reduces the car lanes and will likely cause traffic to back up down Park Rd. The neighborhood wants this rechecked in detail, especially whether the sidewalk and shared path could be combined in a single 10' wide path.
- There is no street right of way for Park, in particular at the corner of Orchard.

Mr. Ward asked that people remember that this is the first step of the process, not the end of it. Mr. Dantas asked AI to describe the Planning Board review process and duration. There was a discussion on this topic.

Tom Gold, said the neighbors negotiated a letter of intent, and his concern is that none of those measures are incorporated into this set of plans. Mr. Dantas said he did not agree with that statement and gave examples and said some details have been included and refined but that is normal. The only major outstanding item is the introduction of a northbound right turn lane on Park Lane south of the I90 access ramp. The scale of this item requires MassDOT and possibly Federal Highway input. Mr. Gold said there is very little on the plans that addresses cut-through issues.

*Motion: LG moved to continue the public hearing to October 20, 2021. SO seconded, and the motion passed unanimously by rollcall vote.*

## **6.0 Old Business**

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### **6.1 Outdoor Water Conservation Measures**

Overview: IA said the Weston Water Group had met twice to review the draft Planning Board Outdoor Water Conservation Measures. At those meetings the Water Group discussed which of the draft outdoor water measures should be made a requirement, condition or guideline.. The reorganized draft list was put on a shared screen for discussion.

Documents: [PB Water Conservation Conditions Memo 9-22-21](#)

Discussion: It was decided to table this item until members can review the reorganized recommendations.

## **7.0 Decisions**

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### **7.1 100 Brown Street – Site Plan Approval – Increase membership to 350 - Wightman Tennis Club, Applicant**

*Motion: LG moved to approve 100 Brown Street – Site Plan Approval – Increase membership to 350 - Wightman Tennis Club. LH seconded, and the motion passed unanimously by rollcall vote.*

## **8.0 Other Business**

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### **8.1 Approval of Minutes**

**September 22, 2021:** Motion: *SO moved to approve the minutes of September 22, 2021 as edited by AS. LH seconded, and the motion passed unanimously by rollcall vote.*

## 10.0 Future Meetings

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October 20, 2021  
November 3, 2021  
November 17, 2021

## 11.0 Adjournment

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*Motion: LG moved to adjourn, LH seconded. The motion passed unanimously by rollcall vote.*  
Meeting adjourned at 9:36 p.m.

Respectfully submitted,

Susan Peghiny  
Recording Secretary