



TOWN OF WESTON

Planning Board Meeting February 5, 2020
 Document Prepared by Dana Orkin

Meeting called to order at 7:03 PM

Planning Board Members	Present	Staff Members	Present
Tony Flynn (TF) - Chair	yes	Imai Aiu (IA) - Town Planner	yes
Leslie Glynn (LG)	yes	Dana Orkin (DO) - Asst. Town Planner	yes
Steve Oppenheimer (SO)	yes	Dave Conway (DC) - Consulting Civil Engineer	no
Alicia Primer (AP)	yes	Kim Turner (KT) - Consulting Landscape Architect	yes
Sue Zacharias (SZ)	yes		

Italics indicate formal action taken

1.0 Public Comment

None

2.0 Special Order

2.1 Election of Vice Chair for Matters on which the Chair is recused

SZ nominated AP as Vice Chair. SO seconded. AP, SO, and SZ approved. TF and LG recused themselves.

3.0 Information

3.1 255 Merriam, 11 Hallet Hill - Rezone Proposal

Representation: Al Aydelott, PB Consultant; Katherine Laughman, KP Law; Chris Houston, Select Board
(TF and LG recused themselves)

Overview: Aydelott presented the framework and process. Stated that the purpose of the rezoning amendment was to provide an active adult residential community. Stated that there would be a proposed concept plan based on the development agreement. Stated the PB and neighborhood would be involved in developing the concept plan.

Discussion:

SZ asked if this was spot zoning.

Aydelott stated that if it is a justifiable need, then spot zoning is not prohibited.

Laughman stated that the analysis for spot zoning is based in two parts:

1. Does the zoning single out a parcel to benefit the particular property owner?
2. Is there a public purpose?

Laughman stated that there is a clear public purpose that this zoning amendment is intending to meet. Stated that there is an affordability and age-restricted component.

SZ asked if this particular neighborhood would have ever voluntarily agreed to this if it wasn't at first a hostile 40B. Asked if residents on South Avenue would try this same technique.

Aydelott stated that it is possible. Stated that it would need to be voted on at town meeting.

SZ stated that she is worried about the pressure that this will put on the PB for future 40B development proposals.

Aydelott stated that safe harbor should be met soon with 751 Boston Post Road.

SZ stated her concerns with the workload that is being put on the PB.

Laughman stated that this is a "one and done" where the PB would review the proposed bylaw and concept plan. Stated that after town meeting, they would need to sign and endorse the plan.

Laughman stated that this review is similar to a site plan approval. Stated that there would be a formalized site plan approval for each development after this process.

Laughman stated that if the developer sells the land, the new owner would not be confined to the development agreement that was approved at the town meeting. If they would like to deviate from the approved plan, they would need to go back through the whole process again.

SO stated that it would be easier to follow the normal site plan approval process for this development agreement.

Houston stated that they are trying to engage the PB without putting the entire burden on them.

SZ stated that if this went through and there were any negative repercussions to the town, it would reflect poorly on the PB and SB.

SO stated that rushing this process could work against the town.

Public Comments:

Terry Eastman, 50 Pigeon Hill Road, stated that this proposed bylaw has given the developer special privileges for this type of development.

Adrienne Giske, 255 Boston Post Road, stated that she would like to get this passed. Stated that this means a lot to the Silver Hill district.

Houston stated that if they have a special town meeting, they may be able to get this passed.

4.0 Old Business

4.1 13 Pigeon Hill – Scenic Road Site Plan Approval Amendment – Unpermitted Tree Removal

Representation: Jeff Plant, Landscape Architect; Matthew Watsky, Attorney

Overview: TF presented a timeline on issues related to the site plan approval conformance and drainage impacts on the abutters. Stated that there were 6 trees that are not reflective of the approved landscape plan dated 10/9/2012.

Discussion:

AP stated that she counted 9 stumps on her site visit to the property and noticed that the garage was demolished.

Watsky stated that three large trees came down during a storm in July and crushed the garage.

Stated that in October a tree on the neighbor's property knocked down a couple trees on the 13 Pigeon Hill property.

SZ stated that the landscape plan was not submitted in time to review tonight.

SZ stated that she would like them to create a stormwater analysis of the existing condition of the property as it is today. Stated that the PB would like to compare the original runoff conditions of the improved site to what exist today.

SZ stated that a lot of the proposed plantings from the approved landscape plan were never installed or maintained. Stated that they should go back to the originally approved plan and compare to what landscaping is on site today. SZ suggested that they propose a new landscape remediation plan to account for the missing trees on site, and, lastly, that they address any nonconforming issues on the site.

Watsky stated that he cannot commit to all of that at this time.

Watsky stated that they have agreed to plant 6 trees and that Plant is here at the meeting to show where those trees will go.

Watsky asked why a stormwater analysis is required since no site disturbance has occurred on the property.

SO stated that the retaining wall changed the site runoff conditions.

Watsky stated that the retaining wall had a permit.

SZ stated that it was a retroactive permit granted after the retaining wall had been built.

LG stated that the PB required for plantings to be installed along the retaining wall to absorb runoff.

Stated that the owners were not supposed to cut down any trees along the retaining wall and the neighbor's property line. They were required to add more plantings along the top of the grade to help maintain the water on their property. Shrubbery at the bottom of the wall was also taken away.

TF stated that loss of trees is significant for water runoff mitigation.
SZ stated that there are many pine saplings that are missing.

Watsky stated that he would be happy to bring photographs for the next meeting to show the damaged garage and trees that have fallen.

Watsky stated that he did not know that there were previously approved plantings that have been removed. Stated that he will talk with his client to see if they are willing to continue with a stormwater analysis.

TF asked if he could get the analysis to the PB for the next meeting.

Watsky stated that he did not know how big of a project this is and how long it would take.

Public Comments:

Tiger Lee, the immediate, downhill abutter at 3 Pigeon Hill, stated that a line of trees was clear cut when installing the retaining wall. Stated that they had never experienced drainage issues until recently and that they look forward to seeing how the PB will remediate this.

Meeting continued to February 26, 2020 meeting.

5.0 New Business

5.1 140 Country Drive – Site Plan Approval Amendment – Remove three trees

Representation: Mark Cahill, Contractor; Baljit Gill, Owner

Overview: Cahill stated that there was a misunderstanding at the last meeting that, in moving the stone wall from the front of the pool to the back of the pool, three oak trees (6”, 8”, and 18”) no longer needed to be removed. The landscape consultant Doug DeWolfe clarified in a letter that the three trees still needed to be removed.

Documents:

- [Landscape and Lighting Plan dated 1/16/2020](#)
- [Letter from Doug DeWolfe dated 1/17/2020](#)

Discussion:

TF asked what would happen if these trees did not come out.

Cahill stated that the trees are right along the approved pool deck.

SO asked why the 18” Oak needed to come out.

KT stated that regrading is being done there.

Cahill also stated that the septic vent is located in that location.

SO asked if they can limit the grading to save the tree.

Gill stated that he has done all the PB has asked to limit site disturbance.

TF asked if it would affect the building of the deck to keep that tree.

Cahill stated probably not, but it may interfere with construction.

Cahill will try to preserve the tree with all tree protection measures.

LG asked if there was clear cutting in the back of the property.

IA stated that Richard Sweeney advised them not to clear as far back as they did under the approved stormwater permit. Stated that it was not illegal and that it was just Sweeney’s design input.

SZ stated that they have followed all of the PB regulations.

Memorandum to be issued stating PB approval.

5.2 8 Irving Road – Approval Not Required Plan Endorsement

Overview: IA stated that they are simply doing a land swap with no frontage changes. IA stated that they have a variance since they were non-conforming lots.

Documents:

- [ANR Plan dated 1/17/2020](#)

PB signed the mylar plan copy.

6.0 Decisions

6.1 [15 Evergreen Ave – RGFA Site Plan Amendment - Add skylights to finished attic space](#)

LG moved to approve the COA RGFA Site Plan Approval Amendment for 15 Evergreen Ave. SZ seconded. All approved.

7.0 Other Business

7.1 Annual Report Review

PB gave IA edits and additions to the Annual Report.

7.2 Town Planner Report

a) Scheduling:

2/11/2020 – 10am Site Visit for 512 Glen Road

2/18/2020 - 10am Site Visit for 100 Highland Street

2/26/2020 – Regular PB Meeting

b) Transportation Survey:

Received 482 responses from the survey. Half of the respondents are interested in a shuttle system to the commuter stop or Boston. IA and TF to present to SB.

c) Water Master Plan: Next meeting is 2/10/2020 at 9am.

d) Administrative Approvals: None

e) Affordable Housing

751 Boston Post Road is in the ZBA review process.

7.3 Approve Minutes

LG moved to approve the minutes for the [6/5/2019](#) and [6/19/2019](#) meeting. SO seconded. All approved.

SZ moved to adjourn, LG seconded. All in favor, none opposed.

Meeting adjourned at 10:00 p.m.