



WARRANT FOR SPECIAL TOWN MEETING November 29, 2016

Commonwealth of Massachusetts
Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet in the Auditorium of the Senior High School in said Town on Tuesday, the twenty ninth day of November 2016, at 7:00 o'clock p.m., to act upon the following articles:

ARTICLE 1: APPROPRIATE FOR TOWN CENTER IMPROVEMENTS – LEVEL SERVICE

To appropriate a sum of money to pay costs of engineering and landscape architectural services to construct physical improvements to the Town Center, generally located along Boston Post Road between Linwood Avenue and School Street, along Church Street between Boston Post Road and Town House Road, and along Town House Road, including reconstruction and repaving of the roadway and improvements required for handicapped accessibility, and all incidental costs related thereto; to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, Section 7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder accordance with M.G.L. Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any other action relative thereto.

Article 1 Explanation: The Board of Selectmen, working with the Town Center Planning Committee, is proposing to complete design work for physical improvements to Weston's Town Center, including lighting, paving, pedestrian safety, traffic, and parking. The intent of this overall project is to make improvements to the Town Center that are historically accurate; that slow traffic, enhance public safety, make the town center more inviting to Weston residents and contribute to the viability of local businesses. The design funds being proposed at this Town Meeting relate to three different levels of future work: Article 1: design funds for the reconstruction and repaving of the roadway and sidewalks, including improvements required for handicapped accessibility, and required drainage upgrades – referred to as "level service;" Article 2: design funds for enhancements to the design, including reduction of pavement, increased green space, improved pedestrian safety, more organized parking, a public space, and other aesthetic improvements – referred to as "master plan;" and Article 3: design funds for putting the utility infrastructure of wires and transformers underground to eliminate the poles and to make way for tree planting and new light fixtures. The amount to be requested under Article 1 is only for design fees covering "level service" improvements and that amounts to \$394,000. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 2: APPROPRIATE FOR TOWN CENTER IMPROVEMENTS – MASTER PLAN

To appropriate an additional sum of money to pay costs of engineering and landscape architectural services to construct physical improvements to the Town Center, generally located along Boston Post Road between Linwood Avenue and School Street, along Church Street between Boston Post Road and Town House Road, and along Town House Road, including improvements to streetscape design matters such as reduction of pavement, increased green space, improved pedestrian safety and aesthetics, and more organized parking, and all incidental costs related thereto; to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, Section 7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder accordance with M.G.L. Chapter 44, Section 20 of the

General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

Article 2 Explanation: If Article 1 is approved, a motion will be made under this Article to see if Town Meeting will appropriate additional funds to provide engineering and landscape architectural services for the master plan related work. The master plan improvements are focused on making the Town Center more pedestrian friendly, slowing traffic by reducing paved areas, improving streetscape aesthetics, better organizing parking, and providing new public spaces. The amount to be requested under this article is \$138,000. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 3: APPROPRIATE FOR TOWN CENTER IMPROVEMENTS – BURY UTILITIES

To appropriate an additional sum of money to pay costs of engineering and landscape architectural services to construct physical improvements to the Town Center, generally located along Boston Post Road between Linwood Avenue and School Street, along Church Street between Boston Post Road and Town House Road, and along Town House Road, including burying of the utility wires and other infrastructure, and all incidental costs related thereto; to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, Section 7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder accordance with M.G. L. Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

Article 3 Explanation: If Articles 1 and 2 are approved, a motion will be made under this Article to see if Town Meeting will appropriate additional funds for the utility companies to create the engineering plans necessary for removing their utility poles and placing their wiring and transformers underground, and for further streetscape design work, including new tree plantings and lighting. The design work contemplated in this article will fully coordinate with the master plan design referenced in Article 2. The amount to be requested under this article is \$456,000. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 4: APPROPRIATE ADDITIONAL FUNDING FOR BLACK OAK BOOSTER WATER PUMP STATION

To appropriate an additional sum of money to pay costs of constructing, reconstructing and making certain modifications, including site improvements, to the Black Oak booster water pump station, and all incidental costs related thereto, including the acquisition by gift, purchase and eminent domain of such temporary or permanent easements as may be necessary for this project, and to authorize appropriate Town officials to acquire such interests; to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, Section 8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; provided that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved hereunder accordance with M.G.L. Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any other action relative thereto.

Article 4 Explanation: At May 2014 Annual Town Meeting, voters appropriated funds to replace the existing Black Oak Pumping Station, and the project was completed in 2015. At a cost of close to \$900,000, this station provides water pressure to approximately 70 homes in the Black Oak, Nobscot Road and Deer Path Lane area. As a result of the project, resident concerns about the aesthetics associated with the generator and pole mounted transformers have surfaced, causing the Water Division to seek cost estimates for relocating the generator, electrical feed and transformers, and screening the generator from view using a stone wall and plantings. The estimated cost of this work, including engineering and contingencies, is \$290,000. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 5: AMEND FISCAL YEAR 2017 OPERATING BUDGET

To amend the following line items in the Fiscal Year 2017 Operating Budget adopted under Article 2 of the 2016 Annual Town Meeting:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Finance - Salaries	\$711,449	\$746,449	\$35,000
Fire – Salaries	2,889,118	2,854,118	(35,000)

Or take any other action relative thereto.

Article 5 Explanation: This article provides funding for half the fiscal year to create a new position of procurement officer, to be shared between the schools and municipal departments. With increased demands on the time of many employees, especially in the Schools, Facilities, Public Works, and Town Manager’s offices, this position will help to take some of the burden off these offices (freeing them to focus on more core priorities) by centralizing the bidding and procurement process, also resulting in greater efficiency and centralized knowledge. This additional funding will be offset by anticipated savings in the Fire Department’s salary budget.

ARTICLE 6: APPROPRIATE FOR REPAIRS TO AND REHABILITATION OF MEMORIAL POOL

To raise and appropriate a sum of money to repair and rehabilitate the Memorial Pool and related facilities, located on Alphabet Lane, and all incidental costs related thereto; to be spent under the direction of the Town Manager; or take any other action relative thereto.

Article 6 Explanation: Weston’s Memorial Pool is a popular summer gathering spot for the community, and swimming is one of the core programs of the Recreation Department. It provides space for gatherings of families and friends, recreation, fitness, and special events. Needed capital improvements will allow for an upgrade to an old electrical system, required for safer operations, rehabilitation and repair to the manhole well that is the only access point for the main water supply pump, repair of a concrete slab behind the diving board, repairs to the filter house roof, and new handicapped access stairs, which will allow better accessibility for patrons with limited mobility. The amount to be requested under this article is \$105,000.

ARTICLE 7: APPROPRIATE FOR LAND FOR RECREATIONAL USE – MERRIAM STREET WALKWAY FINAL DESIGN FEES

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the design of a walkway on Merriam Street for recreational purposes, including all related incidental costs; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 7 Explanation: Walkways and sidewalks provide safe recreational opportunities and connections to open space, land for recreational use and recreational facilities. Studies have shown that there exists a positive relationship between the existence of walkways and the use of the same for recreational activities as well as the general health benefits of activities such as walking and running. CPA funds for design of approximately ½ mile of walkway/sidewalk on Merriam St., a priority identified in the Traffic and Sidewalk Committee’s 2010 Master Plan, were appropriated in December 2014 and May 2016. Funds requested under this article would be used to address issues raised by the Planning Board and Conservation Commission during earlier design phases and would enable a construction funding request based on contractor bids at a subsequent Town Meeting. This is a multiyear project with CPA funding requests for other priorities identified in the Master Plan expected in subsequent years. The amount to be requested under this article is \$25,000.

ARTICLE 8: APPROPRIATE FOR LAND FOR RECREATIONAL USE – ASH STREET WALKWAY CONCEPTUAL DESIGN FEES

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the design of a walkway on Ash Street for recreational purposes, including all related incidental costs; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 8 Explanation: Walkways and sidewalks provide safe recreational opportunities and connections to open space, land for recreational use and recreational facilities. Studies have shown that there exists a positive relationship between the existence of walkways and the use of the same for recreational activities as well as the general health benefits of activities such as walking and running. Funds requested under this article would be spent

on the conceptual design of approximately ½ mile of walkway/sidewalk along Ash Street, a priority identified in the Traffic and Sidewalk Committee's 2010 Master Plan. This is a multiyear project with CPA funding requests for other priorities identified in the Master Plan expected in subsequent years. The amount to be requested under this article is \$30,000.

ARTICLE 9: APPROPRIATE FOR HISTORIC RESOURCES – CASE HOUSE REHABILITATION DESIGN FUNDS

To appropriate a sum of money for historic resources purposes under the Community Preservation Program to pay costs of engineering and architectural services for plans and specifications for the preservation, restoration and rehabilitation of the Case House School Administration Building, including design, construction, and all related incidental costs; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Historic Resources allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 9 Explanation: The Case House School Administration Building requires significant systems, handicap access, and general operational layout upgrades in order to produce a code compliant, efficient office building within a historical context. The \$270,000 voted at the May Annual Town Meeting for design fees for this project may underestimate costs which will be generated by historically and architecturally accurate restoration work not inherently part of meeting the School Administration's program and needs. The Historical Commission is requesting additional design funds to specifically address areas where they believe restoration and/or historic preservation is needed. The amount to be requested under this article is \$27,000.

ARTICLE 10: APPROPRIATE FOR HISTORIC RESOURCES – 55 COBURN ROAD

To appropriate a sum of money and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise for historic resource purposes under the Community Preservation Program the fee or other interests, which may be a historic preservation restriction, on all or a portion of the property known as 55 Coburn Road, containing 3.85 acres, more or less, in the Town of Weston, Massachusetts, and shown as Assessors Map 18 Parcel 31, or on the structures located thereon, said restriction(s) to be held, managed and controlled by the Historical Commission and/or Board of Selectmen; said sum to be transferred from the Historic Resources allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 10 Explanation: The purpose of this article is to purchase a historic preservation restriction on the house located on 55 Coburn Road in order to preserve in perpetuity three facades visible from both Church Street and Coburn Road. The 1896 house was designed by local Weston architect Samuel Mead. The primary view of the site is from Church Street beyond a low stone wall across an open preserved meadow lined by trees; there is a second view of the house from Coburn Road. The original west-facing front façade and the south facing side facades are relatively intact. A portion of the north-facing façade is untouched except for a discreetly hidden 20th century addition that wraps from there around to the rear.

A preservation restriction on this house will be in conjunction with the permanent preservation of the open meadow as stated in the flexible plan document agreed to by the owner and the Planning Board. This will ensure that a long stretch of Weston's historic viewscape will be preserved in perpetuity. Because the property is contiguous to properties at 152 and 171 Church Street which already have preservation restrictions and the adjacent open view Coburn Meadow is protected as conservation land, preserving 55 Coburn Road will enlarge a special corner of Weston which is already a "well-preserved section of residential and agricultural buildings and open fields that represent a remarkably intact assemblage of 19th century rural historic landscape" (from the Church Street/Coburn Area Historic District Map description). The amount to be requested under this article is \$216,000, of which \$210,000 will be used to purchase the restriction and \$6,000 will be used for administrative costs.

ARTICLE 11: AMEND THE ZONING BY-LAW TO DEFINE ALLOWABLE MINIMUM RENTAL PERIOD FOR ROOMS OR DWELLINGS IN SINGLE FAMILY RESIDENTIAL DISTRICTS

To amend the Zoning By-law, Section V.B.1. by deleting subsection d. and replacing it as follows:

d. The rental of a dwelling unit is permitted, subject to such regulations as may be adopted by the Board of Selectmen from time to time, provided however, that the short-term rental of a dwelling unit shall be prohibited,

whether it be for the entire dwelling unit or for a room or rooms within the unit. For these purposes, a short-term rental shall be a tenancy for a period of less than ninety days.

Or take any other action relative thereto.

Article 11 Explanation: There are a number of concerns that short term rentals present to a neighborhood, such as increased noise, increased traffic, the potential to reduce the availability of affordable housing (such as when an investor will purchase a dwelling to use solely as a short term rental facility), and the lack of compliance with the State Sanitary Code. In short, a dwelling has the potential to be used as a hotel or inn. This use is not consistent with traditional single family dwelling uses. Short term rentals also encourage problems associated with absentee landlords. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 12: AUTHORIZE TRANSFER OF BURT FIELD RECREATION LAND TO CONSERVATION COMMISSION

To authorize the transfer from the Board of Selectmen, acting in its capacity as the Tax Title Custodian for tax title purposes to the Conservation Commission for recreational and conservation purposes the parcel of land containing 25 acres, more or less, commonly known as Burt Field, located at 0 Gail Road, shown as Assessors Map 57, Lot 33, and described in a deed recorded with the Registry of Deeds in Book 5682, Page 509 (See Final Decree in Tax Lien Case, dated June 26, 1942, recorded with the Registry of Deeds in Book 6611, Page 243), excluding that parcel shown as "Land to be Excluded From Transfer," containing 5,570 square feet, more or less, and depicted on a plan entitled "Right of Way to Burt Field from Glen Road," dated October 25, 2016, a copy of which is on file with the Town Clerk, with the areas currently used on the property for active recreation, and those that may possibly be used therefor, to be delineated on a sketch plan filed with the Town Clerk, which plan shall also be incorporated into a memorandum of agreement between the Conservation Commission and Recreation Commission confirming the understanding of both commissions that the Recreation Commission shall be designated as the Conservation Commission's agent for purposes of operating, managing, and, with the approval of the Conservation Commission, constructing fields and structures for active recreational purposes; and by such transfer to restrict, designate and dedicate such land for conservation purposes so that the land shall be protected under Article 97 of the Amendments to the Massachusetts Constitution; provided further that the Board of Selectmen shall be authorized to petition the General Court for special legislation pursuant to Article 97 of the Massachusetts Constitution, sign instruments, record notice of such action at the Middlesex Registry of Deeds, or take any additional action needed to effectuate the vote taken hereunder; or take any other action relative thereto.

Article 12 Explanation: This article requests that Town Meeting vote to transfer a municipal purposes parcel off Gail Road to the care and control of the Weston Conservation Commission (WCC). This parcel is known as Burt Field and contains approximately 25 acres of land which abuts Conservation Land owned by the Weston Forest and Trail Association. Burt Field contains a 2 acre ball field and parking lot at the end of Gail Road. The remainder of the property is comprised of forests, wetlands, and meadows with an extensive trail network. Burt Field, once known as the Jennings property, was taken by the town for failure to pay back taxes in 1932. The WCC maintains the network of trails throughout this property and mows a meadow south of the ball field once a year for wildlife habitat. Many people who visit Burt Field believe the area beyond the existing ball field is protected as open space, and it has been indicated as dedicated recreation or open space on town maps and other records for some time now. The WCC wishes to permanently protect this property and requests that town meeting vote to transfer ownership of the property to the WCC. The Recreation Commission wishes to retain the ability to conduct active recreational activities on the property in the future and the WCC supports that request. Town Counsel has prepared a draft Memorandum of Understanding which will authorize the Recreation Commission to conduct existing recreational uses and will allow future recreational improvements. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 13: INCREASE NUMBER OF MEMBERS OF ELECTED RECREATION COMMISSION

To increase the size of the Recreation Commission from six to seven members under the provisions of M.G.L. Chapter 41, Section 2; or take any other action relative thereto.

Article 13 Explanation: With recent increased demands on their time, the Recreation Commissioners would like to have one more member to participate in the work of the Commission. In addition, the current even number of members is awkward when votes are taken because of the possibility of a tie vote. In order to increase the number of members, this must be approved by a Town Meeting held no less than 60 days prior to the date of the

annual election at which the additional commissioner would be elected. If this article is approved, the additional position will appear on the ballot at the May 2017 Annual Election.

ARTICLE 14: AMEND GENERAL BY-LAWS-ARTICLE II – MEMORIAL DAY COMMITTEE

To amend Article II of the General By-laws of the Town of Weston by adding a new Section:

16. There shall be a Memorial Day Committee consisting of three members to be appointed annually by the Moderator and charged with planning a Memorial Day event for that year.

Or take any other action relative thereto.

Article 14 Explanation: The task of establishing and allowing the Moderator to appoint a Memorial Day Committee each year is done by a separate motion at Annual Town Meeting. In order to streamline Annual Town Meeting and eliminate the need for that motion each year, this by-law is being recommended.

ARTICLE 15: AMEND GENERAL BY-LAWS-ARTICLE XXIX – COMMUNITY PRESERVATION COMMITTEE

To amend Article XXIX of the General By-laws of the Town of Weston establishing the composition of the Community Preservation Committee by deleting the words “One member of the Housing Partnership as designated by the Committee” and inserting in place thereof, the words, “One member of the Affordable Housing Trust Board of Trustees as designated by the Board.”

Or take any other action relative thereto.

Article 15 Explanation: The Affordable Housing Trust and Housing Partnership have had several discussions about streamlining the housing-related groups working in town government, and they have recommended that the Housing Partnership be dissolved and its responsibilities merged with those of the Affordable Housing Trust. As a result, the housing representative to the Community Preservation Committee, as defined by the Town’s general by-laws, must be changed to “One member of the Affordable Housing Trust Board of Trustees as designated by the Board.”

ARTICLE 16: RESCIND BOND AUTHORIZATION

To rescind all or a part of a certain authorization to borrow funds, which was approved in a prior year, where the purpose of the borrowing has been completed and/or it was unnecessary to borrow the amount approved, or take any other action relative thereto:

Article 18 May 12, 2014 Annual Town Meeting- Construction of New Police Station \$550,000

Article 16 Explanation: The above noted authorization is no longer needed. It is necessary for Town Meeting to rescind the balance of the bond authorization so it can be removed from the Town’s financial records.

And you are to serve the warrant by posting four attested copies thereof at the Town Hall, at the Kendal Green Railroad Station, at the Town of Weston Transfer Station and on the kiosk at the front of the High School by the gymnasium, fourteen days at least before the time appointed for said meeting.

Hereof fail not to make due return of this warrant with your doings thereon to the Selectmen at the time and place of said meeting.

Given under our hands October 26, 2016.

Douglas P. Gillespie
Michael H. Harrity
Christopher E. Houston
Selectmen of the Town of Weston
