

Weston Finance Committee

Meeting Minutes

April 26, 2022

A meeting of the Finance Committee of the Town of Weston, which was duly called and posted in compliance with the laws of the Commonwealth of Massachusetts, was held on Tuesday, April 26, 2022, via a Zoom video conference. It was broadcast live and recorded by Weston Media Center. There being a quorum present, the meeting was called to order at 7:04PM.

Present for the meeting were:

Finance Committee: Lisa Reitano (Chair), Jonathan Harris, Karen Meslin, John McDonald, James Philipkosky, John Sallay, and Bharath Venkataraman.

Also Present: Leon Gaumont (Town Manager) and Susan Kelley (Finance Director).

Jonathan Harris was appointed to serve as Secretary Pro-Tempore and charged with keeping the minutes of the meeting. The Zoom video conference meeting was recorded by Weston Media Center and is available on-line.

1. Frank Parker 329 Concord Road had a resident comment and expressed interest in Finance Committee workings.
2. Discussion of the Arts and Innovation Center (AIC)
 - Speaking for the AIC were Jenn Warner, Susan Scott and Cecily Cassum
 - The objective of the discussion is to share the status of the project
 - There is a plan to develop a strategic business plan and hire a consultant
 - Operating income is in deficit but they hope to cover the difference with fundraising
 - The AIC is Looking for grant opportunities
3. Update and Discussion of the proposed Pickle Ball Courts (Town Meeting Article 26)
 - The Recreation Department is requesting design Funds for the upcoming Town Meeting and construction funds in the fall
 - The Article was unanimously opposed at our prior meeting
4. Reserve Fund Transfer Request for IT (Office 360 Implementation)
 - Speaking for the request was Tracy Sullivan, Director of Municipal Information Systems
 - Request was for \$44,010
 - The Request unanimously passed
5. Discussion of Preserving the 55 Church Street Train Station (Town Meeting Article 19)

- Speaking for the Article were Phillis Halpern (Co-chair of Historical Commission and Al Aydelott (Historical Commission member)
- Article enables the select board to engage in negotiation to gain control of the building to renovate and use it
- Request was for \$30,000
- The Article was supported by majority vote (4-3)

6. Discussion of the Guideline Process

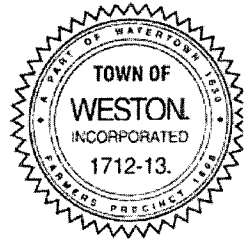
- Process was discussed and it was agreed that the timing of the budget cycle needs to begin earlier

7. The meeting adjourned at 8:56PM

Respectfully submitted,

Jonathan Harris

TOWN OF WESTON



TOWN HALL,
Post Office Box 378
WESTON, MA 02493-0002
(781) 786-5020
FAX (781) 786-5029
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LEON A. GAUMOND JR.
TOWN MANAGER

To: Finance Committee
CC; Susan Kelley, Finance Director
From: Leon Gaumond, Weston Town Manager
Date: April 15, 2022
Re: Fincom Reserve Fund Transfer Request

I am writing to request a reserve fund transfer in the amount of \$44,100 to fund the installation of Cloud Barracuda as part of our Office365 migration.

As you probably know, one of our critical initiatives we recently underwent was the transition to Office365. Currently we utilize onsite backup for spam/security/email. During the migration we discovered that the onsite version does not integrate well with Office365. Microsoft and Barracuda both recommend moving to the Cloud version of Barracuda as best practice.

Barracuda's cloud-hosted Email Gateway Defense leverages advanced threat detection and prevention technologies to protect the Town from spear phishing, ransomware, and more. Email Gateway Defense is included with Barracuda Email Protection; which combines advanced cloud email gateway defense, phishing and impersonation protection and automatic remediation for comprehensive protection against email-borne threats. Some features that are included in the cloud version that we do not currently have are:

Link Protection (additional cost if we implement onsite)
Advanced threat protection (we currently own this but pay an additional fee and it has less features)
Full continuity service

The IT Department did not plan for this expense in the initial request. Tracy Sullivan received a quote (attached) to address this shortcoming and unfortunately she does not have the funds in her current budget to cover this expense and the desire is to implement this solution prior to the end of the fiscal year if possible since this option is much more advanced and integrates well with Office 365.

Please let me or Tracy know if you have any further questions.



QUOTE

Sold To: Town Of Weston
 Tracy Sullivan
 11 Town House Road
 Weston, MA 02493
 United States

Ship To: Town Of Weston
 Tracy Sullivan
 11 Town House Road
 Weston, MA 02493
 United States

QUOTE #		PREPARED ON		ACCOUNT REP		PAYMENT TERMS	
BCPQ6629-02		04/12/22		Jeff Flynn		Net 30	
LINE	QTY	PART #	DESCRIPTION	PRICE	TOTAL		
1	5,400	EP-PremPlus-Usr-1M	Email Protection, Premium Plus, per User, 1 Month	\$8.15	\$44,010.00		
2	1		150 users/36 months	\$0.00	\$0.00		
NOTE				SubTotal	\$44,010.00		
Please contact me if I can be of further assistance.				Tax	\$0.00		
				Shipping	\$0.00		
				Total	\$44,010.00		
<p>All prices are quoted FOB Shipping Point. Please advise if you need any additional information. This offer to sell the listed product(s) is subject to product availability and BCPI, Inc.'s standard terms and conditions that are published on www.bcp.com. Prices are subject to change without notice in the event the products manufacturer/publisher raises the price or product availability. Please contact the BCPI Sales department at 800-957-6400/781-232-0370 if you have any additional questions about ordering, pricing or availability.</p>							
<p>BCPi, Inc. / 6 Merchant Street Suite 3 / Sharon, MA 02067 / 781-232-0370 or 800-957-6400 / Fax 781-232-0416 / www.bcp.com</p>							

2022 ANNUAL TOWN MEETING

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 at the Town Hall at 11 Town House Road in said Town, on Saturday, the seventh day of May, 2022, to act on Article 1 of this warrant for which polls will be open from 8:00 a.m. until 6:00 p.m.; and to meet at the High School Auditorium at 444 Wellesley Street in said Town, and also in the gymnasium of the High School if the number of voters in attendance shall exceed the capacity of the auditorium, on Monday, the ninth day of May, 2022 at 7:00 p.m. (with a possible second night on May 11, 2022 and a possible third night on May 16, 2022 at 7:00 p.m.) to act upon the remaining articles of this warrant.

ARTICLE 1: TO BRING IN THEIR VOTES FOR THE FOLLOWING TOWN OFFICERS AND QUESTION TO BE VOTED ON ONE BALLOT

Table with 2 columns: Position and Term. Positions include Moderator, Select Board Member, Assessor, School Committee, Recreation Commission, Planning Board, Library Trustees, Board of Health, Trust Funds, and Measurers of Lumber.

And to give their vote, Yes or No, on the following question:

BALLOT QUESTION NO. 1: PROPOSITION 2 1/2 DEBT EXCLUSION

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) DPW-Drainage Improvements; (2) Rte. 20/Highland Street Intersection Improvements; (3) Bogle Brook Culvert Replacement; (4) Snow removal equipment for the School Department; (5) Air Supply Vehicle Replacement for the Fire Department; and (6) Information Technology Update Phase II for the Town and School Departments?

Yes _____ No _____

SUMMARY

State law provides for an exemption from the limits of Proposition two and one-half of those amounts required to pay for the debt service for bonds approved by the voters. Question 1 would exempt the debt service for the bonds that will be issued in part for projects to be considered at the 2022 Annual Town Meeting:

Projects to be considered by 2022 Annual Town Meeting:

Table with 2 columns: Project Name and Amount. Projects include DPW-Drainage Improvements, Bogle Brook Culvert Replacement, Snow Removal Equipment, Air Supply Vehicle Replacement, Information Technology Update, and Rte. 20/Highland Street Intersection Improvements.

Total \$2,170,800

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Separate articles appear in the Annual Town Meeting Warrant to appropriate the funds and authorize borrowing for each purpose. A two-thirds vote of Town Meeting in favor is required for approval. This ballot question is only to exempt the debt service from the limits of Proposition 2½, should these items be approved by Town Meeting.

The debt service for the projects to be considered at 2022 Annual Town Meeting is estimated to be \$359,784 in fiscal year 2024, \$350,944 in fiscal year 2025, then decreasing each year until the bond reaches maturity. This Proposition two and one-half debt exclusion shall be approved if a majority of the persons voting thereon vote "yes."

ANNUAL OPERATING BUDGET

ARTICLE 2: APPROPRIATE THE FISCAL YEAR 2023 OPERATING BUDGET

To raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the costs of government and other Town charges for the fiscal year beginning July 1, 2022; or take any other action relative thereto.

Article 2 Explanation: The recommended fiscal year 2023 operating budget can be found in the Warrant Book. The following available funds will be transferred to fund a portion of the operating budget:

1. Undesignated Fund Balance (free cash)	\$2,100,000
2. Overlay Surplus	345,000
3. Cemetery Trust Fund	20,000
4. Josiah Smith Tavern Trust Fund	12,000
5. Debt Exclusion Premium Reserve	89,311
Total	\$2,566,311

The Finance Committee voted to approve this article by majority vote.

CONSENT AGENDA Articles 3-22

ARTICLE 3: APPROPRIATE FOR COMMUNITY HOUSING

To transfer from the Community Preservation Fund to reserve for future appropriation additional sums of money for the acquisition, creation, preservation and support of community housing, as recommended by the Community Preservation Committee, and as funding therefor, to appropriate said sums from Community Preservation Fund Fiscal Year 2022 annual revenues, or take any other action relative thereto.

Article 3 Explanation: The Community Preservation Act requires that 10% of revenues be set aside annually for Community Housing. At the time of the 2022 Annual Town Meeting, for purposes of annual allocations, we projected a state match of \$786k. We actually received a state match of over \$1 million. The amount that was set aside at Annual Town Meeting for Community Housing is insufficient and must be increased to comply with the Community Preservation Act. An additional amount of \$55,000 for community housing will be requested.

The Finance Committee voted unanimously to support this article.

ARTICLE 4: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

To raise and appropriate or transfer from available funds a sum of money to the Other Post Employment Benefits (OPEB) Trust Fund, to be used to pay the costs of post employment benefits; or take any other action relative thereto.

Article 4 Explanation: This article allows the Town to continue to fund its future liability for other post employment benefits (retiree health insurance) for Town of Weston retirees, which amounts to approximately \$53 million. Currently, the Town has an approximate market value of \$29.6 million in this Trust Fund as of 6/30/2021. We are 35.6% funded as of June 30, 2021. The amount expected under this vote is \$2,167,262.

The Finance Committee voted to approve this article by majority vote.

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ARTICLE 5: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

To authorize the Select Board to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and to authorize the expenditure of such sums of money as may be received for the fiscal year commencing July 1, 2022 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

Article 5 Explanation: Massachusetts law requires that Town Meeting approve the use of funds received from the Commonwealth for road construction purposes, including engineering or addressing traffic improvements. In fiscal year 2023, the Town is expected to receive close to \$500,000 pending final state numbers.

The Finance Committee voted unanimously to support this article.

ARTICLE 6: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

To establish Fiscal Year 2023 income eligibility limits under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly; or take any other action relative thereto.

Article 6 Explanation: Several years ago, Weston obtained special legislation to change the eligibility criteria for the property tax deferral program, allowing the Select Board to set the interest rate for residents over 60 who defer their property taxes. For Fiscal Year 2023, the rate remains set at 4%. This legislation also allows the Select Board, with Town Meeting approval, to establish the income eligibility limit for this program each year. The Select Board is recommending that the income limit be increased to \$96,650 for fiscal year 2023, which is the limit for a two-person household at 100% of the area median income and is also the limit for moderate income housing funded by the Community Preservation Act. Ratification of this amount is required by Town Meeting.

The Finance Committee voted unanimously to support this article.

ARTICLE 7: APPROPRIATE FISCAL YEAR 2023 WATER ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2023, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY20	Expended FY21	Appropriated FY22	Recommended FY23
Salaries	\$311,086	\$317,429	\$322,019	\$340,300
Expenses	190,083	258,708	255,850	265,850
MWRA Assessment/Water Purchases	2,419,299	2,400,081	2,856,200	2,446,100
Debt Service	552,406	617,076	671,442	701,512
Capital Outlay+	95,897	59,249	65,000	65,000
Total	\$3,568,771	\$3,652,544	\$4,170,511	\$3,818,762

Or take any other action relative thereto.

Article 7 Explanation: Debt service includes amounts for previously approved projects and the water main rehabilitation project to be considered under Article 8. The operating expenses for the Water Division are entirely funded by water fee revenue.

The Finance Committee voted unanimously to support this article.

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ARTICLE 8: APPROPRIATE FOR WATER MAIN REHABILITATION

To appropriate a sum of money to pay costs of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 8 Explanation: This request is part of an ongoing program to replace old cast iron and asbestos transite cement water mains. This material is no longer used to construct water mains. This appropriation is to replace roughly 2300 linear feet of transite water main on Loring Rd. that was installed in 1936 and remove 350 linear feet of 6 inch CLDI (cement lined ductile iron pipe) from the system and connect those services to a new 12 inch CLDI main on the street. The design for this project will be completed by the DPW's engineering division. The amount to be requested under this article is \$678,000, to be funded by borrowing. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 9: APPROPRIATE FISCAL YEAR 2023 RECREATION ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Recreation Department during Fiscal Year 2023, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY20	Expended FY21	Appropriated FY22	Recommended FY23
Salaries	\$1,055,995	\$819,615	\$1,239,097	\$1,377,215
Expenses	364,137	229,843	482,405	491,655
Community Center	40,910	53,193	76,550	96,375
Capital Outlay+	-	-	-	105,000
Total	\$1,461,042	\$1,102,651	\$1,798,052	\$2,070,245

Or take any other action relative thereto.

Article 9 Explanation: Program fees cover approximately 70% of the salaries and expenses for this department; the remaining 30% is funded by property taxes. This is changed from FY22 which led the Town to cover 40% of recreation operations through property tax contributions due to concerns about the COVID-19 pandemic and its effect on recreation revenues. In addition, there will be a contribution of \$47,403 from the Council on Aging budget to the Recreation Enterprise fund to support the cost of operating the Community Center, in which the Council on Aging is housed.

The Finance Committee voted unanimously to support this article.

ARTICLE 10: APPROPRIATE FISCAL YEAR 2023 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Brook School Apartments during Fiscal Year 2023, under the provisions of Chapter 76 of the Acts of 2009 and M.G.L. Chapter 44, section 53F½:

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	Expended FY20	Expended FY21	Appropriated FY22	Recommended FY23
Salaries	\$184,725	\$178,391	\$197,755	\$204,121
Expenses	298,642	300,504	392,250	413,933
Payments in Lieu of Taxes	24,548	25,162	25,791	26,436
Debt Service	256,568	247,873	239,354	231,399
Repairs + Replacements	69,408	129,112	185,290	196,407
Capital Improvements+	71,915	49,161	100,000	100,000
Total	\$905,806	\$930,203	\$1,140,440	\$1,172,296

Or take any other action relative thereto.

Article 10 Explanation: Funding for the operation of the Brook School Apartments comes from rental income and the Community Preservation Fund, which is covering the cost of the debt service for construction of thirteen affordable units completed as part of the expansion project in 2004.

The Finance Committee voted unanimously to support this article.

ARTICLE 11: APPROPRIATE FISCAL YEAR 2023 PUBLIC ACCESS OPERATIONS

To see if the Town will transfer from the PEG and Cable Related Fund a sum of money as a grant to Weston Media, Inc. for Cable Access and PEG purposes for FY2023, and to authorize the Town Manager to enter into a grant agreement with Weston Media, Inc. upon such terms and conditions as the Town Manager deems appropriate, or take any other action relative thereto.

Article 11 Explanation: The Commonwealth established rules governing the method by which cable franchise fees are used to support public access operations in the state. This article follows guidance from the Commonwealth by accepting a provision of the law designed for this purpose and transfers to the account franchise fees collected by the Town and intended for public access operations.

The Finance Committee voted unanimously to support this article.

ARTICLE 12: APPROPRIATE FOR DRAINAGE IMPROVEMENTS

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental and related costs, including the acquisition by gift, purchase and/or 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 G.L. c.44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 12 Explanation: This request is part of the ongoing program to replace, upgrade or install new storm drainage lines and structures to improve substandard drainage systems in town. Important future projects include, but are not limited to locations on Glen Rd., Rolling Lane, and Ash Street. Public/private partnerships are funded from this program and help to resolve deficient drainage systems affecting runoff from public ways through private property. Drainage funds are also used for street drainage repairs for the road paving program. The amount to be requested under this article is \$450,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

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ARTICLE 13: APPROPRIATE FOR CULVERT REPLACEMENT (BOGLE BROOK AT SHERBURN CIRCLE)

To appropriate a sum of money for the replacement of the Bogle Brook Culvert at Sherburn Circle, including all incidental and related expenses, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 13 Explanation: The existing box culvert on Bogle Brook at Sherburn Circle is becoming undermined resulting in partial failure of the road surface above. Repairs have been done on two occasions in recent years, however this 60+ year old culvert is considered to be beyond repair and is now recommended for replacement. Construction funds are proposed for replacement of this culvert and is estimated to cost \$480,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 14: APPROPRIATE FOR SNOW REMOVAL EQUIPMENT

To appropriate a sum of money for the purchase and equipping of a piece of snow removal equipment, including all incidental and related expenses, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 14 Explanation: The School Department is seeking funding for a piece of Equipment for Snow Removal and small grounds projects. Currently they use a 20-year-old Bobcat to remove snow within the school grounds and have utilized outside vendor equipment to supplement for large storms. This machine would also replace the current Bobcat and the need to seek out outside vendors. The current design of parking areas have cells and requires snow to be pushed in multiple locations to clear. This machine will have the ability to clear and remove piles at all the corners and intersections within the school campuses. This request includes a snow bucket and snow pusher to further enhance the use of the equipment for snow plowing in addition to removal. The amount to be requested under this article is \$115,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 15: APPROPRIATE FOR AIR SUPPLY EMERGENCY RESPONSE VEHICLE

To appropriate a sum of money for the purchase and equipping of an Air Supply Emergency Response Vehicle, including all incidental and related expenses, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 15 Explanation: The Fire Department seeks replacement of a 27-year-old Air Supply Emergency Response Vehicle which has reached the end of its life. The amount to be requested under this article is \$325,000. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 16: APPROPRIATE FOR NETWORK IMPROVEMENTS

To appropriate a sum of money for updates to and replacements of Town and School information systems and communication infrastructure equipment, including all incidental and related expenses, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c. 44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; or take any other action relative thereto.

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Article 16 Explanation: *The Town and Schools share a data and communications infrastructure that needs updating. Our current infrastructure has served the town very well, but the demands have never been greater. This phase of the network improvement project will be addressing a number of smaller targeted needs including updated copper network cabling, replacement/upgrades of components of our network/wireless infrastructure, two server infrastructure hosts, security surveillance & related devices, addition of radio channel bandwidth in the school campus, and school building PA updates. The amount to be requested under this article is \$387,400. A two-thirds vote of Town Meeting is required for approval of this article.*

The Finance Committee voted unanimously to support this article.

ARTICLE 17: TELECOMMUNICATIONS LEASE – WESTON POLICE DEPARTMENT (180 Boston Post Road)

To see if the Town will vote to transfer the care, custody, management and control of the property described below, currently held by the Select Board for police purposes, to the Select Board for police purposes and also for the purpose of leasing for telecommunications purposes; and to authorize the Select Board to enter into such a lease or leases for telecommunications purposes for all or a portion of the property located off of the Boston Post Road By-Pass containing the Weston Police Station, as shown on Assessors Map 27 as Parcel 75-10, upon such terms and conditions as the Select Board determines to be in the best interest of the Town, such lease or leases to exceed three years; and to authorize the Select Board to grant such non-exclusive access and utility easements as the Select Board deems necessary and appropriate; and to further authorize the Select Board to enter into such agreements and execute such instruments as may be necessary to effectuate the purposes of this article; or take any other action relative thereto.

Article 17 Explanation: *There is an existing cell tower at the Police Station located at 180 Boston Post Road. The existing lease expires July 2023. The current tenant is seeking to extend the ground lease for additional years however the previous procurement did not contemplate such an extension. The intent of this article would be to allow the police station property to also be used for telecommunications leasing purposes. Article 16, as contained in the May 2003 Annual Town Meeting Warrant, reference a change in the Town's Zoning By-Law relative to the Personal Wireless Services Overlay District however this article did not address the leasing of the site at the police station for telecommunications purposes. Since this article contemplates a transfer of the property based upon the purpose for which it is currently held, a two-thirds majority vote would be required for passage pursuant to G.L. c. 40, sec. 15A.*

The Finance Committee voted unanimously to support this article.

ARTICLE 18: MINISTERIAL AMENDMENTS TO THE TOWN BYLAWS

To see if the Town will vote to amend the Town Bylaws to make ministerial and clerical amendments and grammatical corrections thereto, and further to correct any citations which may have been changed from time to time, a complete copy of which has been placed on file with the Town Clerk and is available for viewing on the Town's website at: www.westonma.gov/1770/2022-Annual-Town-Meeting such amendments to take effect upon their adoption by the voters of Weston, or take any other action relative thereto.

Article 18 Explanation: *This article authorizes changes only of a ministerial, clerical, and grammatical nature to the Town Bylaws. Over the years through amendment, formatting has become inconsistent and legal citations may have changed. These ministerial changes seek to correct these unintentional errors. The changes can be viewed online and at the Town Clerk's Office. A majority vote of Town Meeting is required for approval of this article.*

The Finance Committee voted unanimously to take no position on this article.

ARTICLE 19: POTENTIAL ACQUISITION OF 55 CHURCH STREET PROPERTY FOR HISTORIC PRESERVATION

To see if the Town will vote to authorize the Select Board to acquire for historic preservation purposes or other purposes, by gift, purchase, or eminent domain the fee or a lesser interest in the land, as well as any buildings and improvements thereon, located at 55 Church Street, Weston, and identified as Assessors Map 23, Parcel 59 and a portion of an MBTA right of way adjacent thereto, as shown on a sketch plan depicting said property, on file with the Town Clerk, and, in connection therewith, to raise and appropriate, transfer from available funds or borrow a sum of money for such purposes;

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and, further, to authorize the Select Board to take any action needed to facilitate the vote taken hereunder, including but not limited to signing leases, deeds and other instruments, and filing a petition for special legislation; or take any other action relative thereto.

Article 19 Explanation: This article concerns property at and adjacent to 55 Church Street, where the historic Weston train station on the defunct Mass Central railroad line is located next to the Rail Trail. The Select Board and others have expressed a desire and concern to ensure the train station can be preserved and its deterioration halted. Given various complexities associated with the property, this article gives the Select Board broad authority and flexibility to nimbly pursue with all relevant parties the potential resolution of those complexities and acquisition of the property. This is a precursor to any subsequent preservation of the station, which would be presented for future Town Meeting consideration if and to the extent future funding is ever required for preservation or other expenditures. The specific sum of money being requested under this article will be specified at Town Meeting.

This article was not presented to the Finance Committee for consideration prior to publication of the Town Meeting warrant. The Finance Committee may choose to indicate its position on the article at Town Meeting.

ARTICLE 20: APPROPRIATE FOR FISCAL YEAR 2023 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET

To hear and act on the report of the Community Preservation Committee on the Fiscal Year 2023 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2023; and further, to reserve for future appropriation for purposes consistent with the Community Preservation Act the amounts as recommended by the Community Preservation Committee for open space, including land for recreational use, historic resources and community housing; and further, to appropriate from the Community Preservation Fund a sum of money for payment of debt service on Community Preservation projects previously approved by Town Meeting, all as recommended by the Community Preservation Committee, or take any other action relative thereto.

Article 20 Explanation: The Community Preservation property tax surcharge will raise more than \$2,400,000 in fiscal year 2023, which is expected to be matched, in part, by the State. By law, a minimum of 10% of Community Preservation funds raised by the surcharge and as matching funds from the state must be spent or set aside for future spending in each of three categories: open space, including land for recreational use; historic resources; and community housing. The remaining 70% of available funds may be allocated to any one or a combination of the three categories, all as specified in G.L. c.44B, §5(b)(2), as most recently amended.

The administrative expense budget, limited by law to no more than 5% of annual Community Preservation Fund revenues, is estimated to be \$160,000 and is funded from the Community Preservation Fund. Any administrative funds remaining unused at the end of the fiscal year are returned to the Unallocated allocation of the Community Preservation Fund. The administrative expense budget covers the cost of a part-time staff person for the Committee and Committee expenses such as appraisal fees, legal fees, and advertising for public hearings.

The appropriation for debt service includes \$5,060 for Brook School Apartments, \$351,488 for the Weston Art and Innovation Center, \$319,816 for Case Estates, \$187,025 for 500 Wellesley St., and \$559,450 for the Josiah Smith Tavern.

The Finance Committee voted unanimously to support this article.

ARTICLE 21: APPROPRIATE FOR COMMUNITY HOUSING – REGIONAL HOUSING SERVICES OFFICE & HOUSING TRUST STAFF SUPPORT

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to provide funds needed to participate in a regional housing services office and for staff assistance for all community housing activities authorized by G.L. c.44B, §5(b)(2), as most recently amended; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 21 Explanation: Weston collaborates with the Towns of Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, and Wayland to provide a regional housing services office (“RHSO”). Professional staff with expertise in

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affordable housing offer a variety of services related to lottery, monitoring, administration of the subsidized housing inventory, and consultation on specific projects. In addition, staff support is provided through the RHSO for the Weston Affordable Housing Trust. The amount to be requested under this article is \$39,000.

The Finance Committee voted unanimously to support this article.

ARTICLE 22: APPROPRIATE FOR OPEN SPACE – CASE PARK RESTORATION AND REHABILITATION, PHASE 2

To appropriate a sum of money for open space purposes under the Community Preservation Program for Phase 2 of the Case Park Restoration and Rehabilitation Project, as further described in a document on file with the Town Clerk and posted to the Town's website at: www.westonma.gov/1770/2022-Annual-Town-Meeting 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 22 Explanation: This project is a continuation of CPC's Case Park Restoration and Rehabilitation Project Phase 1, FY19, which focused on the ~0.4 acre southern tip of Case Park between Wellesley and School Streets. Phase 2 proposes to design and install new landscaping on ~0.4 acre along School St. (see map), with the aim of increasing community use through improved visual appeal and functionality (seating), and operating as a teaching resource with examples and information about attractive, low-maintenance, primarily native plantings that provide significant environmental benefits to pollinating insects and birds. The amount to be requested under this article is \$42,000.

The Finance Committee voted unanimously to support this article.

ARTICLE 23: APPROPRIATE FOR GOVERNMENT STUDY COMMITTEE

To appropriate a sum of money to pay costs to study the current governmental structure and organization of the Town of Weston and to make recommendations to the Select Board, including all related as well as incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised, transferred from available funds, including free cash, or take any other action relative thereto.

Article 23 Explanation: This article is sponsored by the Select Board in response to the Citizen's Petition to change the makeup of the Select Board. The Select Board agrees that it is time for the Town to look at the governmental structure for the Town of Weston however they argue that this exercise should not be taken piecemeal. The Select Board is proposing to fund the cost of a consultant and any related costs, estimated to be around \$60,000, to look at the current governmental structure and suggest recommendations to the Town to propose at a future Town Meeting. A majority vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to oppose this article.

ARTICLE 24: CHANGE STRUCTURE OF THE SELECT BOARD (as supplied by petitioners)

To authorize the Town of Weston Select Board to petition the General Court for an Act authorizing the Town of Weston to increase membership on the Select Board from three (3) members to five (5) members at the first annual election held at least 60 days following approval of the Special Act authorized hereunder and, further, that the General Court may make changes of form only to such bill without approval of the Select Board, and, further, to authorize the Select Board to approve such requested revisions as may be within the public purposes of this petition.

Article 24 Explanation: Weston's three-member Select Board represents the executive branch of our Town Government. The Board acts as the Town's primary policy-making body for a wide variety of issues affecting service delivery, finance, and development, as well as managing the operating budget. In short, the Board has overall responsibility for the general operations of Weston's Town Government. Increasing Board membership from three to five members will bring us into line with a number that is more consistent with Towns in the greater Boston Area, including Concord, Wayland, Sudbury, Wellesley, Carlisle, and Lexington. These towns all have five-member Boards. There are several benefits that would accrue by moving to a five-member Board. It would increase representation for the Town electorate, which has grown significantly since the three-member Board was formed. It would improve Town government by having more brain power

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and life experience to help with problem solving in an increasingly complex governmental and regulatory environment. It would reduce the risk of violating the State of Massachusetts open meeting by-laws, when, as is the case now, any two members get together to discuss town matters. Finally, it allows for sharing of the workload. (Article and explanation as provided by citizen petition).

The Finance Committee voted to take no position on this article.

ARTICLE 25: APPROPRIATE FOR STUDY AND DESIGN FOR INTERSECTION IMPROVEMENTS (ROUTE 20 & HIGHLAND STREET)

To appropriate a sum of money for design and engineering services for the eventual reconstruction of the intersection of Route 20 and Highland Street, including all incidental and related expenses, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §7, or any other enabling authority, and further that any premium received upon the sales of any bonds or notes approved by this vote, less any premium, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium or take any other action relative thereto.

Article 25 Explanation: The project scope includes planning & engineering services involved in the design of intersection improvements and potential traffic controls/signals for the intersection of Boston Post Road By-Pass (Route 20), Highland Street and Boston Post Road. The project goals will include reconstructing said intersection which will simplify turning movements and reduce driver confusion and accidents. This request is for funds for design, permitting and construction phase services. Ultimately this project may be submitted to MassDOT for their review and possible inclusion on the Transportation Improvement Plan (TIP). The cost of this project is expected to be \$413,400. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted by majority vote to support this article.

ARTICLE 26: APPROPRIATE FOR PICKLEBALL COURT DESIGN FEES

To appropriate a sum of money to pay costs of engineering and architectural services for plans and specifications for the design and construction of new Pickleball courts, including all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised, transferred from available funds, including free cash; or take any other action relative thereto.

Article 26 Explanation: This article proposes funding for the planning and design of six pickleball courts. The design and construction of pickleball courts was identified as a high-priority project in the Recreation Master Plan Steering Committee's (RMPSC) new 10-year Master Plan, which was unanimously adopted in 2020. Strong demand for temporary pickleball courts on existing tennis courts reinforced this need. The RMPSC is a standing committee charged by the Select Board with updating and publishing a new Master Plan every ten years. This committee includes elected representatives from the Recreation Commission and the School Committee, as well as youth sports representatives, town and school staff and At-Large members appointed by the Select Board. Weston residents will have the opportunity to evaluate the design and potential costs of this project before construction funds are requested. The current Master Plan can be found here: www.westonma.gov/RecMasterPlan. The amount to be requested under this article is \$85,000. A majority vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to oppose this article.

ARTICLE 27: APPROPRIATE FOR WATER TANK REPLACEMENT

To appropriate a sum of money to pay costs of locating, designing and constructing of water storage tanks, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c.44, §8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; or take any other action relative thereto.

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Article 27 Explanation: At the request of the Select Board, Wright-Pierce engineers completed a Water System Master Plan in 2019. The highest priority improvement recommended in the Master Plan's Capital Improvement Program was to increase the active storage volume (which is provided by the height of the tanks) within the Town's water system. The existing water system does not have sufficient active storage volume, or height, to meet demand. Under the current tank configuration, if there were a fire on a day of maximum demands, there might not be enough water to fight the fire or supply water customers with water. The first step in the Capital Improvement Program process was to engage engineers to analyze whether the Town's water tanks should be refurbished or replaced. The Town voted unanimously at its December 2019 Special Town Meeting to undertake this analysis. The analysis has now been completed and indicates that the Paine's Hill Water Tank has reached the end of its useful life and must be replaced. The next step to is design and construct a replacement tank at an estimated cost of \$4.6 million. A two-thirds vote is required to approve this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 28: AMEND ZONING BY-LAWS – MUNICIPAL UTILITY STRUCTURE STANDARDS

To see if the Town will vote to amend the Zoning By-Laws as follows, or take any other action relative thereto:

Part A. Insert in Section II Definitions, the following new definition:

MUNICIPAL UTILITY

Any infrastructure owned and operated by the Town used to provide essential or emergency services including: electricity, natural gas, water, sewage, telephone, and broadband internet telecommunications.

Part B. Insert in Section VI. Dimensional Standards a new Section G, entitled "Municipal Utilities", and reletttter the existing Section G and Section H as appropriate.

G. Municipal Utilities

The following dimensional standards shall apply for the following municipal utilities in any zone:

1. Water Tank
 - a. Height – No limit

For any use or dimension not listed, the dimensional standards of the zoning district(s) of the parcel(s) shall apply.

Article 28 Explanation: As was mentioned in the explanation for Article 30, the Town has recently determined that it must increase the height and storage capacity of the existing, failing water tanks. One challenge to this replacement is that current Zoning Bylaws makes the citing of the new tanks challenging due to the increase in height which may be required. The proposed Bylaw change would exempt water tank construction from certain Zoning Bylaws, thereby removing a barrier to their ultimate design and construction. A two-thirds vote is required to approve this article.

The Finance Committee voted unanimously to take no position on this article.

ARTICLE 29: APPROPRIATE FOR PUBLIC TREE MAINTENANCE PLAN

To appropriate a sum of money to pay costs of creating a Public Tree Maintenance Plan, as well as incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised, transferred from available funds, or take any other action relative thereto.

Article 29 Explanation: Weston values the benefits of its trees. They provide the picturesque, semi-rural character the town is known for, they clean particulates and CO2 from the air, reduce waterway pollution and storm water runoff, and keep our air temperature cooler. Beginning In 2017, a multi-phase Tree Inventory was conducted to survey Weston's public Right of Way (RoW) trees. Over 15,000 trees were assessed for size, species, condition and risk. Despite Weston's seemingly robust tree population, a surprising 66% of those trees were rated in "Fair", "Poor" or "Critical" condition. These findings mean that a high proportion of Weston's RoW trees are highly susceptible to storm failure, drought impact, as well as the pressures of insect infestation and disease. As this survey is a snapshot in time - trees in "fair" condition can

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deteriorate to “poor” condition and “poor” trees can deteriorate to “critical” and become high-hazard trees. However, a proactive management approach can improve Weston’s “fair” trees to “good” trees— making them more resilient to changing conditions and less of a risk to the community. When coordinated with a robust planting plan of new trees suitable to the new climate, Weston can restore the town’s tree canopy. Like neighboring towns, Weston needs a thoughtful, actionable, and fiscally responsible long-term management plan to reduce risk and manage cost, rather than reacting to storm-related demands as they occur. Such a plan will enable the town to grow and maintain a healthy street canopy and urban forest suited to the changing conditions of 2021 and beyond. The amount of money to be requested under this article is \$60,000. A majority vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 30: ZONING BYLAW – SUSTAINABLE TREE INITIATIVE

To see if the Town will vote to amend the Zoning By-Law to further the sustainable tree initiative, and preserve existing trees and mitigate tree loss, thereby maintaining the ecological, economic, and social benefits that come with a healthy tree canopy, the text of which by-law is set forth below and enumerated accordingly, or take any other action relative thereto.

Part 1. Amend Section II of the Weston Zoning By-law by inserting the following definitions:

Certified Arborist – A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

Critical Root Zone (CRZ) - The minimum area beneath the canopy of a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the tree's trunk. The required minimum radius of the CRZ shall be determined by multiplying a tree's DBH (in inches) by eighteen (18) inches. Example: A tree with a DBH of twenty (20) inches shall have a CRZ with a minimum radius of 360 inches or 30 feet (20" x 18" = 360" or 30').

Diameter at Breast Height (DBH) - The standard measure of tree size for trees that are at least four (4) inches in diameter at a height of four and one half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

Invasive Tree – Examples of invasive trees include the following: Acer platanoides L. (Norway maple), Acer pseudoplatanus L. (Sycamore maple); Ailanthus altissima (Tree of heaven); Robinia pseudoacacia L. (Black locust). The current complete list of invasive species may be found on the Massachusetts Invasive Plant Advisory Group (MIPAG) website.

Totally Demolished - pulling down, razing or destruction of the entire building.

Part 2. Amend Section to V(I) of the Zoning By-Laws by inserting a new subsection 6, as follows:

6. TREE PROTECTION & PRESERVATION

- a. Purpose and Intent: The purpose of the Sustainable Tree By-law is to encourage the preservation and protection of trees during demolition or construction activity by:
 - (i) Designating areas of a lot where trees must be protected.
 - (ii) Requiring that the removal of trees in protected areas be mitigated by the planting of new trees or the payment of fees to support the Town’s tree planting and maintenance efforts.
 - (iii) Requiring mitigation of tree removal is intended to: preserve the private tree canopy and thereby enhance the quality of life and the environment of Weston; protect air quality; preserve and enhance habitat for wildlife; provide buffering between properties; sequester carbon; reduce topsoil erosion and storm water runoff; preserve the character of wooded and natural areas; enhance the overall appearance of the Town; provide shade; baffle noise; protect and increase property values; and reduce energy consumption.
 - (iv) Recognizing the public cost to the Town due to tree removal on private property.

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- (v) Balancing the rights of individual property owners to develop their properties in accordance with the existing Town and State laws with the public good of the overall health, safety and welfare interests of the community.
- b. Applicability: The requirements of this Section shall only apply under any of the following circumstances:
 - (i) A principal use building is totally demolished; or
 - (ii) Construction of any building on a vacant lot; or
 - (iii) Construction which requires a building permit under 760 CMR, Massachusetts State Building Code as amended of one or more buildings or additions to building(s) on a lot, where the total area of the footprint of the new buildings will result in an increase of 100% or more of the total footprint of the pre-existing building(s).
- c. Non-applicability: Even under the circumstances under subsection b, "Applicability," the requirements of this section shall not apply to:
 - (i) Emergency work necessary for public safety, health and welfare as determined by the Inspector of Buildings.
 - (ii) Dead trees.
 - (iii) Town-owned public trees, including trees that are considered to be Public Shade Trees pursuant to M.G.L. Chapter 87, which are protected by the Town's Tree Warden.
 - (iv) Trees for which mitigation was provided as part of a prior application, but which were not actually removed.
 - (v) Areas of property that are either within a jurisdictional Resource Area or within a Buffer Zone to a Resource Area as defined by the Wetlands Protection Act (Mass Gen. Laws Chapter 131) and its implementing regulations (310 CMR 10.00) or that are under the jurisdiction of a local wetlands bylaw, wherein the Conservation Commission regulates the retention and/or replacement of trees with a diameter at breast height of at least 4 inches located on private land; in such areas the Conservation Commission may enforce or waive this act at its discretion. Trees located outside areas under the jurisdiction of the Conservation Commission shall be subject to the procedures of this Section.
 - (vi) Trees removed for activities noted in Article XXX "Farm Preservation" of the Weston Town Bylaws and in the Massachusetts General Laws referenced in that Section defining agricultural activity.
- d. Special Condition: Trees removed for installation of solar array.
 - (i) The removal of a tree to create the necessary solar exposure, as documented in a shade report by a licensed solar installer, for a proposed roof-mounted photovoltaic or solar hot water system shall be temporarily mitigated by a contribution to the Weston Tree Bank Fund in accordance with subsection g. ii of this Section.
 - (ii) The contribution shall be returned if the solar array is installed at or greater than the proposed capacity within one year of a temporary or permanent Certificate of Occupancy or the close of the building permit. If, within one year after issuance of the later of either a certificate of occupancy or the close of the building permit, the solar array is not installed, the contribution to the Weston Tree Bank Fund shall become permanent.
- e. Scope: The Zoning Setback Area, defined as the area between the property line and zoning setback required in Section VI of the bylaw, is a protected area. Any existing live tree with a DBH of six (6) inches or greater that was removed from the zoning setback area within the twenty four (24) months prior to application is within the scope of this bylaw. The twenty-four (24) month period shall not apply to removals occurring prior to adoption of this bylaw. Trees removed in the twenty-four (24) months prior to application shall be presumed to have been alive unless otherwise documented.
- f. Town of Weston Tree Bank Fund: Any contributions collected under this Section shall be deposited in the Town of Weston Tree Bank Fund which may be used for:
 - (i) Tree planting,
 - (ii) Maintenance of public trees, or

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- (iii) Administration of this act including studies of tree conditions and further remediation strategies.
- g. Mitigation: Mitigation for tree removal shall be provided by the planting of replacement trees or by contribution to the Town of Weston Tree Bank Fund, or a combination of the two as determined by the applicant, as follows:
 - (i) Mitigation by the planting of replacement trees shall be as follows:
 - (1) For non-invasive trees at least 6" and up to 24" DBH, 1 caliper inch planted for each inch of DBH removed (1:1 ratio).
 - (2) For non-invasive trees of 24" or greater DBH, 2 caliper inches planted for each inch of DBH removed (1:2 ratio).
 - (3) For invasive trees measuring 6" or more DBH, ¼ caliper inch planted for each inch of DBH removed.
 - (4) For multi-stemmed trees at least 8 feet in height, mitigation DBH shall be calculated as the height in feet multiplied by 0.25.
 - (5) Replacement trees must have a minimum 3-1/2" caliper. Multiple trees may be used to achieve the required DBH inch planting mitigation amount.
 - (6) The siting of mitigation trees is subject to review by the Town's consultant certified arborist or landscape architect.
 - (ii) Mitigation by Contribution to the Weston Tree Bank shall be as follows:
 - (1) For non-invasive trees at least 6" up to 24" DBH, \$400 per inch of DBH removed.
 - (2) For non-invasive trees of 24" or greater DBH, \$800 per inch of DBH removed.
 - (3) For invasive trees measuring 6" or more DBH, \$100 per inch of DBH removed.
 - (4) The above rates may be revised every five years by the Select Board.
 - (iii) In cases where planting mitigation is chosen, evergreen trees shall generally be replaced with evergreen trees and deciduous trees shall generally be replaced with deciduous trees, as deemed appropriate by the Town's consultant certified arborist or landscape architect. Ideally, trees added should be a natural-looking combination of canopy and understory trees.
- h. Tree Protection During Demolition and Construction:
 - (i) Protection: Each tree to be retained shall be protected by the establishment of a Tree Save Area as defined by the CRZ or as established by a certified arborist and agreed to by the Town's consultant certified arborist or landscape architect. The Tree Save Area may include multiple trees and shall be delineated within the submitted Tree Protection and Mitigation Plan. Chain link wire fencing at least 4' high shall be installed around the Tree Save Area prior to the issuance of applicable permits and shall remain in place until work is completed on the property. The applicant shall submit to the Building Division written documentation, prepared, stamped, dated and signed by a Certified Arborist, confirming that the required Tree Save Area identified in the Tree Protection and Mitigation Plan has been installed.
 - (ii) Encroachments, temporary or permanent, are allowed within the Tree Save Area under the bylaw; however, appropriate steps shall be taken to ensure survival of the trees.
- i. Plan Review and Permit Issuance:
 - (i) Tree Protection and Mitigation Plan Submittal: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in subsection a. above, the owner of the property shall submit a Tree Protection and Mitigation Plan to the Building Division along with the appropriate application.
 - (ii) In cases where Site Plan Approval is required for any of the circumstances in subsection b. above, the Tree Protection and Mitigation Plan shall be submitted to the Planning Board with the application for Site Plan Approval and shall be reviewed and approved by the Planning Board for consistency with this bylaw and the Site Plan Approval Criteria in Section XI.
 - (iii) If a permit requiring the submittal of a Tree Protection and Mitigation Plan was issued for a property within twelve (12) months prior to application for one or more of the circumstances set forth in subsection a. above, the submittal of a Tree Protection and Mitigation Plan shall not be required for subsequent permits unless any information required in subsection h. ii below is changed or altered.

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- (iv) Tree Protection and Mitigation Plan Requirements: The submitted Tree Protection and Mitigation Plan shall be a to-scale survey or site plan, along with any accompanying documentation, containing information prepared, stamped, dated and signed by an individual(s) appropriately licensed and authorized by the State of Massachusetts to attest to and certify such information, unless a specific certification is referenced herein. The plan shall include, but not be limited to, the following information:
- (1) Boundaries of the subject property, including all property lines, easements, and rights-of-way of public and private ways;
 - (2) The location of all existing buildings, driveways, retaining walls and other improvements, with an indication of those features to be retained or removed/demolished;
 - (3) The location of all planned buildings, driveways, retaining walls, fences and other improvements;
 - (4) A Limit of Work for the project;
 - (5) The location, height, DBH, and species of all existing trees and trees that were removed within twenty-four (24) months prior to application for an applicable demolition or building permit, within Zoning Setback Area;
 - (6) An indication of those trees to be removed and those to be retained, as applicable;
 - (7) An indication of those trees to be removed for exposure to a roof mounted photovoltaic or solar hot water system with the required solar exposure for the system;
 - (8) The Tree Save Area shall be shown for all trees to be retained under the scope of this bylaw;
 - (9) The location, caliper, species, and planting schedule of trees to mitigate the removal of a trees within the scope of this bylaw, if applicable;
 - (10) A maintenance plan prepared, stamped, dated and signed by a Certified Arborist for all trees to remain which are proposed to have encroachment within the Tree Save Zone, if applicable; including areas of over-dig for excavation and areas of blasting effect to existing trees where additional mitigation may be necessary;
 - (11) The amount to be contributed to the Weston Tree Bank Fund to mitigate the removal of trees within the scope of this bylaw if applicable; and
 - (12) Such other information as is required by the Inspector of Buildings pursuant to applicable regulations.
- (v) Building Division Action: If the Tree Protection and Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established rules, regulations or manuals, and any applicable Weston Tree Bank Fund contribution has been submitted, the Building Division may issue any applicable permit. If the proposal does not meet or satisfy these requirements, the Building Division shall deny all applicable permit applications and so notify the applicant.
- (vi) The Building Inspector shall set the fee for review of the application.
- (vii) Consultant Review: The Building Division may use application fees associated with this bylaw to hire a landscape architect licensed in the State of Massachusetts or Certified Arborist for administration of this bylaw.
- (viii) Exclusion of Trees from Protected Area: An applicant may petition the Planning Board to exclude any of the trees typically included under subsection e. from the required mitigation.
- (1) Application and Review Process
 - a) The applicant shall submit the application with supporting materials on the prescribed form to the Town Planner
 - b) The Town Planner shall schedule the matter for a public meeting with the Planning Board within 45 days of complete application.
 - c) Notice of the matter shall be given to the abutter and abutters to abutters within 300 feet.

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- d) The Planning Board may form a subcommittee, including a Tree Advisory Group member, to recommend action on requests to exclude trees from mitigation requirements.
- e) The Planning Board may schedule a site visit at their discretion.
- f) The Planning Board may require project review fees for retention of professional consultants to assist in reviewing the application.
- (2) Criteria for approval:
 - a) The applicant shall have the burden of demonstrating that the trees did not meet the criteria for inclusion under subsection e.
 - b) Financial hardship shall not be considered a reason for approval.
 - c) Abutter request for removal of hazardous tree.
 - d) Failure of a tree due to storm damage or untreatable pests or untreatable disease.
 - e) Rules and Regulations: The Planning Board may promulgate or amend Rules and Regulations which pertain to the administration of this section, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, fees for application, the procedure for the submission and approval of such plans, the procedure for determining final compliance with these regulations, and the criteria and procedure regarding the Planning Board's acceptance of sureties (i.e., bonds, letters of credit, etc.) intended to satisfy the requirements of this section, so long as the Rules and Regulations conform to this section of the Zoning Bylaw.
- j. Maintenance of Existing and Newly Planted Trees:
 - (i) Existing Trees: Each tree under the scope of this bylaw which is to be retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such Tree decay to either "Critical"(50%–75% dieback, missing crown, visible structural damage, and injury from diseases and pests) or "Dying"(>75% of the tree being affected by one or more maladies) or worse within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of an existing tree as contained herein within nine (9) months from the assessment as Critical, Dying or worse condition of the original Tree.
 - (ii) Newly Planted Trees: All trees planted to mitigate the removal of trees under the scope of this bylaw shall be maintained in good health for a period of no less than twenty four (24) months from the date of planting. Should such tree die within this twenty-four (24) month period, the owner of the property shall be responsible for planting a tree equal to or greater than the size of the original Newly Planted Tree at the time of planting; such tree shall be planted within nine (9) months of the death of the Newly Planted Tree.

Article 30 Explanation: Weston is a naturally forested community that values its trees. Beyond providing the picturesque, semi-rural character for which the town is known, trees clean particulates and CO2 from the air, reduce waterway pollution and stormwater runoff, and keep air and street temperatures cooler. Despite the numerous public benefits trees provide, most of Weston's trees are located on private property and so are under private control. Currently, Weston has four bylaws that indirectly protect fewer than half our trees: Scenic Roads, Site Plan Approval, Wetlands Protection, and Stormwater; but, unlike neighboring communities, Weston has no bylaw that directly protects trees on private property. The proposed bylaw seeks to add a level of protection to the most public-facing trees within the setback areas on private property. The proposed bylaw would apply when there is new construction on a vacant lot, total demolition of existing buildings, or a doubling of the size of existing buildings. A two-thirds vote is required to approve this article.

The Finance Committee voted by majority vote to take no position on this article.

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COMMUNITY PRESERVATION ACT Articles 31-33

ARTICLE 31: APPROPRIATE FOR AFFORDABLE HOUSING – AFFORDABLE HOMEOWNERSHIP OPPORTUNITY FUNDS (AHOP)

To appropriate a sum of money for community housing purposes under the Community Preservation Program as a grant to the Weston Affordable Housing Trust in order to pay costs of identifying, evaluating and acquiring real property suitable for the creation of affordable homeownership units in the Town of Weston, to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Unallocated allocations of the Community Preservation Fund; or take any other action relative thereto.

Article 31 Explanation: The Weston Affordable Housing Trust (WAHT) requests \$1,000,000 in CPA funds to be used to identify, evaluate feasibility, and if feasible, to acquire real property suitable for the creation of affordable home ownership units in the Town of Weston. These funds would be added to the existing CPA funds that were originally allocated at 2017 Town Meeting. The WAHT will continue to work to identify potential properties, conduct due diligence and feasibility on site, and if deemed suitable, to then negotiate for the purchase of the property for purposes of creating an affordable home ownership development. The WAHT anticipates utilizing a process similar to that used for the property located at 0 Wellesley; once a site has been identified and acquired, a request for proposal (RFP) will be issued seeking a developer to develop the property for affordable home ownership units. The goal will be for 100% of units to be affordable. The RFP will also set out certain development/design constraints intended to ensure the project is a community supported development and is in keeping with the neighborhood context. The WAHT has utilized \$451,053.50 of the original allocation to support the disposition and development of the 0 Wellesley Street parcel, which is currently in process with Habitat for Humanity seeking a comprehensive permit to construct 6 affordable homeownership units on the site. The WAHT anticipates spending additional funds from the current AHOP account for legal and other expenses related to the eventual sale of the 0 Wellesley Street parcel to Habitat for Humanity.

The Finance Committee voted unanimously to oppose this article.

ARTICLE 32: APPROPRIATE FOR COMMUNITY HOUSING – MERRIAM VILLAGE BUILDING PRESERVATION AND ENVELOPE REPLACEMENT PROJECT

To appropriate a sum of money for community housing purposes under the Community Preservation Program as a grant to Weston Community Housing for the support and preservation of community housing at Merriam Village, 23 Village Rd, Weston, to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocations of the Community Preservation Fund; or take any other action relative thereto.

Article 32 Explanation: Weston Community Housing is a non-profit organization doing business and commonly known as Merriam Village, the second largest affordable elderly housing community in Weston, and the largest contributor to the Town's affordable housing inventory, contributing 62 units out of Weston's 149 according to Weston's Housing Production Plan. This project seeks funding of \$195,000 to remove the existing shingles, remove the old building wrap and nails, wrap all the buildings in a modern vapor barrier, and install fiber cement shingles. This work should not change the current building aesthetics but will preserve these important town assets by modernizing the vapor barrier used to assure water tightness and replacing the end-of-life siding, thereby preserving the structural integrity of the housing.

The Finance Committee voted unanimously to support this article.

ARTICLE 33: APPROPRIATE FOR HISTORICAL PRESERVATION – 669 BOSTON POST ROAD

To appropriate a sum of money for historical preservation under the Community Preservation Program for the acquisition by gift, purchase or eminent domain of a Historic Preservation Deed Restriction for the property located at 669 Boston Post Road, including all related incidental costs; and to authorize the Select Board to acquire said restriction; funds 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.

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Article 33 Explanation: *The Historical Commission has classified the property at 669 Boston Post Road as 'Preferably Preserved' and has imposed a demolition delay, which expires in June 2022. A community group was established to explore alternatives to demolition and are proposing a Historic Preservation Deed Restriction to be placed upon the property. The Historical Commission is working to determine the fair amount for the deed restriction and the current amount to be requested under this article is \$306,000.*

The Finance Committee voted by majority to take no position on this article.

ARTICLE 34: SEPTIC REPAIR PROGRAM

To see if the Town will vote to raise and appropriate, transfer from available funds in the Treasury, if any, or borrow a sum of money for purposes of financing the following projects: sewer connection, repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; and to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow said sum and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Select Board be authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Select Board or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project, or take any other action relative thereto.

Article 34 Explanation: *This article authorizes the Board of Health to participate in the Community Septic Management Program offered by the Commonwealth of Massachusetts. This article will authorize the Town of Weston to borrow loan funds to assist needy homeowners to make improvements to their septic systems as needed and to allow the Town to charge the cost of this program to the participating homeowners through a betterment process. A majority vote of Town Meeting is required for approval of this article.*

The Finance Committee voted unanimously to oppose this article.

And you are to serve the warrant by posting attested copies thereof at the Town Hall, the Police Station, the Public Library, the Transfer Station and on the kiosk at the front of the Weston High School on Wellesley Street by the gymnasium, seven 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 Select Board at the time and place of said meeting. Given under our hands March 25, 2022.

Harvey Boshart
Christopher Houston
Laurie Bent
Select Board of the Town of Weston