

**ANNUAL TOWN ELECTION**  
**May 7, 2011**

Pursuant to a Warrant duly served, the Annual Town Election was called to order in the Town Hall Auditorium by Warden Susan Banghart at 8:00 a.m. on May 7, 2011, for the election of Town Officers. Ms. Banghart swore the election officers to the faithful performance of their duties.

Total ballots cast were as follows:

Precincts 1 & 2	260
Precincts 3 & 4	194
TOTAL	454

The results of the election were as follows:

<b>Moderator - One Year</b>			
Wendy Spector*	8 Conant Road	Caucus Nominee	334
Blanks			63
Write-Ins			
Isabella Jancourtz	56 Gun Club Lane		52
Scattering			5
<b>Selectman - Three Years</b>			
Michael H. Harrity*	695 Boston Post Road	Caucus Nominee	365
Blanks			86
Scattering			3
<b>Assessor - Three Years (vote for 2)</b>			
Janice M. Glynn*	54 Old Colony Road	Caucus Nominee	351
Alan T. Orth*	17 Warren Lane	Caucus Nominee	339
Blanks			215
Scattering			3
<b>School Committee - Three Years (vote for 2)</b>			
Danielle Black	50 Colchester Road	Caucus Nominee	369
Blanks			81
Scattering			4
<b>Recreation Commission - Three Years (vote for 2)</b>			
Elly Draper Pendergast*	59 Wellesley Street	Caucus Nominee	369
James I. Rubens*	20 Ledgewood Road	Caucus Nominee	344
Blanks			194
Scattering			1
<b>Planning Board - Five Years (vote for 1)</b>			
Susan Jane Zacharias*	77 Sudbury Road	Caucus Nominee	345
Blanks			105
Scattering			4
<b>Library Trustee - Three Years (vote for 2)</b>			
Joseph W. Mullin*	81 Merriam Street	Caucus Nominee	356
Julie D. Panagakos	20 Ledgewood Road	Caucus Nominee	353
Blanks			194
Scattering			5

<b>Board of Health – Three Years (vote for 1)</b>			
David R. Kominz	233 Glen Road	Caucus Nominee	351
Blanks			103
Scattering			
<b>Commissioner of Trust Funds – Three Years (vote for 1)</b>			
Charles M. Ganson*, Jr.	150 Chestnut Street	Caucus Nominee	349
Blanks			104
Scattering			1
<b>Measurers of Lumber – One Year (Vote for not more than 3)</b>			
Michael J. Glynn	26 Arrowhead Rd	Caucus Nominee	325
Emily L. Hutcheson	31 Coburn Rd	Caucus Nominee	353
Maryanne R. Rogers	9 Lanes End	Caucus Nominee	332
Blanks			348
Scattering			4

\* *Indicates Incumbent*

**BALLOT QUESTION NO. 1: PROPOSITION 2½ 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) High School Science Lab Design Fees - Sprinkler System; (2) Energy Engineering Services - Upgrades to Municipal and School Buildings; (3) Department of Public Works Drainage Improvement Projects; and (4) High School Science Lab Improvements?

**Yes: 377**

**No: 69**

**BALLOT QUESTION NO. 2: PROPOSITION 2½ 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, and construct a new roof for the Weston Middle School, located at 456 Wellesley Street, including all costs incidental and related thereto?

**Yes: 385**

**No: 60**

**BALLOT QUESTION NO. 3: PROPOSITION 2½ 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, and replace the boiler at Weston High School, located at 444 Wellesley Street, including all costs incidental and related thereto?

**Yes: 388**

**No: 57**

**SPECIAL TOWN MEETING  
MAY 9, 2011**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Special Town Meeting to order at 7:30 p.m. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator welcomed visitors and outlined the change in procedures to be followed. A vote count was taken on the procedural changes to the Town Meeting format.

**Yes: 153**

**No: 23**

The Moderator appointed tellers and the Town Clerk swore them to their duties.

Tellers in the Auditorium:

Edward Coburn  
Peter Hill  
Lauren Mazzella  
Alicia Primer

**ARTICLE 1: AMEND FISCAL YEAR 2011 OPERATING BUDGET**

Mr. Douglas Gillespie moved to amend the following line items in the Fiscal Year 2011 Operating Budget by reducing line items and appropriating additional funds as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Insurance, Workers' Compensation	\$295,000	\$230,000	\$(65,000)
Unemployment Compensation	175,000	160,000	(15,000)
Fire - Hydrant Service	44,000	50,300	6,300
Public Works - Salaries	1,670,020	1,610,020	(60,000)
Public Works - Snow and Ice Control	252,900	704,265	451,365
Conservation Commission - Expenses	122,100	137,100	15,000

And as funding therefor, that \$332,665 be transferred from free cash.

**The motion was approved unanimously**

**ARTICLE 2: AMEND FISCAL YEAR 2011 RECREATION ENTERPRISE BUDGET**

Mr. Gillespie moved to amend the following line item in the Fiscal Year 2011 Recreation Enterprise Budget by appropriating additional funds as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Expenses	\$428,200	\$434,700	\$6,500

And as funding therefor, that \$6,500 be transferred from Recreation Enterprise fund retained earnings.

**The motion was approved unanimously**

**ARTICLE 3: APPROPRIATE INSURANCE PROCEEDS - FACILITIES**

Mr. Gillespie moved that the Town transfer the sum of \$21,366.23 from the account “Receipts Reserved for Appropriation, Insurance Reimbursement in Excess of \$20,000” to the use of the Facilities Department and Department of Public Works for repair of damage to, and replacement of equipment stored at 74 Warren Avenue.

**The motion was approved unanimously**

Mr. Gillespie expressed gratitude to retiring elected and volunteer officers of the Town of Weston.

Following is a list of persons who have left or are leaving office whose service to the Town is greatly appreciated and should be duly recognized.

<b>Elected Officers</b>		
<i>Officers</i>	<i>Office or Committee</i>	<i>Served Since</i>
Maryanne R. Rogers	School Committee	2003
Diana S. Coates	Library Trustee	2005
Carl Hirsch	Board of Health	2005
David C. Bennett	Measurer of Lumber	1999
Maureen Ecker	Measurer of Lumber	2010
David R. Kominz	Measurer of Lumber	2010
<b>Officers and Committee Members Appointed by the Board of Selectmen</b>		
Ramana Reddy Chintalaphani	Agricultural Commission	2007
David Maxwell	Agricultural Commission	2009
Mabel Chen	Cable Advisory Committee	2008
Joseph A. Green	Conservation Commission	2009
Roger Burke	Council on Aging	2003
Mary Pughe	Council on Aging	2005
Michele Fronk Schuckel	Council on Aging	2006
Meredith L. Eppel	Cultural Council	2004
Carol Snow	Historical Archives Committee	2005
Susan Haber	Housing Partnership (retired)	2009
Cornelius Chapman	Josiah Smith Tavern and Old Library Committee	2007
Thomas Chalmers	Preservation Restriction Committee	2004
Anne Peacher	Traffic and Sidewalk Committee	2009
Marcie Pucker	Tree Advisory Group	2007
<b>Officers and Committee Members Appointed by Moderator</b>		
Harold Hestnes	Community Preservation Committee	2005
Lenore Zug Lobel	Community Preservation Committee	2005
Thomas Nicholson	Elderly Housing Committee	2007
John Carusone	Finance Committee	2007
Susan J. Hughes	Memorial Day Committee	2004
Claude Valle III	Weston Veterans’ Memorial Educational Fund Committee	2001
Eileen Watson	Weston Veterans’ Memorial Educational Fund Committee	2003

**Appointed by the Selectmen and School Committee**

Robert Fronk	Permanent Building Committee	2006
Alan R. Stone	Recreation Master Plan Steering Committee	2005
John C. Becker	Recreation Master Plan Steering Committee	2005

**A Motion to dissolve Special Town Meeting was made, seconded, and adopted at 7:45 p.m.**

**ANNUAL TOWN MEETING  
MAY 9, 2011**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Special Town Meeting to order at 8:00 p.m. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator welcomed visitors and outlined procedures to be followed, warned about brevity, and requested citizens to give their names and addresses before speaking.

**ARTICLE 1:** Deborah M. Davenport, Town Clerk, read the results of the May 7, 2011, Annual Town Election, of which the results appear in the report of the Town Election above.

**ARTICLE 2: (Motion 1) APPROPRIATE THE FISCAL YEAR 2012 OPERATING BUDGET**

Mr. Douglas Gillespie moved that the several sums of money recommended by the Board of Selectmen for the fiscal year beginning July 1, 2011, in accordance with Section 5 of Article II of the General By-laws, as amended, and set forth in pages 6 - 8 of the report entitled, "Fiscal Year 2012 Recommended Operating Budget," be raised and appropriated for their respective purposes as set forth on said pages, and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

- a. \$2,400,000 from the Free Cash Account;
- b. \$75,000 from the "Accrued Income, Well Litigation Settlement" account;
- c. \$40,000 from the Cemetery Trust Fund;
- d. \$250,000 from Overlay Surplus; and
- e. \$6,000 from the Josiah Smith Tavern Trust Fund;

and that the Board of Assessors be authorized to use such available funds to meet appropriations in their computation of the tax rate for fiscal year 2012.

**The motion was approved unanimously**

**ARTICLE 2: (Motion 2)**

Mr. Gillespie moved that the Town transfer \$250,000 from the Well Litigation Settlement Account to meet, in part, appropriations made at this Town Meeting. *(2/3 vote required)*

**The motion was approved unanimously**

**ARTICLE 2: (Motion 3)**

Mr. Gillespie moved that the compensation for the following elected officers of the Town for the fiscal year commencing July 1, 2011, as required by Massachusetts General Laws, Chapter 41, Section 108, be fixed at:

Assessors \$100

and that all other elected officers of the Town be unpaid.

**The motion was approved unanimously**

**ARTICLE 2: (Motion 4)**

Mr. Gillespie moved that five persons be appointed by the Moderator to serve as a Memorial Day Committee in 2012 with authority to expend funds for the 2012 Memorial Day observance from the World War Trust Fund for this purpose.

**The motion was approved unanimously**

**ARTICLE 2: (Motion 5)**

Mr. Gillespie moved that in purchasing property or equipment, any allowance for turning in or selling other property or equipment may be applied to the purchase price.

**The motion was approved unanimously**

**ARTICLE 3: APPROPRIATE THE FISCAL YEAR 2012 WATER ENTERPRISE BUDGET**

Mr. Gillespie moved that the Town appropriate from water receipts the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2012, under the provisions of Massachusetts General Laws, Chapter 44, Section 53F-1/2:

Salaries	\$ 267,292
Expenses	219,280
MWRA Assessment/Water Purchases	1,806,318
Debt Service (non-exempt)	479,868
Capital Outlay	17,500
<b>Total</b>	<b><u>\$2,790,258</u></b>

**The motion was approved unanimously**

**ARTICLE 4: APPROPRIATE THE FISCAL YEAR 2012 RECREATION ENTERPRISE BUDGET**

Mr. Gillespie moved that the Town appropriate the following sums of money to operate the Recreation Department during fiscal year 2012, under the provisions of Massachusetts General Laws Chapter 44, Section 53F-1/2:

Salaries	\$1,040,061
Expenses	408,600
Community Center	90,400
<b>Total</b>	<b><u>\$1,539,061</u></b>

and that said \$1,539,061 be funded as follows: \$1,080,236 from departmental receipts and \$458,825 to be raised from the tax levy.

**The motion was approved unanimously**

**ARTICLE 5: APPROPRIATE THE FISCAL YEAR 2012 BROOK SCHOOL APARTMENT ENTERPRISE BUDGET**

Mr. Gillespie moved that the Town appropriate from rental receipts the following sums of money to operate the Brook School Apartments during fiscal year 2012, under the provisions of Chapter 76 of the Acts of 2009:

Salaries	\$148,951
Expenses	370,800
Repairs and Replacements	103,466
Payment in Lieu of Taxes	20,148
Debt Service	258,071
Total	<u>\$901,436</u>

**The motion was approved unanimously**

**ARTICLE 6: APPROPRIATE TO STABILIZATION FUND**

Mr. Gillespie moved that the Town raise and appropriate \$250,000 to the Stabilization Fund, pursuant to Massachusetts General Laws Chapter 40, Section 5B, to be used for any lawful purpose.

**The motion was approved unanimously**

**ARTICLE 7: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS TRUST FUND**

Mr. Gillespie moved that the Town raise and appropriate \$1,219,000, and transfer \$2,067,313 from the Health Insurance Trust Fund to the Other Post Employment Benefits Trust Fund for costs of post-employment benefits.

**The motion was approved unanimously**

**ARTICLE 8: CONTINUE DEPARTMENTAL REVOLVING FUNDS**

Mr. Gillespie moved that the Town continue revolving funds for certain Town departments pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E-½ for the fiscal year beginning July 1, 2011, as set forth in Article 8 of the Warrant.

**The motion was approved unanimously**

**ARTICLE 9: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS**

Mr. Gillespie moved that the Town authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and authorize the expenditure of \$476,173 and any other sums of money that may be received for the fiscal year commencing July 1, 2011 from the Massachusetts Department of Transportation.

**The motion was approved unanimously**

**ARTICLE 10: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS**

Mr. Gillespie moved that the Town establish a fiscal year 2012 income eligibility limit of \$70,000 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.

**The motion was approved unanimously**

**ARTICLE 11: APPROPRIATE FOR FACILITIES - MIDDLE SCHOOL ROOF**

Mr. James Polando, of the Permanent Building Committee, moved that the Town appropriate \$780,000 to pay costs of replacing the roof at the Weston Middle School, located at 456 Wellesley Street. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The said sum is to be spent under the direction of the Town Manager, and to meet said appropriation the Treasurer, with the approval of the Board of Selectmen is authorized to borrow said sum under Massachusetts General Laws Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's (MSBA) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA, shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of (1) 31 percent of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

Ms. Marilyn Savage, 39 Pond Brook Circle, questioned why the 2 ½ Debt Override?

Mr. Gillespie explained that it is a policy decision, large capital projects are funded through debt service.

**The motion was approved unanimously**

**ARTICLE 12: APPROPRIATE FOR FACILITIES - HIGH SCHOOL BOILER**

Mr. Polando moved that the Town appropriate \$960,000 to pay costs of replacing the boiler at the Weston High School, located at 444 Wellesley Street. The proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The said sum is to be spent under the direction of the Town Manager, and to meet said appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Massachusetts General Laws Chapter 44, or any other enabling authority; that the Town acknowledges that the Massachusetts School Building Authority's (MSBA) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided



further that any grant that the Town may receive from the MSBA for the project shall not exceed the lesser of (1) 31 percent of eligible approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided that any appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. Chapter 59, Section 21C (Proposition 2 ½); and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA.

**The motion was approved unanimously**

**ARTICLE 13: APPROPRIATE FOR SCHOOLS - HIGH SCHOOL SCIENCE LAB IMPROVEMENTS**

Ms. Maryanne Rogers, of the School Committee, moved that the Town appropriate \$12,100,000 to pay costs of constructing, equipping, and furnishing new high school science laboratory facilities and other related improvements to the High School building, 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 authority of Massachusetts General Laws Chapter 44, Section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was passed by Two-Thirds Majority Vote, as declared by the Moderator**

**ARTICLE 14: APPROPRIATE FOR DRAINAGE IMPROVEMENTS**

Mr. Steven Charlip moved that the Town appropriate \$300,000 to pay costs of the construction or reconstruction of surface drains 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 Massachusetts General Laws Chapter 44, Section 7, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was approved unanimously**

**ARTICLE 15: APPROPRIATE FOR CAPITAL PROJECTS**

Mr. Gillespie moved that the Town appropriate \$863,479 from free cash and transfer \$167,461 from the account "Landfill Mitigation - Article 24, 5/03" for the capital projects listed below.

To raise and appropriate or transfer from available funds the following sums of money:

<i>Purpose</i>	<i>Amount</i>	<i>Expend Under Direction of:</i>
A. DPW Departmental Equipment	\$235,000	Town Manager
B. Transfer Station Paving	\$222,000	Town Manager
C. School Zone Speed Signs	\$30,000	Town Manager
D. Case's Corner Roundabout Design	\$75,000	Town Manager
E. Wellesley/Brown Intersection	\$30,000	Town Manager
F. School Bus Replacements	\$226,399	School Committee
G. Fire Departmental Equipment-Brush Truck	\$100,000	Town Manager
H. Fiber Network Improvements/Expansions	\$112,541	Town Manager

**The motion was approved unanimously**

**ARTICLE 16: APPROPRIATE FOR WATER MAIN REHABILITATION**

Mr. Charlip moved that the Town appropriate \$216,000 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 costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under authority of Massachusetts General Laws Chapter 44, Section 8, or any other enabling authority, and that the Town Treasurer, with the approval of the Board of Selectmen, be authorized to issue bonds and notes therefor.

**The motion was approved unanimously**

**ARTICLE 17: AMEND GENERAL BY-LAWS - STORMWATER BY-LAW**

Mr. Michael Harrity moved that the Town amend the By-laws of the Town of Weston by deleting the text and title of Article XXVII in its entirety and inserting in place thereof a new By-law, "Stormwater and Erosion Control" as stated below:

**Section I. Purpose**

- A. The purpose of this By-law is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff, and non-point source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment and general welfare of the public; protect water and aquatic resources; protect and enhance wildlife habitat; and promote groundwater recharge to protect surface and groundwater drinking supplies. This By-law seeks to meet that purpose through the following objectives:
1. Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates.
  2. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
  3. Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics where appropriate in order to reduce flooding, stream bank erosion, siltation, non-point source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
  4. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in

volume, velocity, frequency, duration, and peak flow rate of stormwater runoff; establish minimum design criteria for measures to eliminate or minimize to the extent feasible non-point source pollution from stormwater runoff which would otherwise degrade water quality.

5. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.

6. Encourage the use of nonstructural stormwater management, better site design practices or “low-impact development practices”, such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.

7. Promote water conservation through the re-use of stormwater for irrigation.

8. Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.

9. Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

10. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.

11. Establish provisions to ensure there is an adequate funding mechanism for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this By-law.

12. Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.

13. Ensure that construction and waste materials, toxic materials, hazardous materials, and other pollutants are prevented from mixing with stormwater runoff, which would degrade water quality.

14. Establish the Town of Weston’s legal authority and capacity to ensure compliance with the provisions of this By-law through funding, permitting, inspection, monitoring, and enforcement.

**B.** Nothing in this By-law is intended to replace the requirements of the Town of Weston Zoning By-law, the Massachusetts Wetlands Protection Act, the Town of Weston General By-

law, any other By-law that may be adopted by the Town of Weston, or any Rules and Regulations adopted thereunder.

## **Section II Definitions**

The following definitions shall apply in the interpretation and implementation of this By-law. Additional definitions may be adopted by separate regulation:

**ALTER:** Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

**BEST MANAGEMENT PRACTICE (BMP):** Structural, nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

**BETTER SITE DESIGN:** Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

**DEVELOPMENT:** Any construction that disturbs or alters a parcel of land.

**DISTURBANCE OF LAND:** Any action causing removal of vegetation or a change in the position, location, elevation, or arrangement of soil, sand, rock, gravel or similar earth material.

**IMPERVIOUS:** Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, and driveways), concrete, brick, stone, and roof tops.

**INFILTRATION:** The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

**LOW IMPACT DEVELOPMENT (LID):** An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

**MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS:** The latest version as may be amended from time to time of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection

pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM:** The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Weston.

**NONPOINT SOURCE POLLUTION:** Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

**NORMAL MAINTENANCE:** Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

**PRE-DEVELOPMENT:** The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

**POST-DEVELOPMENT:** The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

**RECHARGE:** The replenishment of underground water reserves.

**RECONSTRUCTION:** Any action causing complete removal and replacement of paved surfaces, such as driveways, parking areas and roads.

**REDEVELOPMENT:** Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site.

**RUNOFF:** Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

**SITE:** The entire parcel of land being developed.

**STOCKPILING:** The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less when secured utilizing erosion controls to prevent erosion of material.

**STORMWATER MANAGEMENT:** The use of structural or non-structural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

**STORMWATER MANAGEMENT PERMIT (SMP):** A permit issued by the Stormwater Permitting Authority (SWPA), after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

### **Section III. Authority**

This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34., and as authorized by the residents of the Town of Weston at Town Meeting dated May 10, 2011

### **Section IV. Applicability**

Where a project is subject to Site Plan Approval, Definitive Subdivision or Special Permit Approval from the Planning Board, the Stormwater Regulations adopted by the Planning Board shall apply and the stormwater review shall be completed as part of the Planning Board process provided that the Planning Board also finds that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement this By-law.

- A.** For projects not subject to Site Plan Approval, Definitive Subdivision or Special Permit Approval from the Planning Board, this By-law shall be applicable to all new development and redevelopment, land disturbance and any other activity that may result in an increased amount of stormwater runoff or pollutants, or changes to drainage characteristics causing an increases in runoff, flowing from a parcel of land, unless exempt pursuant to Section V of this By-law. This By-law shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this By-law, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in Section IV.B and are not exempted by Section V. A development shall not be segmented or phased in a manner to avoid compliance with this By-law.
- B.** No Permit Required – For activities listed below, no permit shall be required by the SWPA provided that erosion control measures are used and the activity will not result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.
  - 1. Land Disturbance not to exceed 5,000 square feet in area other than work described in Section IV.B.4 and Section IV.C.1.
  - 2. The creation of new impervious area, or expansion of existing impervious area, not to exceed 750 square feet.
  - 3. Repair, replacement or reconstruction of an existing driveway.
  - 4. Restoration of existing lawn areas provided that any imported material is spread at a thickness no greater than four inches and the total imported material does not exceed 250 cubic yards.
  - 5. The addition or on-site redistribution of up to 250 cubic yards of material.

6. Demolition of a structure provided that any land disturbance, including the area of the structure, does not exceed 5,000 square feet.
- C. Stormwater Management Permit Thresholds - A Stormwater Management Permit shall be required for any of the following, except for an activity exempt per Section V:
1. Minor Permit
    - a) The creation of new impervious area, or expansion of existing impervious area, greater than 750 square feet and not exceeding 2,500 square feet.
    - b) Repair, replacement, expansion of septic systems provided the work does not exceed the thresholds in Section IV.C.2.d.
    - c) The addition or on-site redistribution of more than 250 cubic yards, but not exceeding 500 cubic yards, of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.
  2. Major Permit
    - a) Construction of any new dwelling or new dwelling replacing an existing dwelling in conformance with Article VIII, Section V.B.1.a and Section V.C.1.a of the Weston Zoning By-laws;
    - b) Any land disturbance exceeding an area of 5,000 square feet, or more than 20 percent of a parcel or lot, whichever is less, other than activities described in section IV.B.4.
    - c) Creation of new impervious surface area greater than 2,500 square feet.
    - d) The addition or on-site redistribution of more than 500 cubic yards of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.
    - e) Reconstruction of public or private way.
    - f) Reconstruction or replacement of existing non-residential parking lots, including associated driveways, greater than 2,500 square feet.

## **Section V. Exemptions**

Exemptions from this By-law apply to the following activities, provided that a project is solely comprised of any one of these activities:

- A. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04 ("Agricultural") and the conversion of additional land to agricultural use, when undertaken in such a manner as to prevent erosion and siltation through the use of Best Management Practices recommended by the U.S. Department of Agriculture Natural Resources Conservation Service or the Massachusetts Department of Agricultural Resources.
- B. Any work or projects for which all necessary approvals and permits were issued before the effective date of this By-law.
- C. Normal maintenance of existing landscaping, gardens or lawn areas
- D. Construction of any fence that will not alter existing terrain or drainage patterns.
- E. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.

F. Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility that poses a threat to public health or safety, designated by the SWPA. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission.

G. The maintenance or resurfacing (not including reconstruction) of any public or private way.

#### **Section VI. Administration**

A. The Board of Selectmen shall be the appointing authority for the Stormwater Permitting Authority. The Stormwater Permitting Authority is responsible for the administration, implementation, and enforcement of this By-law. Meetings of the Stormwater Permitting Authority shall be subject to the Massachusetts Open Meeting Law, MGL Ch. 30A, §§ 18-25.

B. Stormwater Permitting Authority (SWPA). The SWPA shall consist of (5) five members, four of whom shall permanently be the Town Engineer, the Town Planner, the Conservation Administrator, and the Public Health Director. One (1) member shall be a resident of the Town of Weston and possess a degree in landscape architecture, environmental or civil engineering or environmental science appointed by the Board of Selectmen serving a (3) year term. The SWPA shall administer, implement and enforce this By-law. Any powers granted to or duties imposed upon the SWPA may be delegated in writing by the SWPA to any Town employee, board or agent.

C. Stormwater and Erosion Control Regulations (“Regulations”). The SWPA may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this By-law after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the SWPA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this By-law.

D. Massachusetts Stormwater Handbook

The SWPA will utilize the policy, criteria and information including specifications and standards of the most recent edition of the Massachusetts Stormwater Handbook for execution of the provisions of this By-law. Unless otherwise specified in the Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

E. Stormwater Management Permit

The SWPA shall have the authority to issue a Stormwater Management Permit (SMP) for projects exceeding the thresholds defined in Section IV.C. of this By-law and not otherwise exempted by Section V. Requirements of the SMP may be defined and included within the Regulations promulgated pursuant to Section VI.C of this By-law.

F. SWPA Approval Process.

1. Action by SWPA



- a. Determination of Completeness: The SWPA shall review the application submission and issue a determination stating whether the application is complete and whether it complies with the Design Standards established in the Stormwater Rules and Regulations, as may be waived in accordance with Section 3.E. of this By-law.
  - b. Incomplete Applications: If the SWPA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the SWPA may require the submission of additional information and/or disapprove the application and deny the Permit.
  - c. Applications deemed to be complete and in compliance with Design Standards. Each application for a Stormwater Management Permit that complies with the Regulations, and is determined to be a complete application by the SWPA shall be acted upon within thirty (30) days of the date of filing with the SWPA, unless such application has been withdrawn from consideration. The SWPA may:
    - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-law;
    - ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-law; or
    - iii Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-law.
  - d. Applications not in compliance with Design Standards.
    - i. For applications where the SWPA has determined that the Design Standards are not met, the Applicant may appeal the determination and request a public hearing with the SWPA to consider the application or resubmit the application demonstrating compliance.
    - ii. For applications where the Design Standards cannot be met due to site conditions or the applicant wishes to propose an alternative design not consistent with the Design Standards, the applicant may immediately request a public hearing with the SWPA.
2. Public Hearing Process
- a. A public hearing is required for all Minor and Major Stormwater Management Permits (SMP) where design standards cannot be met. Minor Permits and Major Permits that meet design standards shall not require a public hearing. Public hearings shall be published in a newspaper of general circulation for two (2) consecutive weeks. The first publication date shall be published not less than fourteen (14) days before the day of the hearing. A copy of the hearing notice shall be posted in the Office of the Town Clerk for a period of not less than fourteen (14) days before the date of the hearing. Copies of the notice shall be mailed, postage prepaid, to the applicant, property owner (if different) and to direct abutters and owners of land directly opposite on a public or private way as they appear on the most recent Assessor's list.
  - b. The SWPA may take any of the following actions following the close of the public hearing for an application for a Stormwater Management Permit
    - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-law;

- ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-law; or
- iii. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-law.

**G.** Appeals of Action by the SWPA. A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under this By-law shall be to a court of competent jurisdiction.

**H.** Waivers. The SWPA may waive strict compliance with any of the requirements of this By-law or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action is:

1. Allowed by federal, state and local statutes and/or regulations,
2. In the public interest, and
3. Not inconsistent with the purpose and intent of this By-law.

Any request from an Applicant for a waiver of these rules shall be submitted, in writing, to the SWPA at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this By-law and the rules and regulations promulgated hereunder.

## **Section VII. Performance Standards**

Criteria for Stormwater Management Standards shall be defined and included as part of any Rules and Regulations promulgated under Section VI.C of this By-law.

## **Section VIII. Enforcement**

- A.** The SWPA, or an authorized agent of the SWPA, shall enforce this By-law, and any Regulations, permits orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.
- B.** If a person violates the provisions of this By-law or its Regulations, or a permit, notice or order issued there under, the SWPA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.
- C.** The SWPA, or an authorized agent of the SWPA, may issue a written order to enforce the provisions of this By-law or the Regulations, which may include requirements to:
  1. Cease and desist from land-disturbing activity until there is compliance with the By-law or provisions of an approved Stormwater Management Permit;
  2. Maintain, install or perform additional erosion and sediment control measures;
  3. Perform monitoring, analyses, and reporting;
  4. Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;

5. Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems; and,
6. Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems.

If the SWPA or its authorized agent determines that abatement or remediation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

- D. Criminal Penalties.** Any person who violates any provisions of this By-law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$300. Each day a violation exists shall constitute a separate violation.
- E. Non-Criminal Disposition.** As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Article V of the Town By-laws, in which case any police officer of the Town of Weston, the Town Engineer, and such other persons as are authorized by the SWPA shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this By-law, regulation, order or permit issued thereunder, shall be punished as follows:
1. First Violation: Warning
  2. Second violation: \$100
  3. Third violation: \$200
  4. Fourth and subsequent violations: \$300
  5. Each day a violation exists shall constitute a separate violation
- F. Remedies Not Exclusive.** The remedies listed in this By-law are not exclusive of any other remedies available to the SWPA or the Town under any applicable federal, state or local law.

#### **Section IX. Severability**

The invalidity of any section, provision, paragraph, sentence, or clause of this By-law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

#### **Section X. Effective Date**

This By-law shall take effect on October 1, 2011, provided that all other requirements of G.L. c.40, §32 have been met.

AND FURTHER, to amend the By-laws of the Town of Weston by inserting, at the end of Article IV, Section 5, the following sentence:

“No person shall discharge, cause the discharge, or divert a natural flow of surface or ground water in such a manner that it will cause an icing condition on a way.”

**The motion was approved**

**ARTICLE 18: AMEND GENERAL BY-LAWS - MATERIAL REMOVAL BY-LAW**

Mr. Alfred Aydelott, of the Planning Board, moved to amend Article XI of the Town's General By-laws by making the revisions shown below, with all the new provisions shown in underlined text and all of the deleted provisions shown in strikeout text:

**SECTION 1.** The removal of soil, loam, sand or gravel from any land in the Town not in public use is prohibited.

**SECTION 2.** The preceding section shall not prohibit such removal in any instance where it is expressly allowed by the provisions of Section V, Subsection ~~D~~ I.3 of the Zoning By-law of the Town, ~~—Article VIII of the By-laws~~ or in any instance where it is authorized by the Board of Appeals or board of appeals Planning Board by special permit granted thereunder and is in accordance with the terms of such permit.

**SECTION 3.** The penalty for violation of this By-law (Article XI) shall be a fine of fifty dollars for the first offense, ~~or~~ one hundred dollars for the second offense, and ~~or~~ two hundred dollars for each subsequent offense.

John Becker expressed concern that the motion is too inclusive.

**The motion was approved unanimously**

**ARTICLE 19: AMEND GENERAL BY-LAWS - ADOPT STRETCH ENERGY CODE**

Mr. Michael Harrity moved to adopt the "Stretch Energy Code" set forth in the State Building Code at 780 CMR 120.AA (i.e., Appendix 120.AA), as may be amended from time to time, and to amend the Town of Weston's General By-laws by inserting a new Article XXXII, entitled "Stretch Energy Code" as set forth below:

**Article XXXII STRETCH ENERGY CODE**

**Section 1. Acceptance/Adoption.**

The Town of Weston has accepted and adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the "Stretch Energy Code"), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

**Section 2. Purpose.**

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

**The motion was approved**

**ARTICLE 20: AMEND ZONING BY-LAW - RENEWABLE ENERGY OVERLAY DISTRICT**

Ms. Pamela Fox, of the Planning Board, moved to amend the Zoning By-law of the Town of Weston, by adopting a new Renewable Energy Overlay District By-law as follows:

*Part 1, to insert the following text within Section IV, B. District Boundaries:*

7. Renewable Energy Overlay District.

For the purpose of this Zoning By-law there is hereby established within the Town of Weston a Renewable Energy Overlay District, which is delineated on a map entitled "Renewable Energy Overlay District Town of Weston, 2011," which shall be considered superimposed over other districts established by the Zoning By-laws of Weston and shall consist of the following parcels, identified on the Weston Assessors Maps as:

Map # 23, Parcel # 035

Map # 24, Parcel # 001

*Part 2, to adopt the following By-law by inserting the text below in Section V. Use Regulations:*

L. RENEWABLE ENERGY OVERLAY DISTRICT

1. Purpose

The purpose of this By-law is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to site plan review as specified in Section XI of the Town of Weston Zoning By-law, and in accordance with the additional requirements specified herein.

2. Applicability

This By-law applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also applies to physical modifications that materially alter the type, configuration, or size of any such installations or related equipment.

3. Definitions

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

4. General Siting Requirements

a. Lot Requirements

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be permitted on parcels located within the Renewable Energy Overlay District as established in Section IV.7.

b. Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

c. Setbacks

For large-scale, ground-mounted solar photovoltaic installations, the setbacks shall be the same as the underlying district per Section VI of the Town of Weston's Zoning By-law.

5. Permitting Process and Requirements

a. Site Plan Review

Ground-mounted large-scale solar photovoltaic installations with 250 kW or larger rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

b. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

c. Required Documents

Pursuant to the site plan review process, the applicant shall provide the following documents:

- (i) A site plan showing:
  - (a) Property lines and physical features, including roads, for the project site;
  - (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
  - (c) Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
  - (d) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
  - (e) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
  - (f) Name, address, and contact information for proposed system installer;
  - (g) Name, address, phone number and signature of the applicant, as well as all co-proponents or property owners, if any; and
  - (h) The name, contact information and signature of any agents representing the applicant; and
- (ii) Documentation of actual or prospective access and control of the project site (see also Section 6.e);
- (iii) An operation and maintenance plan (see also Section 7.h);
- (iv) Zoning district designation for the parcel(s) of land comprising the project site;
- (v) Proof of liability insurance; and
- (vi) Description of financial surety that satisfies Section 7.e.

All material modifications to a solar photovoltaic installation made after final approval shall require approval by the Planning Board.

Any portion of this Section 5 may be waived, if in the opinion of the Planning Board the materials submitted are sufficient for the Board to make a decision.

## 6. Design Standards

### a. Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

### b. Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section VII of the Town of Weston Zoning By-laws. Solar photovoltaic installations shall not be used for displaying any advertising. Advertising shall not include reasonable identification of the manufacturer or operator of the solar photovoltaic installation. The solar photovoltaic installation shall identify the owner and provide a 24-hour emergency contact phone number.

### c. Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

### d. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and By-laws.

### e. Appurtenant Structures

All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

## 7. Additional Provisions

### a. Maintenance

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Weston Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

b. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

c. Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 7.d of this By-law shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (i) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (iii) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

d. Abandonment

Absent notice to the Planning Board, as provided above, of a proposed date of decommissioning or written notice to the Planning Board requesting an extension due to extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate or its operations are discontinued for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation. As a condition of approval, an applicant shall agree to grant the necessary license or easement to the Town to allow entry to remove an abandoned installation. All solar photovoltaic installations removal and associated costs will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

e. Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.



f. Compliance with Laws, Ordinances and Regulations

The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

g. Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

h. Operation and Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

i. Utility Notification

No large-scale, ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

j. Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Weston Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

**The motion was approved unanimously**

**ARTICLE 21: AMEND ZONING BY-LAW - EARTH MOVEMENT**

Mr. Aydelott moved to amend the Zoning By-law of the Town of Weston as follows:

***Part 1 - to amend Section II. Definitions by making the following insertions:***

EARTH -- Shall include soil, loam, sand, gravel, clay, rock or other natural minerals and peat.

MOVE or MOVEMENT -- To dig, excavate, remove, deposit, fill, grade, replace, level, or otherwise alter or change the location of earth or contour of land.

***Part 2 - to amend Section IX. Permit and Special Permit Granting Authorities, Subsection B by making the following insertion (indicated in underlined text):***

**B. PLANNING BOARD**

The Planning Board shall be the Special Permit Granting Authority for Flexible Developments, construction and determination of flooding and suitability in the Wetlands and Floodplain

Protection Districts, Personal Wireless Services Facilities, Earth Movement, and Active Adult Residential Developments.

*Part 3 - to amend the By-law by replacing the text in Section V.I.3 by inserting the text (indicated in underlined text) below:*

3. MATERIAL REMOVAL AND EARTH MOVEMENT

a. In any district, no earth in excess of 1,000 cubic yards on any parcel of land greater than 80,000 square feet shall be moved unless the quantity of material to be moved is certified by a registered professional engineer or land surveyor and a special permit from the Planning Board is obtained in accordance with the procedure provided in Section X. Special Permits, and only under such conditions as the Planning Board may impose, with the following exceptions:

- i. Where incidental to farm, nursery, or gardening activities.
- ii. Where incidental to Commercial Agricultural activities, as defined by G.L. c. 40A. §3.
- iii. Where the amount of earth to be moved is limited to the volume of the foundation hole of the primary structure, or excavation for septic systems, driveway, utilities, or walkways provided the work has been authorized by the proper permitting authority. Certification by a registered professional engineer or land surveyor shall be provided stating that all earth movement on site is limited to the above activities. For the purpose of this section, excavation for the foundation hole is measured ten feet beyond the edge of foundation.
- iv. Where the amount of earth to be moved is associated with the alteration or construction of a single family dwelling including any structure that is accessory to the primary structure (i.e., customarily incidental to, including, but not necessarily limited to, driveways, underground utilities, storm water systems, landscaping, retaining walls and residential sewage disposal systems) provided that the work is authorized by the proper permitting authority.
- v. Where the amount of earth to be moved is for maintenance and landscaping activities normally conducted on a golf course (i.e. activities, including, but not necessarily limited to, tee box and green relocation and fairway restoration.
- vi. Where the movement is on Town-owned land or is to be transferred between or among Town-owned parcels.
- vii. For all other uses or structures otherwise subject to Section X. Special Permits, the appropriate SPGA shall review Material Removal and Earth Movement for compliance with Section V.I.3.

Nothing herein shall be interpreted to allow the movement of earth as a primary use.

b. In any district, no earth or material on any parcel of land 80,000 square feet or less shall be both moved and conveyed from the property, except for those activities

listed in V.I.3.a.i.-vii., unless a special permit from the Planning Board is obtained in accordance with the procedure provided in Section X. Special Permits.

c. Nothing contained in Section V.I.3. shall prevent the use of any land for cemeteries, parks, playgrounds and such purposes as are incidental to, or usual in connection with, any of said purposes.

d. Before a special permit is issued, the applicant shall show to the satisfaction of the SPGA that the movement will not impair the usability of the area for the purposes permitted in this Zoning By-law, that the grades to be established within the area will permit vehicular access to the area and the continuation of streets from the abutting premises, and that the area may ultimately be developed compatibly with the neighboring land.

e. The movement of earth from within a subdivision, the plan of which has been approved by the Planning Board and duly recorded in the Middlesex South District Registry of Deeds, shall be permitted as of right when and to the extent that such is necessary for the lawful construction or alteration of a way shown on said plan or for the lawful installation of utilities, drainpipes or drain structures in said subdivision, provided that the quantity of earth so moved shall not exceed that in place in the particular space to be occupied by such way, utilities, drainpipes or drain structures, and subject to any requirements made by the Planning Board endorsed or referred to on the plan of such subdivision. Certification by a registered professional engineer or land surveyor shall be provided stating that all earth movement on site is related to an approved subdivision development.

Michael Champa, 20 Winsor Way, expressed concern that there are too many regulations. Mr. Aydelott explains that single-family homes are exempt.

**The motion was approved by two-thirds majority as declared by the Moderator**

**ARTICLE 22: AMEND ZONING BY-LAW - SECTION IX. B. - ADD "DAY CAMPS"**

Susan Zacharias moved to amend Section IX of the Zoning By-law of the Town of Weston by inserting the words "Day Camps" in section B. as indicated in underlined text:

**B. PLANNING BOARD**

The Planning Board shall be the Special Permit Granting Authority for Flexible Developments, construction and determination of flooding and suitability in the Wetlands and Floodplain Protection Districts, Personal Wireless Services Facilities, Day Camps, and Active Adult Residential Developments.

**The motion was approved by two-thirds majority as declared by the Moderator**

The Moderator accepted a motion to adjourn the Annual Town Meeting  
Motion to adjourn until Wednesday, May 11, 2011  
**Motion to adjourn Annual Town Meeting passes at 10:42 p.m.**

**ADJOURNED ANNUAL TOWN MEETING  
Wednesday, May 11, 2011**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Adjourned Annual Town Meeting to order at 7:30 p.m. in the auditorium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service. The Moderator appointed tellers and the Town Clerk swore them to their duties.

**ARTICLE 23: ACCEPT MASSACHUSETTS GENERAL LAWS CHAPTER 44, SECTION 55C  
- CREATION OF WESTON AFFORDABLE HOUSING TRUST FUND**

Mr. Charlip moved that the Town accept the provisions of M.G.L. Ch. 44, Section 55C and establish a trust to be known as the Weston Affordable Housing Trust Fund; and further, that the General By-laws of the Town be amended by inserting a new Article XXXIII to be entitled "Weston Affordable Housing Trust Fund;" passed by Majority Vote that the Town accept the provisions of M.G.L. Ch. 44, Section 55C and establish a trust to be known as the Weston Affordable Housing Trust Fund; and further, that the General By-laws of the Town be amended by inserting a new Article XXXIII to be entitled "Weston Affordable Housing Trust Fund."

**ARTICLE XXXIII. WESTON AFFORDABLE HOUSING TRUST FUND**

**Section 1. Board of Trustees**

There shall be a Board of Trustees of the Weston Affordable Housing Trust Fund, comprised of not less than five members, at least one of which shall be a Selectman. The Board of Selectmen shall appoint the Board of Trustees for rotating terms not to exceed two years. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. The Board of Selectmen may remove any member of the Board of Trustees for cause after that member has been provided an opportunity to be heard by that Board.

**Section 2. Powers of Board of Trustees**

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c.44, §55C, and pursuant to the provisions of a Declaration of Trust to be approved by the Board of Selectmen, shall include the following:

- (a) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or By-law or any general or special law or any other source, including money from chapter 44B;
- (b) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- (d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for

the accomplishment of the purposes of the trust;

(e) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

(f) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

(g) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

(h) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

(i) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

(j) to carry property for accounting purposes other than acquisition date values;

(k) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

(l) to make distributions or divisions of principal in kind;

(m) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

(n) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

(o) to hold all or part of the trust property un-invested for such purposes and for such time as the board may deem appropriate; and

(p) to extend the time for payment of any obligation to the trust.

And such additional powers, if any, as may be set forth in G.L. c.44, §55C, as same may from time to time be amended.

### **Section 3. Audit Requirement**

The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

Maryellen Sikes, 25 Conant Road, asked whether the Finance Committee has an opinion. Mr. Matthew Rosenthal, Finance Committee member responds that the Finance Committee takes no position. The Community Preservation Act funds do not affect the Town's budget.

**The motion was approved**

**ARTICLE 24: PETITION GENERAL COURT FOR SPECIAL ACT RELATIVE TO PUBLIC EMPLOYEES SERVING IN THE ARMED FORCES OF THE UNITED STATES**

Mr. Harrity moved that the Town vote to petition the General Court to adopt special legislation as follows; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Relative to the Regulation of Salaries of Employees of the Town of Weston Serving in the Armed Forces of the United States

Section 1. Notwithstanding any general or special law to the contrary, an employee in the service of the Town of Weston, including school department employees, who has been granted a military leave of absence, either before or after the effective date of this act, because the employee is a member of the Army National Guard, the Air National Guard or a reserve component of the Armed Forces of the United States called to active service in the Armed Forces of the United States after September 11, 2001, may, at the discretion of the Weston Board of Selectmen, subject to appropriation, be paid at his regular base salary as such a public employee, and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensation time or earned overtime. If the Board elects to make payments under this act, an eligible employee shall be paid his regular base salary as such a public employee for each pay period of such military leave of absence after September 11, 2001, reduced by any amount received from the United States as pay or allowance for military service performed during the same pay period, excluding overtime pay, shift differential pay, hazardous duty pay or any other additional compensation. For the purposes of this section, the words "active service" shall not include active duty for training in the Army National Guard or Air National Guard or as a reservist in the Armed Forces of the United States. Provided, however, that nothing in this section shall limit or reduce a person's entitlement to benefits under Section 59 of Chapter 33 of the General Laws, and nothing in this section shall entitle a person to benefits in excess of the maximum benefit provided under said Section 59 of said Chapter 33 for any period during which that person is receiving benefits under this section.

Section 2. If this act shall take effect on or after July 1, 2011, then payment by the Town of any amounts consistent with section 1 of this act shall be ratified, validated and confirmed in all respects as though this act had been in full force and effect at the time such payments were made.

Section 3. This act shall take effect upon passage.

**The motion was approved unanimously**

**ARTICLE 25: PETITION GENERAL COURT FOR SPECIAL ACT TO GRANT CLUB AND SPECIAL LICENSES FOR THE SALE OF ALCOHOL**

Mr. Charlip moved to petition the General Court for a special act providing that legislation be adopted as set forth below; and further, to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto:

**AN ACT RELATIVE TO THE GRANTING OF CLUB AND SPECIAL LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE TOWN OF WESTON**

**SECTION 1.** Notwithstanding the provisions of Section 17 of said Chapter 138 of the General Laws, or of any other general or special law to the contrary, the Board of Selectmen of the Town of Weston may grant to the Weston Golf Club a club license to sell all alcoholic beverages to be drunk on the premises at 275 Meadowbrook Road in said Town under Section 12 of said Chapter 138. The license shall be subject to all of said Chapter 138 except for said Section 17, and to any regulations and guidelines adopted by the Massachusetts Alcoholic Beverages Control Commission relative to the service of alcoholic beverages.

The Board of Selectmen shall not approve the transfer of the license to any other location but the license may be granted by the Board of Selectmen at the same location if an applicant for the license files with the Board of Selectmen a letter in writing from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid. If the license granted under this section is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the Board of Selectmen and the Board of Selectmen may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

**SECTION 2.** Notwithstanding the provisions of Section 17 of said Chapter 138 of the General Laws, or of any other general or special law to the contrary, the Board of Selectmen of the Town of Weston may grant to the Pine Brook Country Club a club license to sell all alcoholic beverages to be drunk on the premises at 42 Newton Street in said Town under Section 12 of said Chapter 138. The license shall be subject to all of said Chapter 138 except for said Section 17, and to any regulations and guidelines adopted by the Massachusetts Alcoholic Beverages Control Commission relative to the service of alcoholic beverages.

The Board of Selectmen shall not approve the transfer of the license to any other location but the license may be granted by the Board of Selectmen at the same location if an applicant for the license files with the Board of Selectmen a letter in writing from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid. If the license granted under this section is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the Board of Selectmen and the Board of Selectmen may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

**SECTION 3.** Notwithstanding the provisions of Section 17 of said Chapter 138 of the General Laws, or of any other general or special law to the contrary, the Board of Selectmen of the Town of Weston may grant to the Hazel Hotchkiss Wightman Tennis Center a club license to sell all

alcoholic beverages to be drunk on the premises at 100 Brown Street in said Town under Section 12 of said Chapter 138. The license shall be subject to all of said Chapter 138 except for said Section 17, and to any regulations and guidelines adopted by the Massachusetts Alcoholic Beverages Control Commission relative to the service of alcoholic beverages.

The Board of Selectmen shall not approve the transfer of the license to any other location but the license may be granted by the Board of Selectmen at the same location if an applicant for the license files with the Board of Selectmen a letter in writing from the Department of Revenue indicating that the license is in good standing with the Department and that all applicable taxes have been paid. If the license granted under this section is cancelled, revoked or no longer in use, such license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the Board of Selectmen and the Board of Selectmen may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

**SECTION 4.** Notwithstanding the provisions of any general or special law to the contrary, the Board of Selectmen of the Town of Weston may grant special licenses for the sale of alcoholic beverages pursuant to Section 14 of said chapter 138. Licenses granted under this act shall be subject to all of said Chapter 138, except said Sections 11 and 11A. Once any such license is issued by the Board of Selectmen, said Board of Selectmen shall not approve the transfer of the license to any other person, organization, corporation, or location.

**SECTION 5.** Notwithstanding the provisions of Sections 11 and 11A of Chapter 138 of the General Laws as to the time and manner of voting on the question of issuing the licenses set forth set forth above, this act shall be submitted for its acceptance to the qualified voters of the Town of Weston at an Annual or Special Town Election following the effective date of this act in the form of the following question:

“Shall an act passed by the General Court in the year 2011, entitled ‘An Act Relative to the Granting of Club and Special Licenses for the Sale of Alcoholic Beverages in the Town of Weston’ be accepted?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by Town Counsel and approved by the Board of Selectmen.

If a majority of the votes cast in answer to the question is in the affirmative, this act shall immediately take effect in the Town of Weston, but not otherwise.

**SECTION 6.** This act shall take effect upon passage.

Mr. Charlip explained that this is multi-step process for the Board of Selectmen to license clubs in Town. Each license and one day special license will be addressed case by case.

**The motion was approved**



**ARTICLE 26: ACCEPT MASSACHUSETTS GENERAL LAWS CHAPTER 39, SECTION 23D -  
ALLOWS BOARD MEMBERS TO MISS ONE SESSION OF ADJUDICATORY  
HEARINGS**

Mr. Harrity moved to accept the provisions of Massachusetts General Laws Chapter 39, Section 23D for the Board of Appeals, Board of Health, Conservation Commission, and Planning Board, which statute provides that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met.

**The motion was approved**

**ARTICLE 27: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986  
(INCREASE IN PROPERTY TAX EXEMPTION LIMITS)**

Mr. Charlip moved to accept, for fiscal year 2012, the provisions of Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, which amends Chapter 59 of the Massachusetts General Laws relative to real estate property tax exemptions and to approve an increase in the amount of 100 percent for each eligible exemption.

**The motion was approved unanimously**

**ARTICLE 28: APPROPRIATE FOR FISCAL YEAR 2012 COMMUNITY PRESERVATION  
COMMITTEE OPERATING BUDGET**

Mr. Stephen Ober, of the Community Preservation Committee, moved that the Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation Budget and appropriate or reserve the following amounts from the Community Preservation Fund:

Appropriations from fiscal 2012 estimated annual revenues -

\$80,000 for Community Preservation Committee administrative expenses

Reservations from fiscal 2012 estimated annual revenues -

\$580,000 for the acquisition, creation and preservation of open space excluding land for recreational use;

\$338,000 for the acquisition, preservation, rehabilitation and restoration of historic resources; and

\$397,000 for the creation, preservation and support of community housing;

Appropriations for Debt Service Payments -

\$280,183 from the Community Housing Reserve for the expansion of the Brook School Apartments, as approved under Article 19 of the May 2004 Annual Town Meeting; and

\$477,675 from the Open Space Reserve for the purchase of the Case Estates land, as approved under Article 1 of the November 8, 2006 Special Town Meeting.

**The motion was approved unanimously**

**ARTICLE 29: APPROPRIATE FOR HISTORIC RESOURCES - OLD LIBRARY**

Mr. Steven Wagner, of the Historical Commission, moved to appropriate a sum of money for historic resource purposes under the Community Preservation Program, to be used for the preservation, rehabilitation and restoration of the historic Old Library building, located at 356 Boston Post Road, to be spent under the direction of the Town Manager, said sum to be transferred from the Historic Resources allocation of the Community Preservation Fund.

Ms. Nolan and Mr. Maple expressed their concern about the repair costs. Mr. Selldorf spoke in favor of the article.

**The motion was approved**

**ARTICLE 30: APPROPRIATE FOR OPEN SPACE -FIELD PRESERVATION**

Mr. Brian Donahue, of the Conservation Commission, moved that the Town transfer \$20,000 from the Community Preservation Fund Open Space Reserve and approve Article 30 as set forth below:

To appropriate a sum of money for the preservation of open space under the Community Preservation Program, to be used for the preservation of several fields under the jurisdiction of the Conservation Commission, to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Open Space allocation of the Community Preservation Fund.

**The motion was approved unanimously**

**ARTICLE 31: APPROPRIATE FOR COMMUNITY HOUSING - REGIONAL HOUSING OFFICE AND HOUSING STAFF SUPPORT**

Ms. Sarah Like Rhatigan, of the Housing Partnership, moved that that the Town transfer \$16,020 from the Community Housing allocation of the Community Preservation Fund and approve Article 31 as set forth below:

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 the creation, preservation, and support of community housing; 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.

**The motion was approved unanimously**

**ARTICLE 32: APPROPRIATE FOR COMMUNITY HOUSING - WARREN AVENUE PROPERTIES**

Ms. Rhatigan moved that the Town transfer \$100,000 from the Community Housing allocation of the Community Preservation Fund and approve Article 32 as set forth below:

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to perform a feasibility study for the development of affordable housing on an approximately 8-acre parcel of Town-owned land, located at 66-68, 71 and 74 Warren Avenue, as a grant to the Weston Affordable Housing Trust, pursuant to a grant agreement between the Town Manager and the Affordable Housing Trust, on such terms and

conditions as the Town Manager, in consultation with the Community Preservation Committee, deems appropriate, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund.

**The motion was approved unanimously**

**ARTICLE 33: APPROPRIATE FOR RECREATION - DESIGN FEES**

Ms. Barbara Hill, of the Community Preservation Committee, moved that this article be passed over and so disposed of.

**The motion was approved unanimously**

The Moderator accepted a motion to dissolve the Adjourned Annual Town Meeting.  
**Motion to dissolve 2011 Adjourned Annual Town Meeting accepted at 9:09 p.m.**

**SPECIAL TOWN ELECTION  
November 12, 2011**

Pursuant to a Warrant duly served, the Annual Town Election was called to order in the Town Hall Auditorium by Warden Susan Banghart at 8 a.m. on November 12, 2011, for the election of Town Officers. Ms. Banghart swore the election officers to the faithful performance of their duties.

Total ballots cast were as follows:

Precincts 1 & 2	578
<u>Precincts 3 &amp; 4</u>	<u>502</u>
TOTAL	1,080

The results of the election were as follows:

**BALLOT QUESTION NO. 1: PROPOSITION 2½ 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 a new Field School, to be located on Alphabet Lane in Weston, including all costs incidental and related thereto?

**Yes: 849**

**No: 231**

**SPECIAL TOWN MEETING  
November 14, 2011**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Special Town Meeting to order at 8:30 p.m. in the auditorium and gymnasium of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service.

The Moderator appointed Thomas Crane to serve as Assistant Moderator in the gymnasium and the Town Clerk swore him to his duties.

The Moderator appointed tellers and the Town Clerk swore them to their duties.

Pamela Bator	Jacqueline Haas
Denise Mosher	Lisa Reitano
Alex Shimada-Brand	Patricia Siek

The Moderator welcomed visitors and outlined procedures to be followed; warned about brevity and requested that citizens give their names and addresses before speaking.

**ARTICLE 1: APPROPRIATE FOR SCHOOL DEPARTMENT - FIELD SCHOOL REPLACEMENT**

Mr. Edward Heller, of the School Committee, moved to appropriate \$30,800,000 for the purpose of paying costs of designing, engineering, constructing and equipping a new Field School, and all incidental costs related thereto, to be located at 16 Alphabet Lane, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which Weston may be eligible for a grant from the Massachusetts School Building Authority (MSBA), said sum to be expended under the direction of the Weston School Building Committee.

To meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under Massachusetts General Laws Chapter 44, or pursuant to any other enabling authority. Weston acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs Weston incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of Weston; provided further that any grant that Weston may receive from the MSBA for the Project shall not exceed the lesser of (1) 34.54 percent of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between Weston and the MSBA.

Speaking in favor of the motion and the project were Pamela Bator and Elizabeth Hayes. Mr. Steven Charlip stated the Board of Selectmen strongly supports this article.

Speaking in opposition to the motion were Nina Danforth and Maryellen Sikes

Mr. Richard Wright raised the question, what are the plans for educating children in the existing school. Mr. Heller explained that the Field School would remain open.

**The motion was approved by two-thirds majority as declared by the Moderator**

**ARTICLE 2: TRANSFER LAND FROM LIBRARY PURPOSES TO SCHOOL PURPOSES**

Mr. Heller, of the School Committee, moved that the parcel of land containing approximately 5,850 square feet shown as "Area A" on the plan entitled "FIELD ELEMENTARY SCHOOL PROPERTY DIAGRAM," prepared by Jonathan Levi Architects, dated September 29, 2011 be transferred from the Board of Library Trustees for library purposes to the School Committee for school purposes; and further, that the parcel of land shown as "AREA B" on said plan be transferred from the School Committee for school purposes to the School Committee for school parking and municipal library parking purposes.

**The motion was approved by two-thirds majority as declared by the Moderator**

**ARTICLE 3: AMEND FISCAL YEAR 2012 OPERATING BUDGET**

Mr. Douglas Gillespie moved that the following line items in the Fiscal Year 2012 Operating Budget adopted under Article 2 of the 2011 Annual Town Meeting be amended by raising and appropriating additional sums as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Town Clerk and Registrars of Voters			
Salaries	\$ 126,387	\$ 133,513	\$ 7,126
Expenses	29,810	32,684	2,874
Conservation Commission - Expenses	122,100	137,100	15,000

**The motion was approved unanimously**

**ARTICLE 4: APPROPRIATE FOR HISTORIC RESOURCES 699 BOSTON POST ROAD**

Mr. Steven Wagner, of the Historical Commission, moved that the Town appropriate \$225,000 and 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 interest, which may be a historic preservation restriction, in land and structures, located at 699 Boston Post Road, shown as Assessors Map 26, Block 14, containing .86 acres, more or less, in the Town of Weston, and more fully described in deeds recorded in the Middlesex South Registry of Deeds in Book 10055, Page 185, said restriction to be held, managed and controlled by the Historical Commission and/or Board of Selectmen, said sum to be transferred from the Undesignated allocation of the Community Preservation Fund.

Speaking in favor of the motion and project were Alex Selvig and Nicholas Veeder

Speaking in opposition to the motion were Alan Rose, Isabella Jancourtz, and Daniel Santangelo

**The motion was approved**

**Yes: 116      No: 45**

**ARTICLE 5: APPROPRIATE FOR COMMUNITY HOUSING - BROOK SCHOOL APARTMENTS**

Mr. Stephen Ober, of the Community Preservation Committee, moved that the Town appropriate \$28,800 for community housing purposes under the Community Preservation Program in order to determine the feasibility of restoring the original pitched roof on Building C of the Brook School Apartments and constructing additional apartments on top of Building C within that

pitched roof; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Undesignated allocation of the Community Preservation Fund.

Katharine Chace expressed concern for the quality of life for the second floor tenants. Thomas Timko, Elderly Housing Committee member, acknowledged there will be impacts for the first and second floor residents.

**The motion was approved**

**ARTICLE 6: APPROPRIATE FOR CPA ADMINISTRATIVE EXPENSES**

Mr. Ober moved that the Town appropriate \$24,000 from fiscal 2012 estimated annual revenues of the Community Preservation Fund for Community Preservation Committee administrative expenses.

**The motion was approved**

**ARTICLE 7: CITIZENS' PETITION - "PAY AS YOU THROW" TRASH DISPOSAL PROGRAM**

Passed by Majority vote that this article be passed over and so disposed of

**The Moderator accepted a motion to dissolve the Special Town Meeting at 10:10 p.m.**