

**ANNUAL TOWN ELECTION
May 11, 2013**

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 11, 2013, for the election of Town Officers. Ms. Banghart swore the election officers to the faithful performance of their duties.

Total ballot cast were as follows:

Precincts 1 & 2	935
<u>Precincts 3 & 4</u>	<u>734</u>
Total	1,669

The results of the election were as follows:

	Precincts 1 & 2	Precincts 3 & 4	Grand Total
Moderator - One Year (vote for 1)			
Harvey R. Boshart, Jr.	432	328	760
Thomas S. Crane	449	356	805
Blanks	53	50	103
Write-Ins:			
Scattering	1	0	1
<hr/> Total	<hr/> 935	<hr/> 734	<hr/> 1,669
Selectman - Three Years (vote for 1)			
Douglas P. Gillespie	454	359	813
Bill Sandalls	451	341	792
Blanks	29	31	60
Write-Ins:			
Scattering	1	3	4
<hr/> Total	<hr/> 935	<hr/> 734	<hr/> 1,669
Assessor - Three Years (vote for 2)			
Paul Leonard Zorfass	601	505	1,106
Blanks	322	221	543
Write-Ins:			
Scattering	12	8	20
<hr/> Total	<hr/> 935	<hr/> 734	<hr/> 1,669
Assessor - One Year (vote for 1 - to fill a vacancy)			
Blanks	876	694	1,570
Write-Ins:			
Susie Shortsleeve	42	29	71
Scattering	17	11	28
<hr/> Total	<hr/> 935	<hr/> 734	<hr/> 1,669

School Committee - Three Years (vote for 2)

Edward E. Heller, Jr	638	508	1,146
Sanjay Saini	590	483	1,073
Blanks	638	477	1,115
Write-Ins:			
Scattering	4	0	4
Total	1,870	1,468	3,338

Recreation Commission - Three Years (vote for 2)

Matthew G. Schulman	593	470	1,063
Victoria A. Whalen	604	485	1,089
Blanks	669	511	1,180
Write-Ins:			
Scattering	4	2	6
Total	1,870	1,468	3,338

Recreation Commission - Two Years (vote for 1- to fill a vacancy)

Isabella P. Jancourtz	193	143	336
Alison A. Slater	595	488	1,083
Blanks	146	101	247
Write-Ins:			
Scattering	1	2	3
Total	935	734	1,669

Planning Board - Four Years (vote for 1- to fill a vacancy)

Glenn C. Cardozo, Jr.	200	195	395
Stephen R. Oppenheimer	531	381	912
Blanks	200	157	357
Write-Ins:			
Scattering	4	1	5
Total	935	734	1,669

Library Trustees - Three Years (vote for 2)

Emily L. Hutcheson	649	517	1,166
Doris Atwood Sullivan	625	489	1,114
Blanks	595	462	1,057
Write-Ins:			
Scattering	1	0	1
Total	1,870	1,468	3,338

Board of Health - Three Years (vote for 1)

Rudy L. Ruggles	637	520	1,157
Blanks	295	214	509
Write-Ins:			
Scattering	3	0	3
Total	935	734	1,669

Commissioner of Trust Funds - Three Years (vote for 1)			
Janell Phillips	603	498	1,101
Blanks	329	234	563
Write-Ins:			
Scattering	3	2	5
Total	935	734	1,669
Measurers of Lumber - One Year (vote for not more than three)			
James K. Barry	521	413	934
Robin Peakes Coutts	504	433	937
Cameron Gregory Peters	541	417	958
Blanks	1,232	934	2,166
Write-Ins:			
Scattering	7	5	12
Total	2,805	2,202	5,007
Question No. 1 - Proposition 2 1/2 Debt Exclusion			
Yes	428	344	772
No	408	314	722
Blanks	99	76	175
Total	935	734	1,669

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

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) DPW Drainage Improvement Projects; (2) South Side Drainage Improvement Project; (3) Roundabout at Newton, Wellesley, School Streets; (4) Case Campus Master Plan - Phase 1; and (5) new Police Station - Design Services?

Yes: 772 No: 722

SUMMARY

State law provides for an exemption from the limits of Proposition two and one-half of those amounts required to pay for the debt service for bonds approved by the Voters. Question 1 would exempt the debt service for the bonds issued for projects to be considered at the May 2013 Annual Town Meeting:

1. New Police Station - Design Services (Article 12)	\$800,000
2. Case Campus Master Plan (Article 13)	709,000
3. Roundabout at Newton, Wellesley, School Streets (Article 14)	681,000
4. DPW Drainage Improvement Projects (Article 15)	300,000
5. South Side Drainage Improvement Project (Article 16)	<u>1,220,000</u>
	\$3,710,000

**SPECIAL TOWN MEETING
MAY 3, 2013**

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 Majority vote was taken on the procedural changes to the Town Meeting format.

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

Tellers in the Auditorium:

Lenore Lobel
Dianne Poole
Mary Shaw
Doris Atwood Sullivan

Deputy Moderator: Alex Shimada-Brand

ARTICLE 1: AMEND FISCAL YEAR 2013 OPERATING BUDGET

Mr. Douglas Gillespie moved amend the following line items in the Fiscal Year 2013 Operating Budget adopted under Article 2 of the 2012 Annual Town Meeting, by reducing line items and appropriating additional funds to other line items as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Town Clerk & Registrars of Voters -			
Salaries	\$144,465	\$161,265	\$16,800
Expenses	33,325	38,525	5,200
Insurance - Workers' Compensation	270,000	220,000	(50,000)
Public Works - Expenses	1,230,870	1,180,870	(50,000)
Public Works - Snow and Ice Control	252,900	542,900	290,000

And as funding therefor, that \$212,000 be transferred from available funds (free cash).

The motion was approved by unanimous vote

RECOGNITION OF SERVICE

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

<u>Office</u>	<u>Elected by the Voters</u>	
	<u>Elected Officer</u>	<u>Served Since</u>
Board of Assessors	David C. Bennett	2004
	Janice M. Glynn	2005
Board of Health	Nicholas G. Guerina	1998
Board of Library Trustees	Barbara Coburn	2001

Planning Board	Pamela W. Fox Carol Seto	1997 2010
Measurers of Lumber	Richard L. Hall Susan L. Kannenberg	2012 2012
Moderator	Wendy Spector	2010
Recreation Commission	Lucy Armour Bradley Richard L. Hall	2010 2006

Committee Members Appointed by the Board of Selectmen

<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Affordable Housing Trust	Nicolas Timperio	2011
Agricultural Commission	Lelia Orrell Elliston Lucy G. Carter Kathryn Dell'Erario	2006 2007 2011
Community Preservation Committee	Barbara J. Hill	2006
Conservation Commission	Thomas C. Chalmers	2004
Council on Aging	Mary Johnston Richard Wohlers	2005 2005
Cultural Council	Karen Gallagher Susan Kuhr Susan McFarland	2009 2007 2007
Public Transportation Advisory Committee	Lee Engler	2011
Registrar of Voters	Joseph W. Mullin Warren E. Norquist	2004 2009
Traffic and Sidewalk Committee	Alan Simmons Nicolas Timperio	2009 2009
Tree Advisory Group	John Thompson	2006
Zoning Board of Appeal	Marc Margulies Gary Wolf	2002 2009
Police Station Study Committee	Harvey R. Boshart Edward H. Coburn Josef J. D. Gazzola Leslie A. Glynn Richard A. Murray Carl Stjernfeldt	2012 2012 2012 2012 2012 2012

Officers and Committee Members Appointed by the Moderator		
<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Community Preservation Committee	E. Christopher Palmer	2006
Finance Committee	Harvey R. Boshart	2006
Minuteman Regional High School Committee	John Blyzinsky	2012
Town Meeting Advisory Committee	Thomas S. Crane	2012
	Alex Shimada-Brand	2012
	Beverly Foster	2012
	Nancy Benotti	2012
	William Crum	2012
	Douglas P. Gillespie	2012
	Christopher Houston	2012
	Isabella Jancourtz	2012
	Richard Manley	2012
	John McDonald	2012
	Richard Murray	2012
	Betsy Romeri	2012
	William Sandalls	2012
	Richard Sher	2012
Patricia Shotwell	2012	
Patricia Siek	2012	
Jean Thurston	2012	
Henry Viles	2012	
Edmund Ward	2012	

Committee Members Appointed by the Selectmen and School Committee		
<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Permanent Building Committee	Mark Susser	2006
Recreation Master Plan Steering Committee	Adam Wisnia	2008

Committee Members Appointed by the Selectmen and Moderator		
<i>Committee</i>	<i>Officer</i>	<i>Served Since</i>
Tercentennial Steering Committee	Edward H. Coburn	2010
	Patricia P. Gowdy	2010

A Motion to dissolve Special Town Meeting was made, seconded, and adopted at 7:38 p.m.

**ANNUAL TOWN MEETING
MAY 13 2013**

Pursuant to a Warrant, duly served, Wendy Spector, the Moderator, called the Annual Town Meeting to order at 7:45 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 11, 2013, Annual Town Election, of which the results appear in the report of the Town Election above.

ARTICLE 2: APPROPRIATE THE FISCAL YEAR 2014 OPERATING BUDGET

Mr. Gillespie moved that the several sums of money recommended by the Board of Selectmen for the Fiscal Year beginning July 1, 2013, in accordance with Section 5 of Article II of the General Bylaws, as amended, and set forth in pages 8-10 of the report entitled, "Fiscal Year 2014 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. \$2,300,000 from the Free Cash Account;
- b. \$25,000 from the "Accrued Income, Well Litigation Settlement" account;
- c. \$35,000 from the Cemetery Trust Fund;
- d. \$213,000 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 2014.

The motion was approved by majority vote

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

The motion was approved by unanimous vote

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, 2013, as required by Massachusetts General Laws, Chapter 41, Section 108, be fixed at:

Assessors	\$100
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and that all other elected officers of the Town be unpaid.

The motion was approved by unanimous vote

ARTICLE 2 (Motion 4)

Mr. Gillespie moved that five persons be appointed by the Moderator to serve as a Memorial Day Committee in 2014 with authority to expend funds for the 2014 Memorial Day observance from the World War Trust Fund for this purpose.

The motion was approved by majority vote

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 by unanimous vote

FISCAL YEAR 2014 RECOMMENDED OPERATING BUDGET

TITLE OF ACCOUNTS		Recommended Fiscal Year <u>2014*</u>
UNCLASSIFIED		
Insurance	Insurance, Workers' Compensation	220,000
	Public Safety - Injured on Duty+	20,000
	Unemployment Compensation	100,000
	Insurance-Property & Liability	350,000
	Uninsured Losses+	-
	subtotal	<u>690,000</u>
Fringe Benefits	Insurance-Group Health/Life, Medicare	9,868,593
	Contributory Retirement-Middlesex	3,876,306
	Compensated Absence Fund+	110,000
	subtotal	<u>13,854,899</u>
Street Lighting		44,000
Reserve Fund		540,000
Debt Service (non-excluded)	Principal & Interest	46,968
TOTAL UNCLASSIFIED		<u>15,175,867</u>
GENERAL GOVERNMENT		
Town Manager's Office	Salaries	438,483
	Expenses	82,575
	Consulting & Professional Services+	55,000
	Arsenic Remediation+	-
	subtotal	<u>576,058</u>
Cost of Living & Merit Pay	Transfer Account	71,920
Legal	Expenses	190,000
Facilities Maintenance	Salaries	64,330
	Expenses	110,850
	Town Hall Equipment+	3,000
	subtotal	<u>178,180</u>
Town Clerk & Registrars of Voters	Salaries	149,980
	Expenses	35,535
	subtotal	<u>185,515</u>
Information Systems	Salaries	258,743
	Expenses	245,700
	Computer Hardware & Maintenance+	162,000
	Telephone Consultant (Town-Wide)+	-
	subtotal	<u>666,443</u>

NOTE: Accounts indicated by + are continuing appropriations that carry balances forward to the next fiscal year.

TITLE OF ACCOUNTS	Recommended Fiscal Year <u>2014*</u>
Weston Veterans Memorial	
Educational Fund Committee Expenses	2,100
Senior Service Program Expenses	15,000
TOTAL GENERAL GOVERNMENT	1,885,216
FACILITIES TOWN-WIDE	
Salaries	273,580
Expenses	594,675
Facilities Improvements-Town-wide+	439,898
TOTAL FACILITIES TOWN-WIDE	1,308,153
FINANCE	
Finance Committee Expenses	400
Finance Salaries-Elected Officials	500
Salaries	669,420
Expenses	138,025
subtotal	807,945
TOTAL FINANCE	808,345
LAND USE, PLANNING & INSPECTIONAL SERVICES	
Clerks of Committees Salaries	527,754
Salaries	194,680
Expenses	-
Planning Board Salaries	-
Repair Dam+	-
TOTAL LAND USE , PLANNING & INSPECTIONAL SERVICES	722,434
PUBLIC SAFETY	
Police Salaries	2,678,088
Expenses	299,264
Equipment and Apparatus+	91,000
Radio Equipment+	-
subtotal	3,068,352
Fire Salaries	2,819,005
Expenses	303,670
Hydrant Service	44,000
Emergency Management+	2,000
Brush Truck +	-
Chief's Vehicle +	-
Equipment and Apparatus+	45,000
subtotal	3,213,675

NOTE: Accounts indicated by + are continuing appropriations that carry balances forward to the next fiscal year.

TITLE OF ACCOUNTS	Recommended Fiscal Year <u>2014*</u>
Inspectional Services	Salaries
	Expenses
	subtotal
Animal Control Officer	Salaries
	Expenses
	subtotal
	20,485
	7,300
	<u>27,785</u>
TOTAL PUBLIC SAFETY	6,309,812
<hr/> EDUCATION	
School Department	Salaries
	Instructional, Maint. & Other Expenses
	Transportation Salaries
	Transportation Expenses
	subtotal
	29,870,019
	<u>5,289,596</u>
	35,159,615
Minuteman Regional Voc. Technical School District	Assessment
	104,311
TOTAL EDUCATION	35,263,926
<hr/> PUBLIC WORKS	
	Salaries
	Expenses
	Snow and Ice Control
	1,872,953
	1,197,170
	252,900
Continuing Balance Accts.	Construction of Public Ways+
	Departmental Equipment +
	Construction of Sidewalks+
	Stone Retaining Wall Repairs+
	Access to 40 Acre Field+
	Guard Rail Rehabilitation Program+
	Boston Post Road-Rt 20 Traffic Study+
	HS/MS Traffic Study +
	Transfer Station Bridge Replacement +
	Monitoring Groundwater - Landfill+
	Parks & Cemeteries Improvements+
	subtotal Cont Bal Accounts
	300,000
	235,000
	120,000
	10,000
	-
	50,000
	-
	-
	-
	21,675
	-
	<u>736,675</u>
TOTAL PUBLIC WORKS	4,059,698

NOTE: Accounts indicated by + are continuing appropriations that carry balances forward to the next fiscal year.

TITLE OF ACCOUNTS	Recommended Fiscal Year <u>2014*</u>
HEALTH & HUMAN SERVICES	
Board of Health	
Salaries	231,192
Expenses	7,800
Mental Health Services	25,000
subtotal	<u>263,992</u>
Mosquito Control, E. Middlesex Project	
Expenses	37,677
Council on Aging	
Salaries	285,122
Expenses	31,600
subtotal	<u>316,722</u>
Veterans' Services	
Expenses	73,044
TOTAL HEALTH & HUMAN SERVICES	691,435
PUBLIC LIBRARY	
Libraries	
Salaries	1,012,053
Expenses	152,759
Library Materials	68,200
Minuteman Library Network	41,217
TOTAL PUBLIC LIBRARY	1,274,229
TOTAL OPERATING BUDGET APPROPRIATIONS	67,499,115
DEBT SERVICE (EXCLUDED)	7,781,831
GRAND TOTAL BUDGET APPROPRIATIONS	75,280,946

NOTE: Accounts indicated by + are continuing appropriations that carry balances forward to the next fiscal year.

ARTICLE 3: APPROPRIATE THE FISCAL YEAR 2014 WATER ENTERPRISE BUDGET

Mr. Edward Coburn moved that the Town appropriate \$2,968,296 from water receipts, allocated by line item as shown on the screen, to operate the Water Division of the Department of Public Works during fiscal year 2014, under the provisions of Massachusetts General Laws Chapter 44, section 53F^{1/2}; and that said \$2,968,296 be funded as follows; \$2,768,296 from water receipts and \$200,000 from Water Enterprise fund retained earnings.

The motion was approved by unanimous vote

ARTICLE 4: APPROPRIATE THE FISCAL YEAR 2014 RECREATION ENTERPRISE BUDGET

Mr. Coburn moved that the Town appropriate \$1,673,077, to operate the Recreation Department during fiscal year 2014, under the provisions of Massachusetts General Laws Chapter 44, Section 53F^{1/2}; and that said \$1,673,077 be funded as follows: \$1,039,879 from departmental receipts, \$461,655 to be raised from the tax levy, and \$171,543 from Recreation Enterprise Fund Retained Earnings.

The motion was approved by unanimous vote

ARTICLE 5: APPROPRIATE THE FISCAL YEAR 2014 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

Mr. Coburn moved that the Town appropriate \$1,113,955, to operate the Brook School Apartments during fiscal year 2014, under the provisions of Chapter 76 of the Acts of 2009; and that said \$1,113,955 be funded as follows: \$913,955 from rental receipts and \$200,000 from Brook School Apartments Enterprise Fund retained earnings.

The motion was approved by unanimous vote

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 by unanimous vote

ARTICLE 7: APPROPRIATE TO OPEB TRUST FUND

Mr. Gillespie moved that the Town raise and appropriate \$1,631,367 to the Other Post Employment Benefits Trust Fund for costs of post employment benefits.

The motion was approved by unanimous vote

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^{1/2} for the fiscal year beginning July 1, 2013

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY14 Budget
Recreation Skating Programs	Recreation Director	Program Fees	Program Costs	\$50,000
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers	\$1,500
Josiah Smith Tavern	Town Manager	Rental Fees from Women's Community League	Building Repairs and Maintenance (Improvements)	\$30,000
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses	\$30,000
Town Building Rentals	Town Manager	Rental Fees Town Hall	Utilities, Cleaning, Building Monitor	\$6,000
Board of Health	Health Director	Insurance Reimbursement, Flu Clinics	Public Health Education, Outreach, Health Clinics, Emergency Preparedness	\$20,000
Affordable Housing Monitoring	Town Manager	Fees from Original Sale and Resale of Affordable Homes	Monitoring Costs, including Salaries and Benefits	\$35,000
Fiske Law Office	Town Manager	Rental Fees	Building Repairs and Maintenance	\$25,000
Ambulance Services	Fire Chief	Ambulance Fees	Paramedic (ALS) Service Fees	\$150,000
Planning Board	Planning Board	Application Fees	Expenses Related to Action on Applications	\$75,000

The motion was approved by unanimous vote

ARTICLE 9: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

Mr. Gillespie moved that 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 any sums of money that may be received for the fiscal year commencing July 1, 2013 from the Massachusetts Department of Transportation.

The motion was approved by unanimous vote

ARTICLE 10: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

Mr. Gillespie moved that that Town establish a fiscal year 2014 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 by unanimous vote

ARTICLE 11: APPROPRIATE FOR WESTON MEDIA CENTER INC.

Mr. Gillespie moved that Town raise and appropriate or transfer from available funds \$110,000 as a grant to Weston Media Center Inc., to provide continued support for Public Educational and Government television programming on local cable channels; said sum to be expended by the Town Manager pursuant to a grant agreement between the Town Manager and the Weston Media Center Inc., on such terms and conditions as the Town Manager deems appropriate.

The motion was approved by majority vote

ARTICLE 12: APPROPRIATE FOR DESIGN OF NEW POLICE STATION

Mr. Coburn moved that the Town appropriate \$1,200,000 to pay costs of engineering and architectural services for plans and specifications for the design and construction of a new Police Station, and all incidental costs related thereto, to be spent under the direction of the Town Manager, \$400,000 to be transferred from the amount appropriated under Article 14 of the May 11, 2009 Annual Town Meeting for the construction of the Public Works building, which project is now complete, and \$800,000 to be borrowed 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 by a two-thirds majority vote as declared by the Moderator

ARTICLE 13: APPROPRIATE FOR CASE CAMPUS MASTER PLAN - PHASE 1

Mr. Harrity moved that the Town appropriate \$709,000 to pay costs to design and reconstruct, resurface or alter the configuration of roadways, walkways and parking areas on the Case Campus, generally located on either side of Alphabet Lane and within the boundaries of School Street and Wellesley Street, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be borrowed 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 by a two-thirds majority vote as declared by the Moderator

ARTICLE 14: APPROPRIATE FOR TRAFFIC CALMING AND SAFETY IMPROVEMENTS AT NEWTON, WELLESLEY AND SCHOOL STREETS (CASE'S CORNER)

Mr. Harrity moved that the Town appropriate \$681,000 to pay costs for the construction of a modern roundabout at the intersection of Newton Street and Wellesley Street and reconfiguration of the intersection of Wellesley Street and School Street, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be borrowed 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.

Mr. Henry Viles spoke against roundabout. Mr. David Rolde commented that traffic roundabouts could be dangerous and cause backups. Mr. John Hupalo expressed safety concerns around bicyclists. Traffic and Sidewalk Committee member, Peter Hill, responded that roundabouts work and are very effective; the construct forces drivers to go slower, making it safer for bicyclists and pedestrians alike.

Mr. Alex Cobb requested an opinion from Police Chief Steven Shaw regarding the traffic roundabout. Chief Shaw stated that the charge of the Traffic and Sidewalk Committee is to make traffic intersections and Weston road travel safer and that all the hired traffic consultants felt this is the safest approach.

Mr. Richard Sher, Mr. David Harmon, Mr. Tom Scholz, Mr. Lee Engler, Mrs. Laura Sher, Ms. Patricia Siek, Mr. Matt Rosenthal, Mr. Richard Devito, and Mr. George Berbeco all spoke in opposition to this article.

Mr. Chris Houston spoke in favor of this article.

Mr. Larry Fordham made a motion to move the question.

Motion to move the question was defeated

The motion was defeated

Motion to adjourn the Annual Town Meeting until 7:30 p.m. on Wednesday, May 15th was made, seconded and adopted at 11:20 p.m.

**ADJOURNED ANNUAL TOWN MEETING
Wednesday, May 15, 2013**

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.

Alex Shimada-Brand
Burton Foster
Mary Shaw
Doris Sullivan

ARTICLE 15: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS - DRAINAGE IMPROVEMENTS

Mr. Gillespie 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 by unanimous vote

ARTICLE 16: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS - SOUTH SIDE DRAINAGE IMPROVEMENT PROJECT

Mr. Gillespie moved that the Town appropriate \$745,000 to pay costs of the construction or reconstruction of surface drains and all incidental costs related thereto, including the acquisition of such temporary or permanent easements as may be necessary for this project, 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 by unanimous vote

ARTICLE 17: APPROPRIATE FOR CAPITAL PROJECTS

Mr. Coburn moved that the Town appropriate \$860,000 from free cash, to be spent under the direction of the Town Manager, for the capital projects listed.

Motion made from the floor to vote each Capital Project separately. Motion was approved by a majority vote.

Purpose	Amount	Expend under the Direction of	Vote
Kendal Green Parking Lot Improvements	\$25,000	Town Manager	Majority Vote
Transfer Station Bridge Replacement	\$110,000	Town Manager	Majority Vote
Traffic Signal Design - Wellesley Street at Brown Street/Middle School Driveway	\$75,000	Town Manager	Majority Vote
Fire Departmental Equipment - Pumper	\$600,000	Town Manager	Majority Vote
Fire Department Replacement Equipment - Radios	\$50,000	Town Manager	Majority Vote
Total	\$860,000	Town Manager	Majority Vote

All motions were approved by majority vote

ARTICLE 18: APPROPRIATE FOR WATER MAIN REHABILITATION

Mr. Gillespie moved that the Town appropriate \$253,000 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 by unanimous vote

ARTICLE 19: APPROPRIATE FOR SOUTH AVENUE AND WELLESLEY STREET INTERSECTION IMPROVEMENTS

Mr. Harrity moved that the Town raise and appropriate \$10,000 and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise the fee and/or permanent and temporary easements in certain parcels of land, adjacent to and/or contiguous to South Avenue (Route 30) and Wellesley Street, as depicted on certain plans titled "Massachusetts Department of Transportation Highway Division Preliminary Right of Way Plans South Avenue (Route 30) and Wellesley Street," dated December 2009, revised through February 2013, on file with the Town Clerk, and the fee and/or

permanent and temporary easements in parcels of land located within two hundred feet of said parcels, as such additional areas may be shown on said Right of Way Plans, as hereinafter revised, for public way purposes, including, without limitation, drainage, utility, slope, grading and construction of improvements and structures, and other related purposes, which will enable the Town to undertake the South Avenue (Route 30) and Wellesley Street improvement project.

The motion was approved by unanimous vote

ARTICLE 20: AMEND GENERAL BY-LAW, ARTICLE III, POLICE REGULATIONS - NO HUNTING ON TOWN-OWNED LAND (SUBMITTED BY PETITION)

Ms. Alicia Primer moved to amend General By-law, Article III, Police Regulations, by adding a new Section 14, as follows: "There shall be no hunting on any Town-owned land in the Town of Weston, Massachusetts."

Mr. Brian Donahue, Ms. Evelyn Lord, Mr. Steve Garfinkel, Ms. Maryellen Sikes, and Mr. Fred Crafts spoke against the motion.

Mr. William Sandalls, Ms. Alicia Primer, Ms. Mary Gershanoff, Mr. John Hupalo all spoke in support of the motion.

The motion was defeated

ARTICLE 21: AMEND GENERAL BY-LAW, ARTICLE 1: TOWN MEETING (SUBMITTED BY PETITION)

Mr. Bill Sandalls moved that the Town amend the By-laws of the Town of Weston by deleting Section 9 of Article 1, in its entirety and replacing it as follows:

"Section 9. All votes on all motions, unless otherwise mandated by the laws of the Commonwealth or otherwise provided hereinafter, shall be taken initially by display of official voting cards issued one each to every registered voter upon entry to Town Meeting, and the Moderator shall declare the outcome of such votes.

"If a supermajority vote of Town Meeting is required by law or by-law and the initial vote is not unanimous, or if the Moderator or any registered voter immediately doubts the initial vote for a simple majority, the Moderator shall call for a count in the following manner: The Moderator shall first call the voters who appear to be in the minority to display their official voting cards and be counted, and then call the voters who appear to be in the majority to stand and be counted only to the extent necessary to determine the result of the vote. The Moderator shall then declare the outcome of the count upon the report of the tellers.

"If circumstances at any Town Meeting impair the use of official voting cards, the Moderator may instead call for voice votes and standing counts, using the same procedures as applicable to voting cards as described above. In lieu of a counted vote, the Moderator may call for a vote by ballot."

Mr. Chris Houston moved to amend the motion as follows:

To replace second paragraph of Section 9 (as proposed in Article 21)

"If a majority vote or two-thirds vote is required by law, the Moderator may declare the outcome of said vote. If any registered voter immediately doubts the vote the Moderator shall call for a count in the following manner: The Moderator shall first call the voters who appear to be in the minority to display their official voting cards and be counted, and then call the voters who appear to be in the majority to

stand and be counted at least to the extent necessary to determine the result of the vote. The Moderator shall then declare the outcome of the count upon the report of the tellers."

Mr. Houston's amendment was approved by a majority vote

**ADJOURNED ANNUAL TOWN MEETING
Wednesday, May 20, 2013**

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.

Tom Crane
Burton Foster
Jill Harris
Doris Sullivan

**ARTICLE 22: AMEND GENERAL BY-LAW, ARTICLE II, POWERS AND DUTIES
OF TOWN OFFICERS - RESIDENT COMMENT PERIOD, DRAFT MINUTES OF MEETINGS
(SUBMITTED BY PETITION)**

Ms. Isabella Jancourtz moved that the two provisions of Article 22 be bifurcated and voted separately.

The Amendment to vote was approved by a majority vote

Ms. Jancourtz moved to amend the Town By-law, Article II, Powers and Duties of Town Officers, by adding a new Section 15, as follows:

"The first 10 minutes of each meeting of every Town of Weston board and committee be made available for resident questions and comments, whenever possible, in the discretion of the chair."

The motion was approved by unanimous vote

Ms. Jancourtz moved to amend the General By-law, Article II, Powers and Duties of Town Officers, by adding a new Section 15, as follows: "Draft minutes of each meeting of every Town of Weston board and committee shall be posted on the Town of Weston website within ten days of the meeting."

The motion was defeated

**ARTICLE 23: AMEND GENERAL BY-LAW, ARTICLE II - FILLING OF VACANCIES
(SUBMITTED BY PETITION)**

Ms. Diana Chaplin moved to amend the General By-Laws of the Town of Weston by adding a new section 15 to Article II, as follows:

Section 15 Vacancy

Vacancy. A vacancy occurs when an official or board member:

- a. resigns;
- b. ceases to be a resident of the Town, if required to be a resident or registered voter;
- c. dies;

- d. is barred by law from serving in the position; or
- e. no longer has the qualifications required for the position.

Vacancy in Board of Selectmen. A vacancy in the Board of Selectmen shall be governed by the provisions of chapter 41, Section 10 of the General Laws, which provides for a special election under certain conditions.

Vacancy in Elected Positions. A vacancy in an elected board other than the Board of Selectmen shall be filled by appointment in accordance with Chapter 41, Section 11 of the General Laws, or by election in accordance with Chapter 41, Section 10. However, no person who is appointed to fill a vacancy shall be eligible to "Appear on the Ballot", in the subsequent election, to the position to which they were appointed.

A vacancy in the office of Town Clerk shall be filled in accordance with Chapter 41, Section 14 of the General Laws.

Vacancy in Appointed Positions. A vacancy in any appointed board or office shall be filled by appointment in the same manner as the original appointment was made, except as otherwise specifically provided by law.

Ed Coburn clarified that the Town Clerk's is not an elected position.

The motion was defeated

**ARTICLE 24: AMEND ARTICLE XXIX: COMMUNITY PRESERVATION COMMITTEE
(SUBMITTED BY PETITION)**

Mr. Sandalls moved to amend Section 1 of Article XXIX of the Town By-laws to change the manner of selection of the four optional members of the Community Preservation Commission from appointed to elected by deleting section (6) of said by-law and inserting in place thereof the following:

- 6) Four Weston registered voters to be elected by the voters; appointed incumbents holding office as of the effective date of this amendment shall serve until the expiration of their appointed term or sooner resignation or removal, after which the office shall appear on the ballot for a three-year term.

And further, by deleting the last two sentences of said Section 1 and inserting in place thereof:

Vacancies in any appointed position shall be filled by the respective appointing authority for the remainder of the three-year term; vacancies in any elected position shall be filled in accordance with the provisions of G.L. c. 41, Section 11 until the next annual election by the board of selectmen and the remainder of the members of the Community Preservation Committee.

The motion was defeated

ARTICLE 25: AMEND SPECIAL ACT AUTHORIZING BOARD OF SELECTMEN TO ISSUE LICENSE FOR SALE OF WINE AT FOOD STORE TO ALSO INCLUDE SALE OF MALT BEVERAGES (SUBMITTED BY PETITION)

Ms. Maria Forbes moved to petition the General Court to amend Chapter 37 of the Acts of 2008, "An Act Authorizing the Town of Weston to Grant a License for the Sale of Wines at a Food Store" to authorize the Board of Selectmen to grant to a food store, as defined in the act, a license to sell both beer and wine; 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 AUTHORIZING THE TOWN OF WESTON TO GRANT A SINGLE LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES AT FOOD STORES

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Board of Selectmen as the licensing authority of the Town of Weston shall be authorized to issue a single license for the sale of wine and malt beverages at food stores, not to be drunk on the premises, and, for such purposes, the provisions of chapter 37 of the acts of 2008 shall be amended by inserting, in the first paragraph of section 1 after the words "wines" the following: and malt beverages.

SECTION 2: The holder of the license issued under said chapter 37, as of the effective date of this act, shall be eligible at any time, or at the time of renewal, to apply for an amendment of said license to authorize the sale of malt beverages in addition to wines.

SECTION 3. This act shall take effect upon passage.

The motion was approved by Majority Vote

ARTICLE 26: APPROPRIATE FOR FISCAL YEAR 2014 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET

Mr. Steve Ober moved that the Town hear and act on the report of the Community Preservation Committee on the fiscal year 2014 Community Preservation budget and appropriate or reserve the following amounts from the Community Preservation Fund:

Appropriations from fiscal 2014 estimated annual revenues

\$122,000 for Community Preservation Committee administrative expenses;

Reservations from FY2014 estimated annual revenues -

\$455,000 for the acquisition, creation and preservation of open space including land for recreational use;

\$254,000 for the acquisition, preservation, rehabilitation and restoration of historic resources; and

\$260,000 for the creation, preservation and support of community housing;

Appropriations for Debt Service Payments -

\$259,713 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

\$454,800 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 by unanimous vote

ARTICLE 27: AMEND ZONING BY-LAW - HISTORIC STRUCTURES PRESERVATION DEVELOPMENT

Mr. Alfred Aydelott moved that this article be passed over and so disposed of.

The motion was approved by unanimous vote

ARTICLE 28: TRANSFER AND AUTHORIZE SALE OF OLD LIBRARY

Mr. Harrity moved that this article be passed over and so disposed of.

The motion was approved by unanimous Vote

ARTICLE 29: APPROPRIATE FOR HISTORIC RESOURCES - OLD LIBRARY

Mr. Harrity moved that this article be passed over and so disposed of.

The motion was approved by unanimous Vote

ARTICLE 30: TRANSFER AND AUTHORIZE CONVEYANCE OF WARREN AVENUE PARCEL

Ms. Sarah Rhatigan moved that the Town transfer the care, custody, management and control of the land shown as Lot 26 on Assessors' Map 26 (66-68, 71 and 74 Warren Avenue) described in the deed dated July 1, 1921 and recorded with the Middlesex South Registry of Deeds as Book 4446, Page 143, from the Board of Selectmen for water purposes, to the Board of Selectmen for the purpose of conveyance for affordable housing purposes, which may be to the Affordable Housing Trust or to another entity, and to authorize the Board of Selectmen, on such terms and conditions as it may determine, to convey all or any portion or any interest in said land for such purposes.

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

ARTICLE 31: APPROPRIATE FOR COMMUNITY HOUSING - DESIGN OF WARREN AVENUE AFFORDABLE HOUSING

Ms. Rhatigan moved that the Town transfer \$180,000 from the Unallocated allocation of the Community Preservation Fund for community housing purposes under the Community Preservation Program in order to pay costs of engineering, architectural services for plans and specifications, and other predevelopment expenses 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, Weston as a grant to the Weston Affordable Housing Trust, pursuant to a grant agreement between the Town Manager and the Weston 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 Unallocated allocation of the Community Preservation Fund.

The motion was approved by a majority vote

ARTICLE 32: APPROPRIATE FOR COMMUNITY HOUSING - REGIONAL HOUSING OFFICE AND HOUSING STAFF SUPPORT

Mr. Coburn moved that the Town transfer \$15,480 from the Unallocated allocation of the Community Preservation Fund 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.

The motion was approved by a majority vote

ARTICLE 33: APPROPRIATE FOR HISTORIC RESOURCES - FARMERS' BURIAL GROUND AND CENTRAL CEMETERY RESTORATION

Ms. Marisa Mora moved that the Town transfer \$125,000 from the Historic Resources Reserve of the Community Preservation Fund to be used to assess, preserve and restore gravestones, tombs, and other

elements in the historic Farmers' Burial Ground, located on Boston Post Road at Colpitts Road and Central Cemetery, located on Boston Post Road at Linwood Avenue, and all incidental costs related thereto, to be spent under the direction of the Town.

The motion was approved by a majority vote

ARTICLE 34: APPROPRIATE FOR LAND FOR RECREATIONAL USE - WALKWAYS

Mr. Andrew Keehn moved that the Town transfer \$250,000 from the Unallocated allocation of the Community Preservation Fund for land for recreational use under the Community Preservation Program for the creation of walkways for recreational purposes; to be spent under the direction of the Town Manager.

The motion was approved by a majority vote

ARTICLE 35: APPROPRIATE FOR OPEN SPACE - ADDITIONAL FUNDS FOR HOBBS POND DAM RECONSTRUCTION AND POND PRESERVATION: 80 ACRE CONSERVATION AREA

Mr. Brian Donahue moved that the Town transfer \$150,000 from the Unallocated allocation of the Community Preservation Fund for the preservation of open space under the Community Preservation Program, to be used for the reconstruction of Hobbs Pond Dam and pond preservation at the 80 Acre Conservation Area, located off Lexington Street, as shown on Assessors Map 9, Parcels 8-10, and all incidental costs related thereto, to be spent under the direction of the Town Manager.

The motion was approved by a majority vote

ARTICLE 36: REDUCE THE COMMUNITY PRESERVATION ACT SURCHARGE FROM 3 PERCENT TO 1 PERCENT (SUBMITTED BY PETITION)

Mr. Sandalls moved to see if the Town will vote to amend its acceptance of the Community Preservation Act, Massachusetts General Laws Chapter 44B, Section 3 through 7 inclusive, approved under Article 6 of the March 12, 2001 Special Town Meeting and accepted at the May 5, 2001 Annual Town Election, by decreasing the surcharge on real property from 3 percent to 1 percent; provided, however, that before such decrease in the surcharge may take effect, the change must also be approved by the voters at the May 2014 Annual Town Election.

The motion was defeated

ARTICLE 37: AMEND GENERAL BY-LAWS - SELECT BOARD

Mr. Coburn moved to amend the Town By-laws to change the title of the "Board of Selectmen" to the "Select Board" by:

(a) inserting a new sentence prior to the existing text of Article II, Section 1, as follows:

The Board of Selectmen of the Town of Weston shall be referred to as the Select Board of the Town of Weston; provided, however, that regardless of such nomenclature, said board shall constitute a board of selectmen for purposes of the General Laws and of any special law applicable to the Town.

(b) and further, to replace the words "Board of Selectmen" or "Selectmen", in each instance in which they appear throughout the Town By-laws, with the words, "Select Board", all as on file with the Town Clerk.

The motion was defeated

ARTICLE 38: ACCEPT DONATION OF LAND ON HOBBS BROOK ROAD FOR CONSERVATION PURPOSES

Mr. George Bates moved to authorize the Board of Selectmen to acquire the fee simple in land on Hobbs Brook Road and shown as Assessors Map 19, Parcels 66 and 67, described in deeds recorded with the Middlesex South Registry of Deeds as Book 27095, Page 419 and Book 27095, Page 420 comprised of .92 acres each, by donation or by deed in lieu of foreclosure, pursuant to Massachusetts General Laws Chapter 60, section 77C, for conservation purposes, from Mr. Salvatore A. Vinciullo, and further to authorize the Board of Selectmen to enter into any and all agreements, covenants, or other instruments necessary to effectuate this vote.

The motion was approved by a majority vote

ARTICLE 39: TRANSFER AND AUTHORIZE A LONG TERM LEASE TO PLACE SOLAR PANELS ON THE CLOSED LANDFILL

Mr. Harrity moved to transfer from the Board of Selectmen for landfill purposes to the Board of Selectmen for such purposes and also for the purpose of leasing for the installation and operation of solar photovoltaic panel purposes the closed landfill located off Church Street and shown as Assessors Map 23, Parcel 35, and authorize the Board of Selectmen to enter into a long term lease agreement, pursuant to Massachusetts General Laws Ch. 30B, Section 16, or any other enabling authority for such purposes; and further, to authorize the Town Manager to enter into alternative energy power purchase and/or net metering credit purchase agreements in connection with such installation, for a term or terms of more than three years, on such terms and conditions as the town Manager deems in the best interest of the Town, and to authorize the Board of Selectmen and Town Manager to take all actions necessary to administer and implement such agreements

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

ARTICLE 40: ACCEPT CHAPTER 73, SECTION 4 OF THE ACTS OF 1986 (INCREASE IN PROPERTY TAX EXEMPTION LIMITS)

Mr. Coburn moved to accept, for fiscal year 2013, 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 by unanimous vote

ARTICLE 41: RESCIND BOND AUTHORIZATION

Mr. Gillespie moved to rescind all or a part of an authorization to borrow funds, which was approved in a prior year, where the purpose of the borrowing has been completed and/or it was unnecessary to borrow the amount approved:

Article 19 May 11, 2009 Annual Town Meeting – Field School Feasibility \$178,066

The motion was approved by unanimous vote

A motion to dissolve the Annual Town Meeting was made, seconded and adopted at 11:10 p.m.

SPECIAL TOWN MEETING
June 17, 2013

Pursuant to a Warrant, duly served, Thomas Crane, the Moderator, called the Special Town Meeting to order at 7:30 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.

Alex

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

Alex Shimada-Brand

Jean Fiske

Ann Leibowitz

Doris Sullivan

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: AMEND ZONING BY-LAW -HISTORIC STRUCTURES PRESERVATION DEVELOPMENT

Mr. Alfred Aydelott moved to amend the Zoning By-law to add a new Section V.M. as follows:

M. HISTORIC STRUCTURES PRESERVATION DEVELOPMENT

1. Definition and Applicability

An Historic Structures Preservation Development ("HSPD") provides a framework for adaptation of important older structures within the Town to uses that might not otherwise be permitted in the underlying zone in which such structures are located, including mixed uses, where deemed beneficial to the interests of the community, while preserving the natural, rural character and appearance of the property on which the historic structure is located.

2. Purpose and Qualifications

The purpose of an HSPD is to provide flexibility in site planning in order to encourage and promote thoughtful and appropriate rehabilitation and re-use of historically important structures in a manner that protects natural features, scenic views into the property, and existing vegetation and land forms; to encourage utilization of the land in harmony with neighboring properties; and to preserve a recognized Town asset for the benefit of the public.

In order to qualify as an HSPD, the property must involve at least one principal structure that meets all of the following qualifying criteria:

a. Has been found to be "Historically Significant" by the Weston Historical Commission. If the property has not yet been the subject of a Weston Historical Commission determination, the property will be referred to the Weston Historical Commission to make such a determination pursuant to the following procedure:

1) An applicant shall file a request for a historical determination with the Weston Historical Commission;

2) Within 21 business days of receipt of a copy of an application, the Weston Historical Commission shall make a determination as to the significance of the subject building;

3) The Commission shall notify the applicant of the date and time of the meeting at which it intends to make its historical determination at least seven (7) days in advance of the meeting, and the applicant shall be given an opportunity to make a presentation to the Commission.

4) The building shall be deemed “Historically Significant” if it meets one or more of the criteria listed in subsections A through C of the definition of “Significant Building” in the Town of Weston Demolition Delay Bylaw.

b. Has a preservation restriction executed by the property owner, the proposed developer and any mortgagees which form is suitable for approval by the Massachusetts Historical Commission per G.L. c.184 §§31-32, enforceable in perpetuity.

c. Has not been used as a residence of any kind for at least 25 years.

d. Has occupancy of no more than 30. For purposes of this Bylaw, occupancy shall be defined as the total number of people commonly occupying uses of the nature proposed as defined in the Massachusetts State Building Code calculations for occupancy for purposes of egress, or the anticipated actual occupancy.

e. Is publicly owned.

3. Permitted Uses

An HSPD is allowed in the Single Family Residence (D) and Business District (B). HSPD Projects require a Special Permit with Site Plan Approval issued by the Planning Board. In the event that an HSPD property is sold to a private entity after approval hereunder, the terms of the town's interest in repurchasing the property, or each portion thereof if a condominium, cooperative, or similar entity, shall be memorialized in the Special Permit.

Uses allowed in an HSPD shall be limited to the following, either singly or in combination, as approved in the Special Permit.

a. By-Right Uses:

1) All By-Right uses permitted in the underlying zone.

2) Customary accessory uses associated with the principal use(s) permitted in the underlying zone.

b. Uses Allowed By Special Permit with Site Plan Approval by the Planning Board:

1) All uses permitted in the underlying zone with Site Plan Approval.

2) Single family residence.

3) Multi-unit, attached residences of no more than 4 units in a single structure.

4) Professional or general office.

5) Shop or studio of an artist, potter, sculptor, silversmith, woodcarver, or similar craftsman.

6) Nonprofit corporation for any civic, benevolent, artistic or charitable purposes.

4. Changes of Use, Occupancy and Operations

Any changes in the type or nature of use, service requirements, and style of occupancy or operation, and any material increase in the number of occupants or parking demand, require approval of a Revised Special Permit with Site Plan Approval issued by the Planning Board. A change in occupancy exceeding the occupancy limit of 30 is not permitted.

5. Design Guidelines and Standards

The HSPD shall be evaluated according to the following Design Guidelines and Standards:

a. Design Guidelines

1) Site and Landscape Design

The development will respect man-made architectural and historical resources, including, but not limited to, the following: buildings and other structures, trails, stone walls, and scenic views into the property from public ways.

The development shall be sensitive to the natural character and appearance of the property and take into consideration existing natural resources, including, but not limited to, the following: land forms, woodlands, wetlands, vernal pools, significant trees and geological features. Landscape design for the HSPD shall reflect the desire of Weston residents to preserve the Town's rural character.

Landscaping style and character shall be compatible with, and will respect the historical character of the architecture. Finishes, materials, and features associated with courtyards, terraces, and other public gathering spaces visible from adjacent properties shall be compatible with, and complement, the character of the natural landscape features.

Effective vegetative buffers at site boundaries shall be established to screen the HSPD from adjacent properties and roadways to the extent necessary, as determined by the Planning Board. In cases where topography renders the perimeter buffers ineffective, additional screen plantings in the interior of the parcel will be required.

The development shall take into account Low Impact Development techniques for storm water management and shall incorporate "green" principles in building materials, systems and site design. Where possible, proposed new construction shall take advantage of solar and wind orientation.

2) Relationship to Neighboring Properties

The property shall be developed in consideration of neighboring properties in regard to scale, character, impact, drainage, and storm water runoff.

Visual impacts of the development shall be mitigated by sensitive use of landscaping features, screening views from neighboring properties and nearby streets through the effective use of existing landforms, alterations thereto, berms and existing vegetation supplemented with new plantings.

Open space shall be located and designed so as to increase the visual amenities for abutting properties, as well as for the benefit of occupants of the development.

Access points to the Town's public streets shall be minimized and located so as to minimize traffic congestion.

3) Architecture

Restoration of existing structures shall comply in every respect with the requirements of the associated preservation deed restriction(s), both interior and exterior, where applicable, to the satisfaction of the Planning Board and of the entity or entities holding and enforcing the restriction(s). The interface of new and existing construction shall not violate the letter or intent of the preservation restriction(s).

Provision of public access to the important interior and exterior spaces and features of the historical construction is strongly encouraged.

New construction shall reflect or complement the historically important structures on site, and shall reflect the historic architectural fabric and character of the Town generally. Natural materials are preferred, and synthetic or man-made materials are discouraged. Examples of preferred materials include wood doors and windows, wood clapboard,

shingle, and fieldstone. Replacement materials shall be in compliance with the preservation restriction.

New construction shall harmonize with the scale of existing structures and with landforms, trees, and other natural features of the site.

b. Standards

1) Parking

The developer shall demonstrate that sufficient on-site parking space is available to satisfy the provisions of SECTION VIII. VEHICULAR REQUIREMENTS of the Zoning By-law. Parking lots and vehicular service areas must be landscaped to the satisfaction of the Planning Board.

2) New Construction

New free-standing structures intended for human occupancy and habitation are not permitted in an HSPD. Accessory structures such as storage sheds for garden equipment, gazebos, and the like are permitted, but free-standing vehicle garages are prohibited.

The intent of this By-law is the intact preservation of important historical structures to the greatest extent possible. Therefore, an addition or additions to existing construction shall not exceed a total of 20 percent of the RGFA of the existing structure to which the new construction is appended.

New construction must comply with all provisions of SECTION VI. DIMENSIONAL AND OTHER REQUIREMENTS of the Zoning By-law for the underlying zone.

3) Restoration, Replacement and Infill

Components of the existing building fabric designated for preservation shall be refurbished to a condition consonant with the preservation restriction(s) satisfactory to the entity holding and enforcing the preservation restriction. Replacement components shall match the original in material type, style, size and configuration.

New components added to, or integral with, the existing building fabric shall be appropriate to the surrounding historical building fabric and satisfactory to the entity holding and enforcing the preservation restriction.

4) Waivers

The Planning Board shall have, at its sole discretion, the ability to waive provisions of the Design Guidelines and Standards relating to a particular application if it deems that such action would benefit the quality and character of the project, of neighboring properties, or of the Town generally.

6. Special Permit with Site Plan Approval

a. Timing

Application for HSPD Special Permit with Site Plan Approval shall be made to the Planning Board. No work on site shall commence prior to the Special Permit application.

b. Special Permit with Site Plan Approval Determination

The Planning Board shall issue a Special Permit with Site Plan Approval for an HSPD if it finds that the HSPD presented in the application substantially complies with the Design Guidelines and Standards defined in this By-law, and if it specifically finds that:

- 1) The Site Plan provides for no uses which are not permitted by this By-law.
- 2) Fire, police and other emergency personnel have reasonable access to all structures.
- 3) All utilities, other lines, and equipment, including, but not limited to, electric, telephone, and cable TV, are located underground.
- 4) Compressors, generators, transformers, and other similar equipment are adequately and appropriately screened, and that noise generated by such equipment, either singly or in combination, meets Planning Board standards.
- 5) Exterior lighting levels are generally consonant with Planning Board standards for residential construction, that there are no up-lights, spotlights or floodlights, and that parking and service area lighting levels are an average of one foot-candle or less on the ground.
- 6) The Site Plan locates and screens refuse disposal area(s), utility building(s), storage area(s), and other support facilities to make them less visible from sites external and internal to the HSPD parcel.
- 7) The Development is consistent with the letter and intent of the preservation restriction(s).
- 8) The Development is in harmony with the general intent and purpose of the Town of Weston Zoning By-law.

c. Special Permit with Site Plan Approval - Rules and Regulations

The Planning Board shall adopt rules and regulations in a separate document that are consistent with this By-law specifying design standards for site development features, including, but not limited to: exterior lighting; storm water management; landscaping; erosion control; architectural design; design and construction standards for streets, drives and walkways; street and parcel documentation.

d. Construction and Phasing Plan

A Construction Plan shall be submitted by the applicant and approved by the Planning Board as part of the Special Permit process, and where phased construction is proposed, a Phasing Plan shall be incorporated into the Construction Plan. Surety may be required, at the Planning Board's discretion, for the construction, or to the phases thereof, to guarantee performance and implementation of the Special Permit Plan(s). The Planning Board shall determine the type and amount of surety with the Town. The Construction (and Phasing) Plan shall be endorsed by the Planning Board prior to any work done at the site, including tree removal, grubbing, and excavation of any sort, prior to application for a Building or Demolition Permit.

A list of submission items associated with the Construction (and Phasing) Plan shall be listed on a separate document approved by the Planning Board and may include, but not be limited to, the following items: hours of operation, truck routes, construction vehicle management, site staging of construction materials, material safety sheets, erosion and storm water control, and protection of historical assets.

Mr. Sandalls moved to amend this article to postpone action indefinitely. He urged voters to wait until the December 2, 2013 Special Town Meeting.

Mr. Sandalls' motion to amend Article 1 was defeated

Yes: 140 No: 213

Mr. Michael Glynn supported Mr. Sandalls' amendment. Ms. Pam Fox, Mr. Dave Harmon and Mr. John Fiske were opposed to Mr. Sandalls' amendment. Ms. Marisa Morra asked for clarification regarding whether if Mr. Sandalls amendment is accepted, if article can be brought to December Special Town Meeting. Mr. Coburn responded that if Mr. Sandalls' amendment passes, then Articles 1 and 2 will be passed over.

Mr. Chris Houston moved to table Article 1 and Mr. Sandalls' amendment thereto until after consideration of Articles 2 and 3.

Mr. Houston's amendment was defeated

Yes: 207 No: 152

Ms. Isabella Jancourtz expressed concern about the condition of the Old Library interior. Mr. Harrity clarified that if this amendment is defeated then the Urbanica proposal is moot. The Board of Selectmen will not have anything to bring back to the fall Town Meeting, because there will be no proposal to discuss. If the Urbanica proposal is defeated, the Board of Selectmen will be issuing a request for work to be done on the exterior of the Old Library.

Mr. Richard Sher, Mr. Tom Selldorf, Mr. Jack Deary and Ms. Isabella Jancourtz spoke against the main amendment.

The motion was defeated. A two-thirds majority was required

Yes: 206 No: 155

The motion was defeated

ARTICLE 2: AUTHORIZE SALE OF OLD LIBRARY

Mr. Coburn moved that this article be passed over and so disposed of.

The motion was approved by a majority vote

ARTICLE 3: APPROPRIATE FOR HISTORIC RESOURCES - OLD LIBRARY

Mr. Coburn moved that this article be passed over and so disposed of.

The motion was approved by a majority vote

A motion to dissolve the Annual Town Meeting was made, seconded and adopted at 10:10 p.m.

SPECIAL TOWN MEETING

December 2, 2013

Pursuant to a Warrant, duly served, Thomas Crane, the Moderator, called the Special Town Meeting to order at 7:30 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.

Mr. Coburn expressed gratitude and sincere appreciation to the Tercentennial Steering Committee (Weston 300).

Committee Members:

Dusty Rhodes, Chair
Diana Chaplin
Robin Peakes Coutts
Mark L. Curelop
Elizabeth B. Eaton
Deirdre Freiberg
Elizabeth R. Hochberger
Aubrey Kief
Douglas MacDougall
Lee Marsh
Marion B. Packs
Rev. Dr. Thomas D. Wintle

ARTICLE 1: AMEND FISCAL YEAR 2014 OPERATING BUDGET

Ms. Danielle Black moved to amend the following line item in the fiscal year 2014 Operating Budget adopted under Article 2 of the 2013 Annual Town Meeting, by raising and appropriating an additional sum as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
School Department – Expenses	\$5,289,596	\$5,519,596	\$230,000

Mr. John Tucker asked from where the money would be coming. Town Manager Donna VanderClock responded that property taxes would be the funding source.

Mr. Keith Johnson spoke in opposition to this article. Ms. Christen Lacey, secretary of Weston Parent Advisor of Special Education, spoke in favor of this article.

Motion passed by a majority vote

ARTICLE 2: APPROPRIATE FOR CASE CAMPUS MASTER PLAN - PHASE 2

Mr. Edward Heller moved that the Town appropriate \$835,000 to pay costs to design and reconstruct, resurface or alter the configuration of roadways, walkways and parking areas on the Case Campus, generally located on either side of Alphabet Lane and within the boundaries of School Street and Wellesley Street, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be borrowed 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.

Mr. Keith Johnson spoke against this article. Mr. James Mannix, an abutter, spoke in favor of this article.

Motion passed by a two-thirds majority vote as declared by the Moderator

ARTICLE 3A: AMEND ZONING BY-LAW - ADD DEFINITIONS

Mr. Alfred Aydelott moved to amend Section II. of the Zoning By-law by inserting new Definitions as follows:

"Destruction/Demolition: Removal without replacement of the enclosing components of a building's exterior envelope, including doors, windows, cladding, sheathing, and other similar elements; or the alteration of all or a portion of a building's exterior envelope such that existing walls, roof, or floor cease

to be part of the building's exterior envelope. For the purpose of this By-law, the frame supporting enclosing components need not be removed for the construction to be considered demolition or destruction. This definition shall take effect on January 1, 2014."

Motion approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 3B: AMEND ZONING BY-LAW - ADD DEFINITIONS

Mr. Aydelott moved to amend Section II. of the Zoning By-law by inserting new Definitions for NON-COMMERCIAL CLUB and PROFESSIONAL

NON-COMMERCIAL CLUB

The use of a site for provision of meeting, recreational, or social facilities by a private nonprofit association, primarily for use by members and guests and not connected with or engaged in commercial enterprises

PROFESSIONAL

Person formally certified by a professional body or belonging to a specific profession by virtue of having completed a required course of studies and/or practice

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

ARTICLE 4: AMEND ZONING BY-LAW - HISTORIC STRUCTURES PRESERVATION DEVELOPMENT

Mr. Aydelott moved to amend Section V. the Zoning By-law of the Town of Weston by adopting a new Subsection M. as follows:

M. HISTORIC STRUCTURES PRESERVATION DEVELOPMENT

1. Definition and Applicability

An Historic Structures Preservation Development ("HSPD") provides a framework for adaptation of important older structures within the Town to uses that might not otherwise be permitted in the underlying zone in which such structures are located, including mixed uses, where deemed beneficial to the interests of the community, while preserving the natural, rural character and appearance of the property on which the historic structure is located.

2. Purpose and Qualifications

The purpose of an HSPD is to provide flexibility in site planning in order to encourage and promote thoughtful and appropriate rehabilitation and re-use of historically important structures in a manner that protects natural features, scenic views into the property, and existing vegetation and land forms; to encourage utilization of the land in harmony with neighboring properties; and to preserve a recognized Town asset for the benefit of the public.

In order to qualify as an HSPD, the property must involve at least one principal structure that meets all of the following qualifying criteria:

- a. Have been constructed prior to 1945.
- b. Have been found to be "Historically Significant" by the Weston Historical Commission
- c. Before issuance of a building permit, have a preservation restriction executed by the property owner, the proposed developer and any mortgagees and approved by the Massachusetts Historical Commission per G.L. c.184 §§31-32, enforceable in perpetuity.

d. Be publicly owned.

3. Permitted Uses

An HSPD is allowed in the Single Family Residence District (A), Single Family Residence District (B), Single Family Residence (C), Single Family Residence (D) and Business District (B). **Major HSPD Projects** with a total occupancy of 30 or greater require Concept Plan approval by a majority vote of the Town Meeting and subsequent Site Plan Approval - Special Permit issued by the Planning Board. **Minor HSPD Projects** with an occupancy of fewer than 30 require Site Plan Approval - Special Permit issued by the Planning Board.

For purposes of this By-law, occupancy shall be defined as the total number of people commonly occupying uses of the nature proposed as defined in the Massachusetts State Building Code calculations for occupancy for purposes of egress.

Uses allowed in an HSPD shall be limited to the following, either singly or in combination, as approved in the Special Permit.

a. By-Right Uses:

- 1) All By-Right uses permitted in the underlying zone.
- 2) Customary accessory uses associated with the principal use(s) permitted in the underlying zone.

b. Uses Allowed By Special Permit with Site Plan Approval by the Planning Board:

- 1) All uses permitted in the underlying zone with Site Plan Approval.
- 2) Single family residence.
- 3) Multi-unit, attached residences in a single structure.
- 4) Bed and breakfast establishment of no more than 4 guest suites offering overnight accommodation and breakfast to guests lodged as overnight guests. No meals other than breakfast shall be served, and no breakfast shall be served to members of the public not lodged as overnight guests.
- 5) Professional or general office.
- 6) Shop or studio of an artist, potter, sculptor, silversmith, woodcarver, or similar craftsman.
- 7) Retail business establishment.
- 8) Restaurant/ Eating Place, excluding those defined as a fast food establishment, with food primarily prepared and cooked on the premises.
- 9) Nonprofit organization for any civic, benevolent, artistic or charitable purposes.

4. Changes of Use, Occupancy and Operations

Any changes in the type or nature of use, service requirements, and style of retail or restaurant operation, and any material increase in the number of occupants or parking demand, shall be subject to approval of a Revised Concept Plan by majority vote of the Town Meeting and subsequent Revised Special Permit with Site Plan Approval issued by the Planning Board for Major Projects. For Minor Projects, Revised Special Permit with Site Plan Approval issued by the Planning Board shall be required.

Changes in Minor Projects that result in occupancies exceeding the Major Project occupancy thresholds shall be subject to Major Project submittal, review and approval requirements.

5. Concept Plan

The purpose of the Concept Plan is to present the proposed project to Town Meeting in such a way that the Town can determine the impacts from a proposed HSPD and decide whether the proposed HSPD is suitable for the property. The Concept Plan shall include: (1) Preliminary Site Plan which provides a conceptual layout for the HSPD, including a tree survey; trees required for removal; roadway, driveway and walkway locations, including parking and vehicular service areas; location of utilities which may be on-site or off-site subject to a perpetual easement; grading plans for structures, roads, driveways and walkways; location of wastewater management structures and other features with associated grading; storm water management structures with associated grading; general landscaping; trash management facilities; and exterior lighting. (2) Preliminary Architectural Plans and Elevations. (3) Traffic Analysis of the HSPD. (4) A Municipal Impact Analysis of the HSPD. (5) Site Impact Analysis of the HSPD.

The drawings and supporting material submitted to the Planning Board and Town Meeting shall be sufficiently detailed to enable the Planning Board and Town Meeting to evaluate the impacts of the HSPD. The submission requirements for the Concept Plan shall be specified in rules and regulations to be adopted by the Planning Board.

The HSPD shall be evaluated according to the following Design Guidelines and Standards:

a. Design Guidelines

1) Site and Landscape Design

The development shall be sensitive to man-made architectural and historical resources, including, but not limited to, the following: buildings and other structures, trails, stone walls, and scenic views into the property from public ways.

The development shall be sensitive to the natural character and appearance of the property and take into consideration existing natural resources, including, but not limited to, the following: land forms, woodlands, wetlands, vernal pools, significant trees and geological features. Landscape design for the HSPD shall reflect the desire of Weston residents to preserve the Town's rural character.

Landscaping style and character shall be compatible with, and sensitive to, the historical character of the architecture. Finishes, materials, and features associated with courtyards, terraces, and other public gathering spaces visible from adjacent properties shall be compatible with, and complement, the character of the natural landscape features.

Effective vegetative buffers at site boundaries shall be established to screen the HSPD from adjacent properties and roadways to the extent necessary, as determined by the Planning Board. In cases where topography renders the perimeter buffers ineffective, additional screen plantings in the interior of the tract will be required.

The development shall take into account Low Impact Development techniques for storm water management and shall incorporate "green" principles in building materials, systems and site design. Where possible, proposed new construction shall take advantage of solar and wind orientation.

2) Relationship to Neighboring Properties

The property shall be developed in consideration of neighboring properties in regard to scale, character, impact, drainage, and storm water runoff.

Visual impacts of the development shall be mitigated by sensitive use of landscaping features, screening views from neighboring properties and nearby streets through the effective use of existing landforms, alterations thereto, berms and existing vegetation supplemented with new plantings.

Open space shall be located and designed so as to increase the visual amenities for abutting properties, as well as for the benefit of occupants of the development.

Access points to the Town's public streets shall be minimized and located so as to minimize traffic congestion.

3) Architecture

Restoration of existing structures shall comply in every respect with the requirements of the associated preservation deed restriction(s), both interior and exterior, where applicable, to the satisfaction of the Planning Board and of the entity or entities holding and enforcing the restriction(s). The interface of new and existing construction shall not violate the letter or intent of the preservation restriction(s).

Provision of public access to the important interior and exterior spaces and features of the historical construction is strongly encouraged.

New construction shall reflect or complement the historically important structures on site, and shall reflect the historic architectural fabric and character of the Town generally. Examples of preferred materials include wood clapboard, shingle, and fieldstone.

New construction shall harmonize with the scale of existing structures and with landforms, trees, and other natural features of the site.

b. Standards

1) Parking

The developer shall demonstrate that sufficient on-site parking space is available to satisfy the provisions of SECTION VIII. VEHICULAR REQUIREMENTS of the Zoning By-law, or to accommodate parking associated with the actual occupancies generated by the project use(s), whichever is greater.

For *Major Projects*, if ability to comply with this requirement is demonstrated, the Planning Board shall have the discretion to waive it if it deems that such action would benefit the quality and character of the project, of neighboring properties, or of the Town generally, provided that the developer shall submit a Comprehensive Parking Plan satisfactory to the Planning Board showing alternate parking locations as part of the Traffic Analysis.

Parking lots and vehicular service areas must be landscaped to the satisfaction of the Planning Board.

2) New Construction

New free-standing structures intended for human occupancy and habitation are not permitted in an HSPD. Accessory structures such as storage sheds for garden equipment, gazebos, and the like are permitted, but free-standing vehicle garages are prohibited.

The intent of this By-law is the intact preservation of important historical structures to the greatest extent possible. Therefore, an addition or additions to existing construction shall not exceed a total of 25 percent of the RGFA of the existing structure to which the new construction is appended.

New construction must comply with all provisions of SECTION VI. DIMENSIONAL AND OTHER REQUIREMENTS of the Zoning By-law.

3) Restoration, Replacement and Infill

Components of the existing building fabric designated for preservation shall be refurbished to a condition consonant with the preservation restriction(s) satisfactory to the entity holding and enforcing the preservation restriction. Replacement components shall match the original in material type, style, size and configuration.

New components added to, or integral with, the existing building fabric shall be appropriate to the surrounding historical building fabric and satisfactory to the entity holding and enforcing the preservation restriction.

4) Development Agreement

Prior to Town Meeting approval of a Concept Plan, the applicant shall execute a Development Agreement with the Board of Selectmen, after review and approval by the Planning Board. Such Development Agreement shall memorialize any additional obligations which the applicant has agreed to undertake in addition to those obligations which are expressly required by the Concept Plan or the Zoning By-law including, but not limited to, obligations relating to off-site improvements; traffic mitigation; construction timing and truck access; architectural standards; accommodation of public amenities such as walking trails, open space, parks, and playgrounds; and reimbursement of Town costs for consulting or other services related to review of the HSPD proposal and monitoring of the project. The Development Agreement may also require that in the event that an HSPD property is sold to a private entity after approval hereunder, the owner shall grant the Town a covenant that the Town shall have first right of offer to repurchase the property, or each portion thereof if a condominium, cooperative, or similar entity. Such Development Agreement may be conditional upon Town Meeting approval of a Concept Plan.

5) Waivers

The Planning Board shall have, at its sole discretion, the ability to waive provisions of the Design Guidelines and Standards relating to a particular application if it deems that such action would benefit the quality and character of the project, of neighboring properties, or of the Town generally.

c. Procedures

- 1) Approval of an HSPD Concept Plan for a Major HSPD Project shall be by a majority vote of the Town Meeting, following a recommendation and report to Town Meeting by the Planning Board as to whether and how the proposed Concept Plan meets the purposes of the HSPD and the Design Guidelines and Standards for Concept Plans as set forth in this By-law. It shall be the obligation of the applicant to timely submit an article to the Board of Selectmen for inclusion of the HSPD Concept Plan proposal on the warrant for the Town Meeting at which the applicant will be seeking concept approval.
- 2) The HSPD Concept Plan approval process commences with the filing of the proposed Concept Plan with the Planning Board. Before filing the Concept Plan, the applicant shall meet informally with the Planning Board to discuss the project, including scope, timing of the public hearing and Town Meeting, and program. A filing fee and review fee shall be deposited with the Planning Board at the time of submission of the Concept Plan to the Board. The filing and review fees shall be specified in Rules and Regulations to be adopted by the Planning Board. In addition to filing the Concept Plan with the Planning Board, the Concept Plan shall be filed with the Board of Selectmen, Town Engineer, Board of Health, Conservation Commission, Fire Department, and Police Department. The Planning Board will determine whether the Concept Plan is complete and schedule a public hearing within a reasonable time from receiving a complete submission.

6. Site Plan Approval - Special Permit

a. Timing

For *Major Projects*, not more than twelve (12) months after the Concept Plan has been approved by Town Meeting, and prior to applying for any other permits or commencing any work on the site, including, but not limited to, demolition, tree or vegetation removal, earth removal, or grading, application shall be made to the Planning Board for an HSPD Special Permit with Site Plan Approval.

For *Minor Projects*, application for HSPD Site Plan Approval and Special Permit shall be made to the Planning Board. No work on site shall commence prior to the Special Permit application.

b. Site Plan Approval - Special Permit Submission

For *Major Projects*, the submissions required of an applicant for a Special Permit with Site Plan Approval for an HSPD shall be set forth in rules and regulations to be adopted by the Planning Board. For *Major Projects*, such submissions shall include the documentation that will govern the use, occupancy, and other matters related to the HSPD, such as, but not limited to, the master deed, declaration of trust, and rules and regulations, if the HSPD will be a condominium (collectively, the "HSPD Governance Documents").

For *Minor Projects*, the Planning Board shall issue Site Plan Approval and a Special Permit for an HSPD if it finds that the HSPD presented in the application substantially complies with the Design Guidelines and Standards defined in this By-law, and if it specifically finds that:

- 1) The Site Plan provides for no uses which are not permitted by this By-law.
- 2) Fire, police and other emergency personnel have reasonable access to all structures.
- 3) All utilities, other lines, and equipment, including, but not limited to, electric, telephone, and cable TV, are located underground.
- 4) Compressors, generators, transformers, and other similar equipment are adequately and appropriately screened, and that noise generated by such equipment, either singly or in combination, does not exceed 40 dba at any property line.
- 5) Exterior lighting levels are generally consonant with Planning Board standards for residential construction, that there are no up-lights, spotlights or floodlights, and that parking and service area lighting levels are an average of one foot-candle or less on the ground.
- 6) The Site Plan locates and screens refuse disposal area(s), utility building(s), storage area(s), and other support facilities to make them less visible from sites external and internal to the HSPD parcel.
- 7) The Development is consistent with the letter and intent of the preservation restriction(s).
- 8) The Development is in harmony with the general intent and purpose of the Town of Weston Zoning By-law.

For *Major Projects*, the Planning Board shall issue a Special Permit and Site Plan Approval for an HSPD if it finds that the HSPD presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:

- 1) The Site Plan provides for no reduction in setbacks and no increase in the intensity and type(s) of use, and no substantial change, in the sole opinion of the Planning Board, in the location of the facilities, gross floor area, height, configuration, and amount of open

space, as provided for in the approved Concept Plan. However, in the Special Permit, the Planning Board may require additional plantings beyond those shown on the Concept Plan and specify an increase in the size of plantings if it furthers the goals of this By-law.

- 2) The Site Plan provides for no uses which are not permitted by this By-law and the approved Concept Plan.
- 3) The applicant makes provision that any land shown in the approved Concept Plan as permanent open or recreation space be subject to a permanent conservation restriction, according to MGL S.31-32 of Chapter 184, simultaneously with the issuance of a building permit for construction on the HSPD site. Proof of execution and recordation of this restriction shall be delivered to the Planning Board. The restriction shall be held by the Town of Weston Historical Commission or other board or officer as may be authorized by vote of Town Meeting to acquire such restriction, and the open land may be used for limited recreation by residents of the Town in a manner deemed appropriate by the restriction holder.
- 4) To the extent applicable, walking trails are established within the HSPD parcel consonant with the configuration, disposition and extent stipulated in the Concept Plan. Trails to be used by the public are established by permanent easement.
- 5) Fire, police and other emergency personnel have reasonable access to all structures.
- 6) All utilities, other lines, and equipment, including, but not limited to, electric, telephone, and cable TV, are located underground.
- 7) Compressors, generators, transformers, and other similar equipment is adequately and appropriately screened, and that noise generated by such equipment, either singly or in combination, does not exceed 40 dba at any property line.
- 8) Exterior lighting levels are generally consonant with Planning Board standards for residential construction, that there are no up-lights, spotlights or floodlights, and that parking and service area lighting levels are an average of one foot-candle or less on the ground.
- 9) The Site Plan locates and screens refuse disposal area(s), utility building(s), storage area(s), and other support facilities to make them less visible from sites external and internal to the HSPD parcel.
- 10) The provisions of the HSPD Governance Documents are satisfactory to the Planning Board and approved as to form by Town Counsel.
- 11) The Development is consistent with the letter and intent of the Preservation Restriction(s).
- 12) The Development is in harmony with the general intent and purpose of the Town of Weston Zoning By-law.

c. Site Plan Approval - Special Permit Rules and Regulations

The Planning Board shall adopt rules and regulations in a separate document that are consistent with this By-law specifying design standards for site development features, including, but not limited to: exterior lighting; storm water management; landscaping; erosion control; architectural design; design and construction standards for streets, drives and walkways; street and parcel monumentation.

d. Construction and Phasing Plan

In cases where a Concept Plan has been adopted, a Construction Plan shall be submitted by the applicant and approved by the Planning Board as part of the Special Permit process, and where phased construction is proposed, a Phasing Plan shall be incorporated into the Construction Plan. Surety may be required, at the Planning Board's discretion, for the construction, or to the phases thereof, to guarantee performance and implementation of the Concept Plan and Special Permit Plan(s). The Planning Board shall determine the type and amount of surety with the Town. The Construction (and Phasing) Plan shall be endorsed by the Planning Board prior to any work done at the site, including tree removal, grubbing, and excavation of any sort, prior to application for a Building or Demolition Permit.

A list of submission items associated with the Construction (and Phasing) Plan shall be listed on a separate document approved by the Planning Board and may include, but not be limited to, the following items: hours of operation, truck routes, construction vehicle management, site staging of construction materials, material safety sheets, erosion and storm water control, and protection of historical assets.

Mr. William Crum, Mrs. Susan Crum, Mrs. Laura Sher, Mr. Michael Glynn, Mr. Henry Viles, Mr. Richard Sher and Mr. George Berbeco spoke against this article

Ms. Alicia Primer and Mr. John Fiske spoke in favor of this article.

The motion was defeated

ARTICLE 5: CONVERT OLD LIBRARY TO WESTON CENTER FOR THE ARTS (SUBMITTED BY PETITION)

Ms. Isabella Jancourtz moved to request that the Board of Selectmen use all necessary and proper steps to convert the old Weston Library to the Weston Center for the Arts, a publicly owned building for the benefit of the public.

It was pointed out that the vote on this article will be advisory only.

The motion was approved by a majority vote

ARTICLE 6: NEW RFP FOR DEVELOPMENT OF JOSIAH SMITH TAVERN AND OLD LIBRARY (SUBMITTED BY PETITION)

Mr. Jack Deary moved to request that the letter of intent naming Weston 358 LLC (Urbanica) as the sole and preferred developer until December 11, 2013 not be renewed and that the Town prepare a new Request for Proposal for the development of The Josiah Smith Tavern and the Old Library. All interested entities either for-profit or non-profit, including Town affiliated organizations, should be encouraged to participate and to submit properly qualified proposals. At least three months should be allowed for a response to the Request for Proposal. The final choice is to be made by votes at a Town Meeting.

It was pointed out that the vote on this article will be advisory only.

The motion was approved by a majority vote

Moderator accepted a motion to dissolve the Special Town Meeting at 10:30 p.m.

**SPECIAL STATE PRIMARY
APRIL 30, 2013**

Pursuant to a warrant duly served, the Special State Primary was held on April 30, 2013 in:

- Precinct 1 – Parish Hall of the United Methodist Church of Weston located at 377 North Avenue
- Precinct 2 – Basement of St. Peter’s Church located at 320 Boston Post Road
- Precincts 3 & 4 – Parish Hall of Westgate Church, 100 Winter Street.

The Polls were open from 7:00a.m. to 8:00 p.m.

The results of the Special State Primary were as follows:

**Town of Weston – Special State Primary
Final Results**

Democratic Party – Summary Vote

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks	0	0	0	0	0
Stephen F. Lynch	67	36	37	39	179
Edward J. Markey	250	266	136	204	856
<u>Write-Ins:</u>	-	-	-	-	-
scattering	2	0	0	0	2
Total	319	302	173	243	1,037

Republican Party – Summary Votes

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks	0	0	0	0	0
Gabriel E. Gomez	97	82	59	93	331
Michael J. Sullivan	32	30	15	31	108
Daniel B. Winslow	21	18	13	19	71
<u>Write-Ins:</u>	-	-	-	-	-
scattering	0	1	1	0	2
Total	150	131	88	143	512

**SPECIAL STATE ELECTION
JUNE 25, 2013**

Pursuant to a warrant duly served, the Presidential Primary was held on March 6, 2013 in:

- Precinct 1 – Parish Hall of the United Methodist Church of Weston located at 377 North Avenue
- Precinct 2 – Basement of St. Peter’s Church located at 320 Boston Post Road
- Precincts 3 & 4 – Parish Hall of Westgate Church, 100 Winter Street

The Polls were open from 7:00a.m. to 8:00 p.m.

The results of the Special State Election were as follows:

**Town of Weston – Special State Election
Summary Votes**

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks	0	0	0	0	0
Gabriel E. Gomez	389	359	306	377	1,431
Edward J. Markey	460	412	312	361	1,545
Richard A. Heos	3	5	1	2	11
<u>Write-Ins:</u>	-	-	-	-	-
scattering	0	0	0	1	1
Total	852	776	619	741	2,988

**SPECIAL STATE PRIMARY
OCTOBER 15, 2013**

Pursuant to a warrant duly served, the Special State Primary was held on April 30, 2013 in:

- Precinct 1 – Parish Hall of the United Methodist Church of Weston located at 377 North Avenue
- Precinct 2 – Basement of St. Peter’s Church located at 320 Boston Post Road
- Precincts 3 & 4 – Parish Hall of St. Demetrios Greek Orthodox Church, 57 Brown Street

The Polls were open from 7:00a.m. to 8:00 p.m.

The results of the Special State Primary were as follows:

**Town of Weston – Special State Primary
Final Results**

Democratic Party – Summary Vote

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks	0	0	0	0	0
William Brownsberger	23	20	12	20	75
Katherine M. Clark	106	99	46	63	314
Peter Koutoujian	40	47	36	33	156
Martin Long	1	1	0	0	2
Paul John Maisano	0	0	0	0	0
Carl Sciortino, Jr.	26	17	11	16	70
Karen Spilka	17	17	21	24	79
<u>Write-Ins:</u>	-	-	-	-	-
scattering	0	0	0	0	0
Total	213	201	126	156	696

Republican Party – Summary Vote

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
SENATOR IN CONGRESS					
Blanks	0	0	0	0	0
Frank J. Addivinola, Jr.	18	20	15	15	68
Mike Stopa	26	25	21	43	115
Tom Tierney	8	8	3	11	30
<u>Write-Ins:</u>	-	-	-	-	-
scattering	1	0	0	0	1
Total	53	53	39	69	214

**SPECIAL STATE ELECTION
DECEMBER 10, 2013**

Pursuant to a warrant duly served, the Special State Primary was held on April 30, 2013 in:

- Precinct 1 – Parish Hall of the United Methodist Church of Weston located at 377 North Avenue
- Precinct 2 – Basement of St. Peter’s Church located at 320 Boston Post Road
- Precincts 3 & 4 – Parish Hall of St. Demetrios Greek Orthodox Church, 57 Brown Street

The Polls were open from 7:00a.m. to 8:00 p.m.

The results of the Special State Election were as follows:

**Town of Weston – Special State Election
Summary Votes**

	<i>Precinct 1</i>	<i>Precinct 2</i>	<i>Precinct 3</i>	<i>Precinct 4</i>	<i>Total</i>
REPRESENTATIVE IN CONGRESS					
Blanks	0	0	0	0	0
Frank J. Addivinola, Jr.	104	92	57	95	348
Katherine M. Clark	179	145	94	108	526
James Aulenti	5	6	2	5	18
<u>Write in: Hall</u>	1	1	0	0	2
scattering	0	0	0	1	1
Total	289	244	153	209	895