

**COMMONWEALTH OF MASSACHUSETTS**

**COUNTY OF MIDDLESEX**

**BY-LAWS**

**of the**

**TOWN OF WESTON**

Includes additions and amendments through September 2022

**TOWN OF WESTON, MASSACHUSETTS**

**GENERAL BY-LAWS  
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**ARTICLE I  
TOWN MEETING**

**SECTION 1.** For the election of officers and the determination of matters by ballot the annual town meeting shall be held on such Saturday in March, April or May as the Select Board shall fix. For the transaction of all other business the meeting shall be held on the next Monday after such Saturday. Special town meetings may be held at such times as the Select Board may order.

**SECTION 2.** Subject to law, the Select Board shall fix and state in the warrant for the annual town meeting the hour at which the meeting shall be called and the polls opened, and the hour at which they may be closed, on the Saturday fixed under Section 1 for the election of officers and the determination of matters by ballot; and an hour, not earlier than 7:00 P.M., on the next Monday after such Saturday for the holding of the meeting for the transaction of all other business.

**SECTION 3.** Notice of an annual town meeting shall be given by posting at the Town Hall a copy of the warrant therefor not less than seven days before the day named in the warrant for said annual meeting and notice of a special town meeting shall be given by posting at the Town Hall a copy of the warrant therefor not less than fourteen days before the day named in the warrant for said special town meeting, and for every town meeting by posting at least two other copies at such other places in the Town as may hereafter be fixed by vote of the Town, or by vote of the Select Board in case the Town has taken no action in the matter. The foregoing shall be deemed to be legal notification of such meeting, and the legal service of such warrant. In addition, the Town Clerk shall cause a copy of the warrant to be delivered or mailed, postage prepaid, to every residence in the Town at least seven days prior to the time named in the warrant for holding the meeting, but such delivering and mailing shall not be deemed to be a part of the legal service of the warrant and failure on the part of the Town Clerk to comply with this By-law shall not be considered a default of legal notice of said annual or special town meeting.

**SECTION 4.** In the event a town meeting, whether an annual town meeting or a special town meeting, fails to complete the business required by the warrant to be acted upon on the date designated in the warrant, the town meeting shall be adjourned from time to time, as designated, by vote of the meeting, Saturdays, Sundays, and holidays only excepted, until such business is completed.

**SECTION 5.** Notice of the adjournment of any town meeting, stating the time and place to which the meeting has been adjourned, shall be posted by the Town Clerk at the Town Hall as soon as practicable after the adjournment.

*(Sections 1 - 5 amended effective 9-4-1973.)  
(Section 3 further amended effective 9-23-1993.)  
(Section 2 further amended effective 3-26-2015.)*

**SECTION 6.** The number of voters necessary to constitute a quorum at any town meeting shall be eighty (80), but any number may adjourn any meeting to a stated time and place. The Moderator shall determine and announce the presence of a quorum, and his determination shall be conclusive upon the question of fact unless his determination be doubted by a registered voter, in which case a count shall be taken and recorded in the records by the Town Clerk.

*(Amendment Effective 9-11-2012.)*

**SECTION 7.** All articles in the warrant shall be acted upon in their numerical order unless the meeting by vote of two-thirds of the registered voters present and voting shall otherwise determine.

**SECTION 8.** After any article in the warrant has been acted upon, and disposed of, or passed over and so disposed of, such article shall not be considered at the same session of an annual or

special town meeting except by vote of two-thirds of the registered voters present and voting on a motion to reconsider. A motion to reconsider may be made by either the prevailing or losing side but may not be entertained by the moderator unless made not later than the same session of the meeting at which all action is completed on the article under which the vote to be reconsidered has taken place.  
*(Effective 8-30-1986.)*

## **SECTION 9.**

**Section 9.1.** *Voting Procedures.* 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 or by such other methods or procedures, which may include the use of any electronic tally system, as may be voted from time to time by Town Meeting. Town Meeting may use an electronic tally system to provide for individually counted and reported votes on all motions or only on those motions that would require a supermajority greater than 2/3, or otherwise as may also be voted by Town Meeting.

### **Section 9.2.** *Counting Votes.*

**Section 9.2.1.** The Moderator shall declare all votes, regardless of required quantum. If a supermajority is required by statute, such vote shall be individually counted using a standing vote count or an electronic tally system or otherwise; provided, however, that the Moderator shall have authority to declare a 2/3 vote without a count. If the Town uses an electronic tally system with individual votes counted and reported, the count shall be declared by the Moderator with the vote, even if a count is not otherwise required.

**Section 9.2.2.** Notwithstanding any other provisions of this Section 9, if any voter calls for a count immediately after the Moderator's declaration of the vote, or if the Moderator deems a count necessary or advisable for any reason, the Moderator shall call for a count using a standing vote count or an electronic tally system or otherwise and declare the outcome of the count. For any such vote initially taken using an electronic tally system, the Moderator shall manually tally the electronically recorded votes, if the electronic tally system so permits, order another electronic tally to be taken that provides a count of individual votes, or call for a standing vote count. In lieu of a complete vote count, the Moderator may choose to count the voters who appear to the Moderator to be in the minority first and then count the voters who appear to the Moderator to be in the majority only or at least to the extent necessary to determine the result of the vote, based on the required quantum.

**Section 9.2.3.** If the Moderator has reason to question the validity or accuracy of any kind of voting system, the Moderator may instead call for voice votes, standing vote counts, and/or ballot votes.

*(Amendment Effective 5-15-2013)*

*(Amendment Effective 5-8-2017)*

**SECTION 10.** When a question is before the meeting, the following motions, to wit:

- To adjourn,
- To lay on the table,
- For the previous question,
- To postpone to a time certain,
- To commit, recommit, or refer,

To amend,  
To postpone indefinitely,  
shall be received and shall have precedence in the foregoing order, and the first three shall be decided without debate.

**SECTION 11.** The procedure in town meetings when not otherwise prescribed shall be governed by the latest published edition of Town Meeting Time so far as applicable.

*(Amendment to Section 11, Effective 5-12-2014)*

## **ARTICLE II POWERS AND DUTIES OF TOWN OFFICERS**

**SECTION 1.** The Select Board shall have general direction and management of the property and affairs of the Town in all matters not otherwise provided by the law of the Commonwealth or by these By-laws.

**SECTION 2.** In all cases not otherwise provided for by law, the Select Board may bring suit in the name of the town against the principal and sureties named in any bond given to the Town by any officer, agent, contractor, or other person for breach of the condition of such bond. The Select Board shall cause the appearance and answer of the Town to be entered and made in all suits brought against the town at law or in equity, and may employ counsel to defend the same. They may commence and prosecute suits at law and in equity in the name and behalf of the Town in all cases not otherwise provided for by law, and may employ counsel therein. The Select Board shall consider all claims made against the Town and may authorize the payment of any amount not exceeding twelve hundred (\$1,200.00) dollars in settlement of any such claim, and to effect such settlement the Select Board may authorize the necessary payment from the town treasury of any funds not otherwise appropriated.

*(Amendment effective 8-16-1972.)*

**SECTION 3.** Within two business days after the dissolution or adjournment without day of any town meeting, the Town Clerk shall transmit to the Select Board, to the Town Treasurer, to the Auditor, and to the Assessors respectively, a certified copy of all votes appropriating money or authorizing the expenditure of money or otherwise affecting the finances of the Town, and within the same period the Town Clerk shall transmit to all other town officers or committees a certified copy of any vote of the Town affecting their respective powers or duties.

**SECTION 4.** The annual town report shall be printed and bound under the direction of the Select Board. It shall contain the reports of town officers and committees required by law, and such other reports or materials as the Town or the Select Board may direct. All Town officers and committees of the Town shall, unless otherwise directed, file their reports by the date determined by the Select Board.

*(Amendment effective 10-10-2002.)*

**SECTION 5.** All Town officers and committees who intend to recommend appropriations or expenditures of money for the new fiscal year shall file such recommendations with the Select Board not later than the twentieth day of December, and shall accompany such recommendations with all such information as may be requested by the Select Board. The Select Board in its annual report shall recommend a budget for the new fiscal year. This budget shall include in detail definite recommendations of the Select Board relative to the amounts to be appropriated by the Town for all public purposes, and may include recommendations as to the financing of the expenditures recommended.

**SECTION 6.** The Town Clerk shall post the annual town report on the Town's website and shall cause a sufficient number of printed copies of the annual town report to be made available for Town residents desiring copies at the Town Library, Town Hall and at other such locations determined by the Select Board, not less than seven days before the day fixed for the annual town meeting.

*(Amendment effective 12-1-2008.)*

**SECTION 7.** The Collector of Taxes shall cause to be printed upon each tax bill a statement of the law relative to the date when taxes are payable, the rate of interest charged on unpaid taxes, and the valuation upon which such tax is based.

**Section 7.1.** Interest Charges-Past Due Bills. The due dates for the payment of all municipal charges and bills shall be 30 days after the charge or bill is issued by the Town, unless otherwise specified by a general law, special act of the Commonwealth or by the Select Board. Interest accrues at the same rate as charged on tax bills under the provisions of G.L. c. 59, §57. The Collector shall have the authority to waive interest totaling up to \$10. The Select Board shall have the authority to abate any such interest charges, in whole or in part.

*(Effective 11-24-2003.)*

**SECTION 8.** Except as otherwise provided by law, no property of the Town shall be sold, exchanged, or otherwise disposed of, except with the written approval of the Select Board duly recorded in its records.

**Section 8.1.** The Select Board may sell or authorize Town Committees or Officers to sell personal property of the Town of value not greater than two thousand (\$2,000.00) dollars. All other sales of personal property of the Town shall be made by the Select Board either: (1) for the amount offered by the highest bidder after advertising such personal property for sale for one week in any newspaper having general circulation in the Town or (2) for an amount consistent with the value of the personal property as established by an up-to-date appraisal of such personal property obtained by the Select Board prior to sale.

*(Effective 9-30-1977)*

**SECTION 9.** Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies, and other similar documents owned by the Town, except that the bond given by the Treasurer to the Town shall be in the custody of the Select Board.

**SECTION 10.** There shall be a Finance Committee composed of nine voters of the Town who shall serve without pay and shall not, while serving on said committee, hold any other town office. Within 30 days after the adjournment of the annual town meeting, the Moderator shall appoint three persons to serve on said committee for a term of three years, ending with the final adjournment of the third annual town meeting thereafter held. The members of the committee shall hold office until their successors are appointed and qualified, and any vacancy shall be filled by the remaining members of the committee and the Town Clerk. The committee shall choose a chair and a clerk, and shall, prior to the annual town meeting, confer with the Select Board for consideration of the annual budget, and may confer with other town officers, and may hold public hearings. The committee may consider all financial and other questions coming before the Town for action or affecting the interests of the Town, and may at any time make reports or recommendations in print or otherwise to town officers or committees or to the voters, and all such reports and recommendations shall be printed at the expense of the Town, if the committee so requests.

**SECTION 11.** The Collector of Taxes shall collect under the title of Town Collector all accounts due the Town, except the collection of interest on investments of sinking or trust funds. All bills

for accounts due the Town shall state that all checks, drafts, or money orders shall be made payable or to the order of the Town of Weston and not to or to the order of any officer, board or commission.

**SECTION 12.** All town officers shall pay into the town treasury all fees received by them by virtue of their offices.

**SECTION 13.**

**Section 13.1.** The Town Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

*(Section 13.1 amended 5-8-2017)*

**Section 13.2.** The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the collector; provided, however, that written notice is given to the party and the collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

**Section 13.3.** Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

**Section 13.4.** The Select Board may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in G.L. c. 268A, §1, in the business or activity conducted in or on said property.



This Section 13 shall not apply to the following licenses and permits authorized by the following Massachusetts General Laws: open burning (G.L. c. 48, §13); sales of articles for charitable purposes (G.L. c. 101, §33); clubs, associations dispensing food or beverage licenses (G.L. c. 140, §21E); dog licenses (G.L. c. 140, §137); fishing, hunting, trapping licenses (G.L. c. 131, §12); marriage licenses (G.L. c. 207, §28); and theatrical events and public exhibition permits (G.L. c. 140, §181).

*(Effective 5-12-2004)*

**SECTION 14.** The Town Manager shall, pursuant to the provisions of G.L. c. 82A and 520 CMR 14.00, designate a board or officer to issue permits for trench excavations and to establish fees therefor.

**SECTION 15.** 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.

*(Effective 4-12-2008)*

*(Section 15 added Effective 5-20-2013)*

**SECTION 16.** There shall be a Memorial Day Committee of three (3) members to be appointed by the Moderator to implement and oversee the Town's Memorial Day activities. In appointing members to the committee, the Moderator shall seek, but not be limited to, members from groups representing school parents, the Scouts BSA and Girl Scouts of the USA (or similar organizations), and veterans. Members shall be appointed by the Moderator for terms of three years.

*(Section 16 added Effective 11-29-2016)*

*(Section 16 amended 11-28-2018 Effective 3-26-2019)*

### **ARTICLE III POLICE REGULATIONS**

**SECTION 1.** No person shall affix, or in any way attach any poster, handbill, notice, figure, or advertisement to, or otherwise deface any wall, fence, tree, post, building, or structure within the limits of any highway, park, or other public property in the Town.

**SECTION 2.** No person shall throw, scatter, or place, or cause or permit to be thrown, scattered or placed within the limits of any highway, park, or other public property, or in any public building, or on any private property, except with the consent of the owner thereof, any ashes, garbage, papers, glass, crockery, metal, cigars, cigarettes or matches or any other form of rubbish, refuse or waste material, or within the limits of any highway, except with the approval of the Superintendent of Streets, any rock, stone, crushed stone or gravel.

**SECTION 3.** No person, except by authority lawfully given by a public officer, shall cut, prune, or trim any trees, shrubs, or plants within the limits of any highway, path, or other public property, whether for the purpose of erecting poles and wires thereon or otherwise, without the consent in each instance of the Tree Warden, or on any private property without the consent of the owner thereof.

**SECTION 4.** No person shall pasture cattle or other animals, or tie or fasten any horse, cattle or other animal to any tree or shrub within the limits of any highway, path, or other public property.

**SECTION 5.** Every person operating or in charge of an automobile, motorcycle, or other vehicle with the limits of any highway, park, or other public property in the Town shall, upon request of any constable or police officer, forthwith move the same as directed by said officer.

**SECTION 6.** No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, park, or other public property, or on any private property, except with the consent of the owner or legal occupant thereof; provided, however, that this By-law shall not apply to the lawful defense of life or property, nor to any discharge of firearms in accordance with law.

**SECTION 7.** No person shall use any highway for any game except with the written permission of the Select Board.

**SECTION 8.** No person shall distribute or display posters, handbills, placards, pamphlets, or other advertising matter within the limits of any highway, park, or other public property in the Town, without first obtaining a written permit therefor from the Select Board.

**SECTION 9.** No person shall collect or otherwise deal in junk, old metals, or second-hand articles, without a written license granted by the Select Board and signed by the Town Clerk.

**SECTION 10.** No person shall loaf or loiter within the limits of any highway, park, or other public property after having been requested by a constable or police officer to move.

**SECTION 11.** No person shall sell, or display or advertise for sale any articles, goods, wares, or merchandise of any description whatsoever within the limits of any highway, park, or other public property without a written permit from the Select Board.

**SECTION 12.** No person shall operate a bicycle in violation of G.L. c. 85, §11B, or of any regulations issued by the Select Board with regard to the equipment and operation of a bicycle. Violations of this By-law and of any regulation of the Select Board adopted hereunder may be enforced by any available means in law or equity by the Select Board or its respective designee, and by any Police Officer of the Town of Weston; provided, further that any police officer of the Town may also, pursuant to G.L. c. 85, §11E, enforce violations of this section and of any regulations adopted hereunder by non-criminal disposition in accordance with G.L. c.40, §21D.

Penalties:

- Refusal to State Name and Address when Requested: \$50.00
- All Other Violations: \$20.00

**SECTION 13.** Construction activity shall be permitted Monday through Friday, 7:00 a.m. to 6:30 p.m. Construction activity shall also be permitted on Saturdays from 7:00 a.m. to 5:00 p.m.; provided however that such activity shall be limited to interior work only, and may be undertaken only when the home or structure is constructed to the point where such activity cannot be heard outside the home or structure. No outside construction activity shall take place on Saturdays except between the hours of 8:00 a.m. and 3:00 p.m. No outside construction activity shall take place outside the specified permitted hours or on Sundays or New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday, except as may be permitted on a case by case basis by the Chief of Police, or the Chief's designee, based on unusual circumstances.

For purposes of this By-law, the term "construction activity" shall include those activities requiring a building permit or any site preparation, seismic surveys, grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property, as well as the noise and other impacts caused by arrival on, and departure from, a site by laborers and equipment.

This By-law shall not apply to: (1) residents of the Town of Weston personally undertaking construction activities on the homes in which they reside or the property upon which such homes are located; (2) routine gardening and landscaping services; or (3) the Town of Weston acting in response to an emergency.

If construction activity occurs at a time other than during the hours authorized herein for such activity, the person found to be in violation, or the owner of, or the person with responsibility for, property on which construction activity occurs, including but not limited to a general contractor overseeing a project, shall be deemed to have violated this By-law.

This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition.”

*(Effective 5-12-2004)*  
*(Amended effective 5-18-2009)*

#### **ARTICLE IV USE OF WAYS**

**SECTION 1.** No person shall excavate or dig up any portion of the ground within the limits of any public way for the laying of wires, pipes, or conduits, or for any other purpose, or move any building along such way, or use or occupy any portion of such way for staging or other structures or for the storage of building or other materials without a written permit from the Department of Public Works. Such permit shall be in such form and for such duration as the Director of Operations may determine, and shall be upon condition that the permittee maintain suitable lanterns, danger signals, and barriers for the protection of the public, and restore such way to its original condition or to a condition approved by the Director of Operations. The Director may require that before any such permit is granted, the applicant therefor shall give a bond to the Town, in form and with sureties satisfactory to the Director, to indemnify and save harmless the Town against any and all damage, cost, and expense on account of the issuance of such permit and the work to be done thereunder, and to guarantee the proper performance and completion of said work.  
*(Effective 10-9-1997)*

**SECTION 2.** The Select Board shall have authority to make rules and regulations with regard to the excavation and use of public ways and with regard to the parking of automobiles and other vehicles upon land owned by the Town and upon highways and streets of the Town; said regulations to establish fees for permit application and inspection, and penalties for violation of said regulations.  
*(Effective 10-9-1997)*

**SECTION 3.** The Superintendent of Streets shall have authority for the purpose of removing or plowing snow, or removing ice from any public way, to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work and the owner of such vehicle shall be liable to the Town for the cost of such removal and storage charges.

**SECTION 4.** No person shall operate a motor truck or other vehicle within the limits of any highway in the town for the purpose of collecting and disposing of ashes, rubbish, garbage, or other refuse unless such truck or vehicle is supplied with a suitable cover of wood, canvas or other material satisfactory to the Select Board.

**SECTION 5.** No person, other than an employee or other person in the service of the Commonwealth of Massachusetts or the Town of Weston shall direct, discharge, dump, shovel, pile, push, blow, plow or deposit snow, ice or water under conditions where water would be subject

to freezing onto, into or across any public way, including sidewalks, or public property, or cause, direct, sanction or authorize any such activity involving snow, ice or water on a public way or public property. No person shall discharge, cause the discharge, or divert a natural flow of surface or ground water in such a manner that it will cause an icing condition on a way.

This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition.

*(Effective 5-18-2009)*

## **ARTICLE V PENALTIES**

**SECTION 1.** A violation of any Town By-law may be enforced by any means available in law or in equity. When enforced on indictment or on complaint before a district court, any person violating any provision of these By-laws shall be punished by a fine of not more than three hundred dollars for each offense.

**SECTION 2.** *Non-Criminal Disposition.*

**Section 2.1.** *Scope and Authority.*

This By-law provides for a non-criminal disposition of a violation of any Town By-law, the violation of which is subject to a specific penalty. This By-law is enacted in accordance with G.L. c. 40, §21D.

**Section 2.2.** *Enforcing Person.*

"Enforcing person," as used in this By-law, shall mean any police officer of the Town of Weston, with respect to any offense; the Fire Chief and his or her designees; the Building Inspector and his or her designees; the Public Health Director and his or her designees; the Director of Operations, Department of Public Works and his or her designees; the Sealer of Weights and Measures and his or her designees; the Dog Officer; and such other officials as the Select Board or By-law may from time to time designate, each with respect to violation of By-laws within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

**Section 2.3.** *Fines.*

Notwithstanding any other provisions of this article, when enforced pursuant to the non-criminal disposition procedures of G.L. c. 40, §21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by By-law:

- First violation: Warning
- Second violation: \$100
- Third violation: \$200
- Fourth and subsequent violations: \$300

Each day a violation exists shall constitute a separate violation

*(Effective 11-28-2008)*

## **ARTICLE VI BUILDING CODE**

*(Superseded by State Building Code)*

**ARTICLE VII  
GAS PIPING AND GAS APPLIANCES**

The Select Board shall appoint an Inspector of Gas Piping and Gas Appliances, and may appoint a Deputy Inspector to act in instances of inability of the Inspector to act. The Select Board shall fix the terms of office and the compensation, if any, of the Inspector and the Deputy Inspector.

**ARTICLE VIII  
ZONING BY-LAW**  
*(Printed separately)*  
*(Last revision effective as of May 2021)*

**ARTICLE IX  
BY-LAWS REGULATING BILLBOARDS, SIGNS  
OR OTHER ADVERTISING DEVICES**  
*(See Section VII, Zoning By-law, Printed Separately)*

**ARTICLE X  
PLANNING BY-LAW**

**SECTION 1.** *Board of Appeals.* The Board of Appeals established under the Zoning By-law, Article VIII of the By-laws, shall also act as a Board of Appeals under this By-law (Article X) pursuant to G.L. c. 41, §81I.

**SECTION 2.** *Approval of Plat.* Before approving a plat under G.L. 41, § 81F, the Planning Board shall consider and may require such provision of street development and utilities as in its opinion will justify the subdivision, and may in its discretion require a bond, with or without sureties, to be furnished to the Town in an appropriate penal sum, conditioned upon proper and reasonable performance of any such requirements.

**SECTION 3:** No building or structure within the municipal boundaries of Weston shall be connected to any sanitary sewer system in order to discharge wastewater outside the Town of Weston, and no building or structure with an existing connection to such a system shall be enlarged so as to result in an increase in its design flow capacity as defined in 310 CMR 15.203, or changed in use unless such discharge is authorized by vote of the Town, except for such discharges as may be already authorized for traditional educational uses under Section 619 of Chapter 151 of the Acts of 1996.

**SECTION 4:** Upon receipt of any request from any party for authorization by Town Meeting for discharge to a new sewer connection, or enlargement of an existing sewer connection, under Section 3, above, the Select Board shall forward such request to the Planning Board for hearing, recommendation and report. Following said hearing the Select Board shall place the request for discharge on the warrant for the next special or annual town meeting.

The Planning Board shall (1) give notice of the date, time and place of a public hearing on the request, the first of two notices being at least two weeks in advance of the hearing date, published in a newspaper of general circulation in the town, (2) specify information that must be available at least two weeks prior to the hearing date, (3) conduct the hearing and (4) make a recommendation and report to the Town Meeting at which such request is to be considered.

*(Sections 3 & 4 added effective 10-10-2002)*

**SECTION 5.** Notification of Watercourse Alteration. In a riverine situation, the Conservation Commission or Agent shall notify the following of any request received by the Conservation Commission to alter or relocate a watercourse:

- Adjacent communities
- National Flood Insurance Program (NFIP) State Coordinator
- National Flood Insurance Program (NFIP) Program Specialist

*(Section 5 added effective 5-12 2010)*

## **ARTICLE XI MATERIAL REMOVAL BY-LAW**

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

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

**SECTION 3.** The penalty for violation of this By-law shall be a fine of \$50 for the first offense, \$100 for the second offense, and \$200 for each subsequent offense.

*(Amended effective 5-09-2011)*

## **ARTICLE XII RESERVED**

## **ARTICLE XIII PARK LAND**

Any petition to the General Court for the enactment of legislation relating to the disposition of, or change in the use, care, custody, management, and control of, park land of the Town may be authorized only by a two-thirds vote at an annual or special town meeting.

## **ARTICLE XIV FIRE FIGHTER'S INDEMNIFICATION**

A majority of the members of a panel as provided for in G.L. c. 41, §100, as amended, shall exercise the powers and perform the duties specified in said Section 100 with respect to indemnification of fire fighters.

## **ARTICLE XV CONSERVATION LAND**

**SECTION 1.** The following restrictions shall be applicable to Town land under the care and management of the Conservation Commission (herein referred to as Conservation Land).

**Section 1.1.** The following activities are prohibited on Conservation Land, unless otherwise permitted in Section 1.2 of this By-law:

- i) Using paintball guns;
- ii) Swimming;
- iii) Cutting, breaking, removing, defacing, defiling, or ill-using any building, structure, fence, or sign;
- iv) Cutting, removing, defacing, or otherwise damaging trees, shrubs, flowers, fungus, grass, or other flora;
- v) Drinking alcoholic beverages;
- vi) Disturbing the peace; and
- vii) Depositing litter, yard waste, garbage, brush, excavated fill or any hazardous waste.

**Section 1.2.** The following activities are prohibited on Conservation Land without a written Use Permit from the Weston Conservation Commission:

- i) Conducting organized group events or activities;
- ii) Starting fires;
- iii) Camping overnight;
- iv) Operating cars, trucks, motorbikes, snowmobiles, or power tools; and
- v) Collecting or removing mushrooms, plants, or wood.
- vi) Cutting or removing trees for firewood or lumber, or tapping trees for their sap.

**Section 1.3.** The following activities are prohibited on Conservation Land except as expressly permitted in Weston’s Bow Hunting Regulations, promulgated by the Conservation Commission, as they may exist from time to time:

- i) Hunting or trapping;
- ii) Carrying firearms; and
- iii) Willfully disturbing or endangering wildlife.

**SECTION 2.** The Conservation Commission shall hereby be authorized to adopt rules and regulations governing the use of land and waters under its control, which rules and regulations shall address matters including but not limited to the procedure for application and issuance of a Use Permit under Article XV, Section 1.2, which process shall ensure that Conservation Land can be appropriately protected and that such a permit shall not be unreasonably withheld. It is further recognized that dog walking on Conservation Land is regulated by the provisions of Article XX of the By-laws of the Town of Weston. Notwithstanding any provision of this section to the contrary, however, the Conservation Commission shall continue to have and exercise all authority granted to said Conservation Commission in accordance with the provisions of G.L. c.40, §8C.

**SECTION 3.** Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in G.L. c. 40, §21D and Article V of the By-laws of the Town of Weston, in which case any police officer of the Town of Weston, the Conservation Commission, the Conservation Administrator, and such other persons as are authorized by the Commission shall be the enforcing person. If non-criminal disposition is used, the following fine schedule shall be applicable for any violation of this By-law, or any regulation, order or permit issued hereunder and each day a violation exists shall constitute a separate violation:

- First violation: warning

- Second violation: \$100
- Third violation: \$200
- Fourth and subsequent violations: \$300

*(Effective 8-10-2015)*

**ARTICLE XVI  
RESERVED**

**ARTICLE XVII  
COUNCIL ON AGING**

There is hereby established a Council on Aging consisting of from nine to 13 citizens of the Town, appointed by the Select Board for terms not to exceed four years for any member. Members can be reappointed for consecutive terms. Said terms shall be staggered so that after the initial appointments not more than three appointments may be made in a calendar year. Members can be reappointed for consecutive terms. The Select Board shall fill any vacancies occurring in the Council.

The duties of said Council on Aging shall be to:

- i) identify the total needs of the community's elderly population;
- ii) educate the community and enlist support and participation of all citizens concerning these needs;
- iii) design, promote, or implement services to fill these needs, or coordinate present existing services in the community;
- iv) Promote and support any other programs which are designed to assist elderly programs in the community.

Said Council on Aging shall cooperate with the Commonwealth of Massachusetts Department of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.

Said Council on Aging shall give an annual report to the Select Board with a copy of that report directed to the Commonwealth of Massachusetts Department of Elder Affairs.

Said Council may appoint such clerks and other employees as it may require.

*(Effective 7-24-1974)*

*(Effective 11-28-2008)*

*(Effective 12-18-2015)*

**ARTICLE XVIII  
OPERATION OF AMBULANCE SERVICE**

The Select Board shall have the authority to establish and waive rules and regulations governing the operation of any Town ambulance service, which rules and regulations may be concerned with the use of any ambulance, its maintenance, the qualifications and identity of those persons manning the service, the charge (if any) for the use of the service, and other reasonable restrictions and conditions applicable to the service

*(Effective 6-27-1975)*



**ARTICLE XIX**  
**TEMPORARY REPAIRS ON PRIVATE WAYS**

**SECTION 1.** Upon application to the Select Board by a majority of the abutters on a private way open to public use within the Town and in need of repair, the Select Board may approve the temporary repair and maintenance of such private way. The cost and payment procedures for said repair and maintenance shall be determined by the Town Manager.

*(Effective 11-24-2003)*

**SECTION 2.** Before ordering the temporary repairs authorized in Section 1 hereof, the Select Board shall determine that the public necessity requires the requested repairs in that the safety of the public using the road is endangered or that public services, such as police and fire vehicles and personnel, are being or may be impeded by the condition of the road.

**SECTION 3.** The temporary repairs so made shall include the filling of potholes, the elimination of road hazards (including drainage), partial resurfacing and the removal of sand from the private way, but shall not include the complete reconstruction of the road.

**SECTION 4.** No betterments shall be assessed upon any abutter to such a way for such repairs; nor shall the Town be responsible on account of damages to abutting property caused by such repairs.

*(Effective 6-25-80)*

**ARTICLE XX**  
**DOG REGULATIONS**

**SECTION 1.** The owner or keeper of a dog that is over six months old shall cause it to be licensed annually. All dogs shall be licensed by April 30 of each calendar year. Failure to do so will result in a fine of \$25 for the owner or keeper of the dog.

**SECTION 2.** No license shall be granted for any dog six months of age or older, unless the owner or keeper thereof provides a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of G.L. c. 140, §145B, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect. An exemption from the provisions of G.L. c. 140, §145B may be granted for any dog which the board of health, for a specified period of time, declared exempt upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, that inoculation is thereby deemed inadvisable, or any dog in transit, or dog brought into the town temporarily, for the sole purpose of showing in dog shows or exhibition.

**SECTION 3.** The owner or keeper of a licensed dog shall cause it to wear around its neck, or body, a collar to which shall be securely attached a tag in a form prescribed by the licensing authority and upon which shall appear the license number, the name of the Town of Weston and the year of issue. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the licensing authority.

**SECTION 4.** No fee shall be charged for a license for a service dog.

**SECTION 5.** No license fee or part thereof shall be refunded because of the subsequent death, loss, neutering, spaying or removal from the Town or other disposal of the dog, nor shall any license fee be recovered after it has been paid to the licensing authority.

**SECTION 6.** The fees for registering and licensing dogs of all types in the Town shall be established from time to time by vote of the Select Board. When application is made to license any dog found upon the public ways of the Town not currently licensed, the owner or keeper thereof shall pay a fine of \$25 to the Town as a condition to obtaining such license.

**SECTION 7. *Control of Dogs.***

**Section 7.1.** *Number of dogs.* With the exception of commercial dog walkers, persons walking more than three dogs shall have all their dogs leashed.

**Section 7.2.** *Running at large.* No owner or keeper of any dog shall permit such dog to run out of the owner's or keeper's direct control by voice or lead at any time.

**Section 7.3.** *Voice control.* Unless indicated below, a dog shall be on leash or under effective voice control of its owner or keeper while on Town-owned land. Owners or keepers shall not let their dogs out of their control or sight. When approaching persons, dogs, or horses, those walking dogs shall call their dogs to their side and keep them under control until the persons, dogs, or horses pass. Dogs shall be immediately leashed at the first sign of aggression or unruliness.

**Section 7.3.1.** Owners or keepers shall carry a leash for each dog under their control and keep each dog on leash when entering and exiting trails.

**Section 7.3.2.** *Public gatherings.* Dogs shall always be leashed at public gatherings.

**Section 7.3.3.** *Schools.* Dogs shall always be leashed on school grounds, except within a vehicle, and playing fields. Dogs shall not be allowed at all on playing fields that are enclosed by fencing. It shall not constitute a violation of this section if a dog remains unleashed in a vehicle while on school grounds.

**Section 7.3.4.** *Recreation playgrounds and playing fields.* Dogs shall be leashed on playgrounds and playing fields during organized activities, except within a vehicle. Dogs shall not be allowed at all on playing fields enclosed by fencing.

**Section 7.3.5.** *Agricultural fields.* Dogs shall not be allowed on agricultural fields where food is being grown, except to the extent that such fields are owned by the owner or keeper of the dogs.

**Section 7.3.6.** *Cemeteries.* Dogs shall not be allowed in any Town-owned cemetery for recreational purposes, but a dog may be permitted in such a cemetery when accompanying its owner or keeper for the purposes of attending a funeral or visiting a grave site. If a dog is permitted in a Town-owned cemetery for an allowable purpose, the dog shall always be leashed.

**Section 7.3.7.** *Restrictions.* Custodians of municipal property may restrict dogs from property under their respective jurisdictions following a public hearing by the posting of signs for such purposes.

The provisions of this Section shall not apply to dogs participating in any dog show, service dogs, dogs being trained or actually being used for lawful hunting, sporting or obedience purposes, nor to any dogs on private property with the permission of the property owner.

Nothing contained in the foregoing paragraph shall prevent the Select Board from passing any orders authorized by the Massachusetts General Laws or by Chapter 140, Section 157 thereof at such times as they shall deem necessary to safeguard the public.

## **SECTION 8. *Conduct of Dogs.***

**Section 8.1.** *Endangering safety.* No dog keeper or owner shall allow the dog to bite, menace (disturb), chase or threaten, all without provocation, so as to endanger the safety of any person. This section is not meant to preclude a dog from acting as a watchdog on its owner or keeper's property.

No dog owner or keeper shall allow the dog to worry, kill, maim or otherwise injure any domesticated or farm animals.

**Section 8.2.** *Disturbing the peace.* No dog keeper or owner shall allow the dog to disturb the peace by making excessive noise without provocation. For purposes of this section, noise shall be considered excessive if it constitutes uninterrupted barking, yelping, whining, or howling for a period of time exceeding 15 minutes. This section is not meant to preclude a dog from acting as a watchdog on its owner or keeper's property.

**Section 8.3.** *Damaging property.* No dog keeper or owner shall allow the dog to damage public or private property.

**Section 8.4.** *Dog litter.* Every dog keeper or owner is responsible for expeditiously removing any dog feces the dog deposits anywhere except on its owner's private property, or on other private property with the property owner's permission. Any owner or keeper walking a dog off the owner's property is required to have the means for removing any dog feces left by such dog and must properly dispose of such waste. This provision does not apply to any assistance dog while it is performing its duties.

## **SECTION 9. *Commercial Dog Walkers.***

**Section 9.1.** Except in accordance with an annual permit issued by the Select Board, or its designee, no person shall act as a commercial dog walker in the Town. For purposes of this section, a commercial dog walker shall mean a person engaged in the business of exercising or handling dogs owned by another using public land, and who receives compensation for this work. Provided, however, that this definition shall exclude elementary, middle, high school and college students providing dog walking services for a fee, but such persons shall be prohibited from exercising or handling simultaneously more than two dogs. The permit issued under the authority of this section shall be non-transferable and the fee therefor shall be non-refundable. The fee for such permit shall be established by the Select Board.

**Section 9.2.** The permit issued under this section shall be comprised of two (2) parts, a permit which the commercial dog walker shall carry upon his or her person, and a placard that shall be displayed in the commercial dog walker's vehicle. The permit shall include thereon a photograph of the commercial dog walker, and shall state the number of dogs that the

commercial dog walker is licensed to walk at any one time, provided, however, that such number shall not exceed five (5) dogs. Permits shall not be granted under this section unless the commercial dog walker: (1) agrees that they shall indemnify and hold harmless the Town of Weston from any and all loss, liability, damage or cost incurred related to the permit holder's activities or the activities of dogs under his/her care; and (2) provides evidence of commercial general liability insurance coverage in limits established by the Town, naming the Town as an additional insured. No more than three commercial dog walkers may be licensed for any one dog walking business.

**Section 9.3.** In addition to any conditions imposed by the Select Board for use of a commercial dog walker permit, the following conditions shall apply:

**Section 9.3.1.** All dog waste shall be cleaned up and properly disposed of.

**Section 9.3.2.** All dogs walked shall wear a current license and rabies tag. If the dog is too young to be licensed, the commercial dog walker shall provide, at the request of an enforcing authority, proof of vaccinations.

**Section 9.3.3.** The commercial dog walker shall carry one leash for each dog being walked. Each coupler leash used by an owner or walker shall count as multiple leashes based on the number of clips attached to the dog collars.

**Section 9.3.4.** All requirements of Section 7 shall apply to commercial dog walkers.

**Section 9.4.** *Penalties for non-compliance.*

**Section 9.4.1.** This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition. For purposes of non-criminal disposition, the Select Board or its designee, the Animal Control Officer and any police officer of the Town shall constitute an "enforcing authority."

**Section 9.4.2.** The Select Board, or its designee, may for cause suspend for a period of time or revoke a permit issued under this section following a hearing.

*(Effective 8-30-1998)*  
*(Amended 5-18-2009)*

## **ARTICLE XXI BURGLAR ALARMS**

**SECTION 1.** All burglar alarms installed or present in the Town are dependent for their primary effectiveness upon notification to and response by the Police Department shall be subject to rules and regulations adopted by the Select Board after public hearing, which rules and regulations shall set out the standards for the installation, maintenance and repair of such alarms, the administration by the Police Department of the installations and responses to the alarms, the procedures and penalties for dealing with misuse of the alarms and such other matters as are deemed reasonable and appropriate by the Select Board to the establishment and maintenance of effective systems within the Town.

**SECTION 2.** The Chief of Police of the Town and persons designated by him shall be charged with the administration of the rules and regulations so adopted.

**SECTION 3.** Such rules and regulations may be amended at any meeting, but after public hearing, by majority vote of the Select Board.

**SECTION 4.** The charges and conditions for original installation and/or connection and subsequent reinstallation and/or reconnection of an alarm shall be as set out in the rules and regulations.

**SECTION 5.** The penalty for violation of this article of the By-laws shall be fifty dollars (\$50.00). Each day during which such violation continues shall constitute a separate offense.

*(Effective 4-8-1982)*

## **ARTICLE XXII PERMANENT BUILDING COMMITTEE**

### **SECTION 1. Purpose.**

The purpose of this By-law is to provide a Permanent Building Committee having continuing responsibility for the execution of major construction and maintenance projects for the Town and for the development of a capital spending plan. Working with the Select Board, School Committee, Historical Commission, Planning Board, and other Town committees and boards which propose building and renovation projects, the Permanent Building Committee establishes general criteria for Town building projects and guidelines for communication regarding these projects between and among interested committees and the public.

### **SECTION 2. Establishment.**

There is hereby established a Permanent Building Committee, which shall oversee and supervise the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town buildings, including School Department buildings and municipal buildings, and including any significant installation, renovation or upgrade of service equipment and major systems as provided in this By-law.

### **SECTION 3. Definitions.**

For purposes of this By-law, the following definitions shall apply:

*Major maintenance* shall not include routine maintenance and upkeep of a building or other structure, or its service equipment, which is performed on a regular basis and shall include projects that are capital in nature, that is, having a useful life of five or more years and an estimated cost of more than \$50,000, or such other amount as may be established from time to time by the Town Manager subject to approval by the Select Board and School Committee, in writing addressed to the Committee.

*Construction and Demolition* shall include excavation, filling and grading of the building or project site.

*Service equipment and major systems* shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It shall not include information system technology (computers and computer systems).

*Design* includes selection of architects and consultants as needed in compliance with applicable provisions of the General Laws.

*Municipal* shall refer to public buildings that are not under the jurisdiction of the School Department.

*Proposing Body* means the Town of Weston appointed or elected board or committee sponsoring or requesting a construction or major maintenance project, or in the case of major maintenance initiated by the Permanent Building Committee itself, the board or committee whose facility would be the recipient thereof. The Proposing Body is responsible for:

- i) Determination of the program for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility's availability, and overall effect on the Town.
- ii) Performance of feasibility studies and determination of the estimated size and cost requirements of the project.
- iii) Determination of the estimated requirements for equipment and furnishings.
- iv) Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction takes place.
- v) Approval of any design change or budget reprioritization having a material impact, as determined by the Proposing Body, on the programmatic design, transitional building plans, or outcome of the project.

#### **SECTION 4. Membership.**

**Section 4.1.** *Regular Members.* The Permanent Building Committee shall consist of five (5) regular voting members, all serving without compensation. The composition of the Committee shall include, to the extent possible, one registered architect, one licensed engineer, one licensed builder and one attorney. All regular members shall be residents of the Town of Weston. All regular members shall be appointed by the Select Board and School Committee acting jointly in accordance with the following procedures:

- i) An advertisement shall be published in a newspaper having local circulation and on the Town's website inviting interested residents to submit letters of interest, including a resume setting out their professional credentials and relevant experience. The newspaper advertisement shall be published at least once not less than two weeks prior to the deadline stated therein for submission of responses stated. The website notice shall be posted and remain posted for at least two weeks prior to the deadline for submission. Letters of interest shall be submitted to the office of the Town Manager.
- ii) Interviews of candidates shall be conducted in an open meeting of the Select Board and School Committee convened in joint session.
- iii) Appointment shall be made by majority vote of the combined membership of the Select Board and School Committee.

**Section 4.2.** *Temporary Members.* For each municipal project, a temporary member who is a member or representative of the Proposing Body shall be appointed by the Select Board. For each school project, a temporary member shall be a School Committee member or designee.

Temporary members shall have the right to vote on the activities of the Permanent Building Committee only with respect to the particular project for which such member was appointed.

**Section 4.3.** *Ex Officio Members.* For each project, the Permanent Building Committee may appoint staff or other Town residents with particular expertise to advise the Committee related to that project. The Permanent Building Committee may also request the designation of Town staff with similar expertise to serve in an advisory capacity for a particular project. Any such request shall be made to the Town Manager for Town employees other than School Department personnel, and to the Superintendent for School Department personnel. The Town Manager and Superintendent shall determine the appropriate staff member in each case. Ex Officio members shall have no voting authority.

**Section 4.4.** *Term of Appointment.*

**Section 4.4.1.** Regular members shall be appointed for a three (3) year term. In making the original appointments under this By-law, the appointing authority shall designate two (2) regular members to serve for three (3) years, two (2) regular members to serve for two (2) years and one (1) regular member to serve for one (1) year. Thereafter, vacancies shall be filled for a three (3) year term. Upon expiration of a term, members shall continue to serve until a successor has been appointed and qualified.

**Section 4.4.2.** Temporary members shall be appointed to the Committee for the period of time during which the Committee is exercising its functions with respect to the project for which the original appointment was made.

## **SECTION 5. Powers and Duties of the Committee.**

In carrying out its duties and responsibilities under this By-law, the Committee shall:

- i) Oversee and supervise the design and construction of all projects within its jurisdiction, including the designer selection process for the solicitation, evaluation and recommendation of a project designer, schematic design, design development, production of construction documents, public construction bidding, contract award recommendation and construction administration in compliance with the General Laws. All projects shall be developed in a manner consistent with the project goals and physical requirements established by the Proposing Body and the applicable provisions of the General Laws. All solicitations for designer services and invitations for bids for construction shall be coordinated with the Town Manager, acting as the Chief Procurement Officer, to assure compliance with the applicable provisions of the General Laws. The Town Manager shall award and execute all designer services contracts and construction contracts.
- ii) Coordinate with other Town boards and committees:
  - a) In consultation with the Planning Board, oversee site planning for new construction and additions; such planning to include building location, roadways, parking, lighting, and general landscape design concepts.

- b) In consultation with the Public Spaces Committee, oversee plant selection, cost, and installation of landscaping for new, enlarged, or renovated building projects within its jurisdiction.
  - c) In consultation with the Historical Commission, oversee enlargement, remodeling and/or restoration of Town-owned historic buildings to insure that work is done in compliance with the Secretary of the Interior's Standards and Guidelines for Historic Preservation.
- iii) Review and report the financial requirements of all projects within its jurisdiction, or for which it may become responsible, and oversee the expenditure of funds in the course of execution of such projects.
  - iv) Conduct periodic review and audit of the physical condition of all municipal and school buildings, including service equipment and major systems.
  - v) Develop a rolling 10-year capital property management plan for the major maintenance, construction, enlargement, or replacement of all municipal and school buildings, including service equipment and major systems.
  - vi) On or about November 15 of each calendar year, prepare and present to the Select Board and to the School Committee a recommendation of major construction and/or maintenance project(s) to be undertaken by the Town in the ensuing fiscal year.
  - vii) Make an annual report of its activities and recommendations to be published in the Annual Town Report.
  - viii) The Committee shall act by majority of the regular membership except for those projects for which a temporary member has been appointed, in which case, action on such project shall be by a majority of the regular membership plus the temporary member.
  - ix) The Committee shall, subject to agreement by the Proposing Body, waive its duties and responsibilities and relinquish them to the Proposing Body in connection with projects for which design funding had been approved at Town Meeting prior to the adoption of this By-law.
  - x) The Committee may, subject to agreement by the Proposing Body, waive its duties and responsibilities with respect to any project for which it would otherwise be responsible and relinquish them to the Proposing Body.

## **SECTION 6. Policies and Procedures.**

**Section 6.1.** The Committee shall adopt local designer selection procedures consistent with the requirements of G. L. c. 7, §§38A½ - 38O.

**Section 6.2.** The Committee shall in consultation with the Select Board and School Committee adopt and make available to all boards, officers, and officials policies and procedures implementing the provisions of this Article. Said policies and procedures shall address at least the following subjects:



- i) Financial requirements and notification for each project within its jurisdiction, including the time period(s) within which information must be available for presentation to the voters at Town Meeting, if necessary.
- ii) General criteria the Committee will use in reviewing project designs, including but not limited to “green” considerations such as energy conservation.
- iii) Guidelines to be utilized by Proposing Bodies in developing the structure and content of project documentation to be utilized by the Committee in carrying out its responsibilities under this By-law.
- iv) Guidelines for the review and discussion of project progress with the Proposing Body during the design and construction thereof.
- v) Guidelines for communication with Town boards and committees, including the Finance Committee, in connection with the Committee’s periodic review and audit of building facilities.
- vi) Guidelines for presentation of projects at Town Meeting, including designation of responsibilities as between the Committee and the Proposing Body.

**Section 6.3.** Staff support for the Committee shall be provided by the Director of Facilities.

*(Effective 5-8-2006)*

## **ARTICLE XXIII SCENIC ROADS BY-LAW**

### **SECTION 1. Purpose.**

The purpose of this By-law is to maintain the scenic beauty, aesthetic value, and historic significance of certain roads in the Town of Weston by designating them as "Scenic Roads." For a road that has been designated a Scenic Road, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting down or removal of significant trees, or the tearing down, burial, relocation, or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board.

### **SECTION 2. Authority.**

The enactment of this By-law is authorized by G.L. c. 40, §15C.

### **SECTION 3. Definitions.**

In the absence of any contrary meaning established through legislation or judicial action in regard to G.L. c. 40, §15C, the following terms contained in said statute and used in this By-law shall mean and be construed as follows:

*Cutting or Removal of Trees:* cutting through or removing any of the following:

- i) one or more tree trunks having a diameter of nine (9) inches or more measured four (4) feet above the ground, or
- ii) two or more tree trunks having a diameter of six (6) inches or more measured four (4) feet above the ground, or
- iii) seven (7) or more limbs or roots of more than four (4) inch diameter where cut, on a single tree.

*Repair, Maintenance, Reconstruction or Paving Work:* any such work done within the right-of-way by any person or agency, public or private, including roadway widening and or construction of a new private driveway within the right-of-way, but not including utility work in trees not affecting the road itself.

*Road:* Any road in Weston, including a public road, private road, or paper road, other than a state highway or a numbered route, unless the entire length is of the numbered route is contained within the boundaries of Weston and no part of the numbered route is owned or maintained by the Commonwealth.

*Scenic Road:* Any eligible road or portion of a road designated as a Scenic Road by vote of Town Meeting pursuant to this By-law. The boundary of a Scenic Road shall be the right-of-way line of such road, and shall include anything touching or located on the right-of-way line.

*Significant Tree:* Any woody plant with a trunk circumference of six feet or more as measured twenty-four inches above the ground.

*Stone Wall:* Any structure of natural stones, cut or uncut, built to order, enclose, divide, or define an area, regardless of the condition of that structure.

#### **SECTION 4. *Designation of a Scenic Road.***

**Section 4.1.** *Considerations for Scenic Road Designation.* In determining which roads or portions of roads should be recommended for designation as Scenic Roads, the following criteria shall be considered:

- i) overall scenic beauty;
- ii) overarching tree canopy and other contribution of vegetation to scenic beauty;
- iii) contribution of stone walls, fences, narrow shoulders, and other elements, natural or man-made, to scenic beauty;
- iv) age and historic significance of way, trees and stone walls, including preservation of historic way width grade, and alignment; and
- v) potential for lessening of scenic beauty, aesthetic value, or historical significance of natural and man-made features by alteration.

**Section 4.2.** *Procedure for Designation of a Scenic Road.* Upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission, any road shall, upon vote of a majority of the voters present and voting at any annual or special Town Meeting, become a Scenic Road subject to the provisions hereof.

#### **SECTION 5. Procedure for Actions Affecting Scenic Road Stone Walls or Trees.**

**Section 5.1.** *Actions requiring Prior Written Approval.* Any repair, maintenance, reconstruction, or paving work to be done within the Scenic Road Boundary that will involve or include (i) cutting down or removing significant trees or (ii) tearing down, burial, relocation, or destruction of stone walls or portions thereof shall require prior written approval of the Planning Board after a public hearing.

**Section 5.2.** *Actions Which Do Not Require Prior Written Approval.*

- i) **Emergency Work:** In the event that emergency conditions require that work otherwise requiring Planning Board approval must proceed before such approval can be obtained, the work may proceed to the extent which is deemed necessary to protect

public health and safety. The work shall be reported to the Planning Board within twenty-four hours of the emergency condition.

- ii) Repair of a stone wall using natural stones and of similar appearance to the original wall does not require approval hereunder.

**Section 5.3. Determination of Scenic Road Boundary.** When a dispute as to the boundary of a Scenic Road arises, it will be presumed that the tree or stone wall in question is within the boundary until the contrary is shown by an applicant hereunder to the satisfaction of the Planning Board.

**Section 5.4. Filing.** Any person, organization, state or municipal agency, utility or any other party that desires to undertake any action that requires prior approval pursuant to Section 5.1 hereof shall file an application with the Planning Board.

**Section 5.5. Public Hearing.** The Planning Board shall schedule a public hearing as soon as is feasible after the Planning Board receives an application. The Planning Board shall give notice of its public hearing by advertising twice in a newspaper of general circulation in Weston, as to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing. Such hearing shall be consolidated with any hearing required under G.L. c. 87, §3 whenever so required.

**Section 5.6. Considerations for Planning Board Decision.** In making a decision with respect to any written request made hereunder, the Planning Board shall consider the following: preservation of natural resources; environmental issues; historical values; scenic and aesthetic characteristics; public safety; existence or absence of reasonable alternatives (including a no-build alternative); consistency with articulated town policies; other sound planning considerations.

**Section 5.7. Decision of the Planning Board.** The Planning Board shall make a determination with respect to a written request within fourteen days after the close of the public hearing. Failure of the Planning Board to make its decision and file it with the Town Clerk within the time allotted shall be construed as approval of the request.

**Section 5.8. Additional Rules and Regulations.** The Planning Board may adopt more detailed regulations for carrying out its duties under this By-law.

The following roads upon recommendation of the Planning Board, are to be designated as Scenic Roads, pursuant to G.L. c. 40, §15C, which states that a numbered route may be designated as a scenic road if “its entire length is contained within the boundaries of said city or town, and no part of said route is owned or maintained by the Commonwealth,” and Article XXIII of the General By-laws of the Town:

1. Ash Street north of reservoir bridge	11. Highland Street
2. Boston Post Road (excluding Rte. 20)	12. Hilltop Road
3. Brown Street	13. Kingsbury Lane
4. Chestnut Street	14. Lexington Street
5. Church Street	15. Lincoln Street
6. Conant Road	16. Loring Road
7. Concord Road	17. Love Lane
8. Crescent Street	18. Maple Road
9. Fiske Lane	19. Merriam Street
10. Glen Road	20. Newton Street

21. Oak Street	28. Sudbury Road
22. Pigeon Hill Road	29. Summer Street including By-Pass
23. Pine Street	30. Viles Street
24. Ridgeway Road	31. Ware Street
25. Ripley Lane	32. Webster Road
26. School Street	33. Wellesley Street
27. Silver Hill Road	34. Winter Street

*(Effective 10-26-1989)*  
*(amended effective 8-30-98 and 10-10-2002)*  
*(amended effective 5-18-2009)*  
*(amended effective 4-10-2015)*  
*(amended effective 5-7-2018)*

## ARTICLE XXIV CRESCENT STREET HISTORIC DISTRICT

**SECTION 1.** This By-law shall be known and may be cited as the Crescent Street Historic District By-law and is adopted pursuant to G.L. c. 40C, as amended, hereinafter the “Historic Districts Act.”

**SECTION 2. Purpose.**

The purpose of this By-law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and the Town of Weston or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

**SECTION 3. Historic District Boundaries.**

There is hereby established under the Historic Districts Act an historic district to be known as the Crescent Street Historic District (the "District"), comprised of land shown on the Atlas of the Town of Weston as parcels 23-57, 23-58-01, 23-58-20, 28-13, 28-14, 28-15, 28-16, 28-17, 28-18, 28-19, 28-20, and 28-21, which District's location and boundaries are shown on a map entitled "Crescent Street Historic District Map, Weston, Massachusetts, April 1993," on file with the Town Clerk and made a part of this By-law.

**SECTION 4. Historic District Commission Membership.**

There is hereby established under the Historic Districts Act with all the powers and duties of an historic district commission under such statute, a Crescent Street Historic District Commission, consisting of five (5) members to be appointed by the Select Board in accordance with the provisions of such statute. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three (3) years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. All members shall serve without compensation. The Commission shall elect annually a chair and vice-chair from its own number and a clerk from within or without its number. Three (3) members of the Commission shall constitute a quorum.

**SECTION 5. Definitions.**

*Altered:* includes the words "rebuilt," "reconstructed," "restored," "removed" and "demolished".

*Building*: a combination of materials forming a shelter for persons, animals or property.

*Certificate*: certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship as set forth in the Historic Districts Act and in this By-law.

*Commission*: the commission acting as the historic district commission.

*Constructed*: includes the words "built, erected, installed, enlarged and moved".

*Exterior architectural feature*: such portion of the exterior of a building or structure as is open to view from Crescent Street, including but not limited to the architectural style and general arrangement and setting thereof, the kind, and texture of exterior building materials and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street and to other buildings and structures.

*Historic Districts Act*: G.L. c. 40C, *et seq.*, as amended.

*Person aggrieved*: the applicant, an owner of adjoining property, an owner of property within the district as that is within one hundred (100) feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.

*Structure*: means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

## **SECTION 6. Alterations and Construction Prohibited Without Certificate.**

No building or structure within the District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

No building permit for construction of a building or structure or alteration of an exterior architectural feature within the District and no demolition permit for demolition or removal of a building or structure within the District shall be issued by the Inspector of Buildings until the Certificate required by this section has been issued by the Commission.

## **SECTION 7. Procedure for Review of Applications.**

**Section 7.1.** Any person who desires to obtain a certificate from the Commission shall file an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship. The application shall be filed in such manner and shall be accompanied by such plans, materials and their information as may reasonably be required by the Commission as set forth in its rules and regulations.

**Section 7.2.** A filing fee shall be included with all applications (except applications for a certificate of non-applicability), to be computed as follows: Twenty (\$20.00) dollars or 1/10 of one percent (.001%) of the cost of the proposed exterior renovations, whichever is higher.

**Section 7.3.** The Commission shall determine within fourteen (14) days of the filing of a completed application whether such application involves any exterior architectural feature that is within the jurisdiction of the Commission. If the Commission determines that an application does not involve any exterior architectural feature or involves an exterior architectural feature that is not subject to review by the Commission under this Article, the Commission shall issue a certificate of non-applicability.

**Section 7.4.** If the Commission determines that an application does involve an exterior architectural feature subject to review hereunder, it shall hold a public hearing on the application, except as otherwise provided hereunder. The Commission shall hold such public hearing within thirty (30) days from the date of the filing of the completed application. At least fourteen (14) days prior to the public hearing, the Commission shall give public notice of the date, time, place and purpose of the public hearing by posting it in Town Hall and in a newspaper of general circulation in Weston.

A copy of said notice shall be mailed to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Weston Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. Within forty-five (45) days after the filing of the completed application, or within such further time as the applicant may allow in writing, the Commission shall make a determination on the application. If the Commission shall fail to make a determination within such period of time, the Commission shall thereupon issue a certificate of hardship.

A public hearing on an application may be waived if all persons entitled to notice hereunder agree to such waiving in writing, or a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved is so insubstantial in its effect on the District that it may be reviewed by the Commission without public hearing on the application, provided, however, that if the Commission dispenses with a public hearing on an application, notice of the application and the waiver of the public hearing shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as above provided and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

#### **SECTION 8. Factors to be Considered by the Commission.**

In acting upon applications for a certificate of appropriateness, applicability or hardship, and in any matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. The Commission shall also consider any existing Deed Restrictions or other restrictive covenants and their effect on sites, buildings and structures within the district.

In the case of new construction or additions to existing buildings or structures the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the buildings or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by the Weston Zoning By-law.

When ruling on applications for certificates of appropriateness for solar energy systems, as defined in G.L. c. 40A, §1A, the Commission shall also consider the policy of the Commonwealth to encourage the use of solar energy systems and to protect solar access.

## **SECTION 9. Limitation and Exceptions.**

**Section 9.1.** The Commission shall not consider interior arrangements or architectural features not subject to view from Crescent Street.

**Section 9.2.** The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the district.

**Section 9.3.** The authority of the Commission shall not extend to review of one or more of the following categories of buildings or structures or exterior architectural features in the district:

- i) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify;
- ii) Terraces, walks, driveways and similar structures, or any one or more of them, provided that any structure is substantially at grade level;
- iii) Storm doors and windows, screens and window air conditioners;
- iv) Exterior colors, including the color of paint and the color of materials used on roofs;
- v) Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and, if illuminated, is illuminated only indirectly; and one sign in connection with the nonresidential use of each building or structure, which is not more than twelve square feet in area, consisting of letters painted on wood without symbol or trademark and, if illuminated, is illuminated only indirectly; or either of them.
- vi) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

**Section 9.4.** The Commission may determine from time to time after public hearing that certain other categories of exterior architectural features, structures or signs in addition to any of those enumerated in this Section, may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this Article.

**Section 9.5.** Nothing in this By-law shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the district, which does not involve a change in design, material, or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this By-law.

## **SECTION 10. Issuance of Certificate of Appropriateness; Certificate of Non-Applicability; Certificate of Hardship.**

**Section 10.1.** *Certificate of Appropriateness.* If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the district, the Commission shall cause a certificate of appropriateness to be issued to the applicant.

In the case of a disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reasons for such determination, and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within fourteen days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.

**Section 10.2.** *Certificate of Non-Applicability.* The Commission shall issue a certificate of non-applicability to an applicant in any case where the Commission determines that the construction or alteration under review does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with this By-law.

An applicant can apply for a certificate of non-applicability or the Commission can issue such a certificate of non-applicability in the event of an application for a certificate of appropriateness.

**Section 10.3.** *Certificate of Hardship.* The Commission may issue a certificate of hardship in a case where the Commission determines that owing to conditions especially affecting the building or structure involved but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and approval thereof may be made without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this By-law.

An applicant can apply for a certificate of hardship or the Commission can issue such a certificate of hardship in the event that it determines that the construction or alteration for which a certificate of appropriateness has been filed is inappropriate and the other conditions for a certificate of hardship set forth herein have been met.

The Commission shall also issue a certificate of hardship in the event the Commission fails to make a determination of an application within the time specified in this By-law.

## **SECTION 11. Other Power and Duties of the Commission.**

**Section 11.1.** Each certificate issued by the Commission shall be dated and signed by its chair, vice-chair, secretary or such other persons designated by the Commission to sign such certificate on its behalf.



**Section 11.2.** The Commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this Article and the Historic Districts Act, and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.

**Section 11.3.** The Commission shall file with the Town Clerk and with the Inspector of Buildings a copy or notice of all certificates and determinations of disapproval issued by it.

**Section 11.4.** The Commission may, after public hearings, set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of the District and a roster of roofing materials, which will meet the requirements of the District, but no such determination shall limit the right of an applicant to present other designs to the Commission for its approval.

**Section 11.5.** The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work. The Commission may receive and accept appropriations, grants and gifts for furthering the purposes of this By-law and may expend the same for such purposes.

**Section 11.6.** Meetings of the Commission shall be held at the call of the chair and shall be called at the request of two members of the Commission and in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. The concurring vote of a majority of the members of the Commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

## **SECTION 12. Severability.**

In case any section, paragraph or part of the By-law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

## **SECTION 13. Appeals to and Enforcement by the Superior Court.**

All appeals from any determination of the Commission shall be to the Massachusetts Superior Court. Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, appeal to the Superior Court of Middlesex County, in accordance with the provisions of the Historic Districts Act.

Whoever violates any of the provisions of this By-law shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

*(Effective 9-23-1993)*

## **ARTICLE XXV DOOR-TO-DOOR SOLICITATION**

### **SECTION 1. Purpose.**

This By-law, adopted pursuant to G.L. c. 43B, §13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements for all persons intending to engage in door-to-door canvassing or solicitation in the Town of Weston in

order to (1) protect its citizenry from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

## **SECTION 2. Registration.**

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Weston must register with the Police Department at least three (3) days in advance by filing a registration application form with the Chief of Police.

## **SECTION 3. Registration Cards.**

**Section 3.1.** The Police Chief shall furnish each person engaged in solicitation or canvassing with a registration card which shall contain identifying information as required by the Police Chief.

**Section 3.2.** Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person solicited or upon request of any police officer.

**Section 3.2.** Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than ninety (90) days.

**Section 3.3.** The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this By-law within the previous two-year period, or who has been convicted of any crime affecting personal safety.

## **SECTION 4. Exceptions.**

**Section 4.1.** Registration shall not be required for officers or employees of the Town, county, state or federal governments when on official business.

**Section 4.2.** Individual registration shall not be required for minors under the age of eighteen (18) except in connection with for-profit, commercial activity.

## **SECTION 5. Duties of Solicitors.**

**Section 5.1.** Any solicitor or canvasser who has entered any premises shall immediately, and peacefully, depart from the premises when requested to do so by the occupant.

**Section 5.2.** Immediately upon entering any premises, the solicitor or canvasser must do the following:

- i) Present his registration card for inspection by the occupant.
- ii) Request that the occupant read the registration card.
- iii) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.

**Section 5.3.** It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to the area(s) of the Town in which they will be operating.

#### **SECTION 6. Penalty.**

**Section 6.2.** Any person or organization violating any of the provisions of this By-law shall be subject to a fine of twenty dollars (\$20) for each offense.

**Section 6.3.** Any person or organization who violated any provision of this By-law, or who knowingly provides false information on the registration application, shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

#### **SECTION 7. Appeals.**

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Select Board. Such appeal must be filed within ten (10) days after receipt of the notice of denial or revocation. The Select Board shall hear and determine the appeal within thirty (30) days after the filing of the written notice of appeal.

#### **SECTION 8. Severability.**

Invalidity of any individual provision of this By-law shall not affect the validity of the By-law as a whole.

*(Effective 9-23-1993)*

### **ARTICLE XXVI DEMOLITION DELAY**

**SECTION 1. Intent and purpose.** The Demolition Delay By-law is enacted for the purpose of preserving and protecting significant buildings within the Town of Weston which are outside Local Historic Districts. Such buildings reflect distinctive features of the architectural, cultural, economic, political or social history of the Town, and their preservation promotes the public welfare by making the Town a more attractive and desirable place to live and work.

The intent of the By-law is not to permanently prevent demolition, but rather, to provide an opportunity to develop preservation solutions for properties threatened with demolition. The By-law is intended to encourage owners and townspeople to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them, and to limit the detrimental effect of demolition on the historical architectural resources of the Town. To achieve these purposes, the Weston Historical Commission (“the Commission”) is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings, and, where appropriate and consistent with the intent and purpose of this By-law, to allow demolition under conditions designed to minimize the loss of distinctive features of significant buildings.

#### **SECTION 2. Definitions.**

*Building:* any combination of materials forming a shelter for persons, animals, or property.

*Demolition:* any act of pulling down, destroying, removing, razing or moving a building or any portion thereof, or commencing the work of moving or of total or substantial destruction of a building or portion thereof, with the intent of completing the same.

*Significant Building:* any building or portion thereof which in whole or in part was constructed by 1945, or is of unknown age, and which meets one or more of the following three criteria:

- i) is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or
- ii) is included within a “significant area” or “further study area” inventoried or outlined by the Commission in the 1993-1994 Historical Resources Survey; or
- iii) is documented on a Cultural Resources Inventory form prepared by the Commission;

and, in addition, is determined by vote of the Commission to be of historical or architectural significance by reason of period, style, method or building construction, or by reason of its association with a particular architect, or a builder, or with a person or event of importance to the Town’s history.

*Commission:* the Weston Historical Commission.

*Business Day:* any day which is not a legal municipal holiday, Saturday or Sunday.

### **SECTION 3. Procedure.**

**Section 3.1.** No demolition of a building, or any portion of a building, which was in existence as of January 1, 1945 or which is of an indeterminate age, shall be permitted except in conformity with the provisions of this By-law.

**Section 3.2.** Upon receipt of an application for a demolition permit for any building, or portion thereof, which was in existence as of January 1, 1945 or which is of indeterminate age, the Building Inspector shall forward a copy thereof to the Commission within five (5) business days, and shall notify the applicant in writing of this action. No demolition permit shall be issued at that time.

**Section 3.3.** Within twenty-one (21) business days of its receipt of a copy of an application for a demolition permit, the Commission shall make an Initial Determination as to the significance of the subject building. The Initial Determination shall be positive if the building, or a portion thereof, meets one or more of criteria (i) through (iii) of the above definition of “Significant Building.” Otherwise, the Initial Determination shall be in the negative. The Commission shall notify the applicant of the meeting at which it intends to make its Initial Determination at least seven (7) days in advance of said meeting, and the applicant shall be given an opportunity to make a presentation to the Commission.

**Section 3.4.** The Commission shall notify the Building Inspector and the applicant in writing within ten (10) business days of its Initial Determination. If the Initial Determination is in the negative, or if the Commission fails to notify the Building Inspector of its Initial Determination within the said ten (10) business days, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable law, By-laws, rules and regulations, issue a demolition permit.

**Section 3.5.** If the Commission’s Initial Determination is positive, the Commission shall, within thirty (30) days of its Determination, conduct a public hearing to determine whether the Significant Building is preferably preserved; the Commission shall give public notice of said hearing by publishing notice of the time, place, and purpose of the hearing in a newspaper of

general circulation in the Town twice, the first notice to be published at least fourteen (14) days before the hearing and the second notice no more than seven (7) days before the hearing, and by mailing a copy of said notice to the applicant, to the owner of the premises on which the Significant Building is located (if other than the applicant) to the owners of all property within three hundred feet of the premises on which the Significant Building is located as appearing on the most recent tax list, and to such other persons as the Commission shall deem entitled to notice.

**Section 3.6.** If, after a public hearing, the Commission determines that demolition of the Significant Building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the applicant, the owner, if other than the applicant, and the Building Inspector, in writing, within ten (10) business days of such determination. Upon receipt of such notice, or upon the expiration of ten (10) business days from the date of the close of the Commission's public hearing, without having received any notification from the Commission, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, By-laws, rules and regulations, issue a demolition permit for the subject building.

**Section 3.7.** If, after the public hearing, the Commission determines that demolition of the Significant Building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered to be a preferably preserved building, and the Commission shall so advise the applicant, the owner if other than the applicant, and the Building Inspector, in writing, within (10) business days, and no demolition permit shall be issued until twelve months after the date of such determination by the Commission.

**Section 3.8.** During the twelve (12) months delay period following the Commission's determination that a building is to be considered preferably preserved, the Commission shall notify the Massachusetts Historical Commission, the Town Planner, and any other interested party in an effort to obtain assistance in obtaining preservation funding or in finding an adaptive use of the building which will result in its preservation.

**Section 3.9.** Notwithstanding the preceding paragraphs, the Building Inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect that:

- i) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
- ii) the Commission is satisfied that for at least twelve months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful;
- iii) the Commission has determined that the proposed moving or demolition may be conducted in a specified manner so as not to be detrimental to the historical or architectural heritage or resources of the Town.

#### **SECTION 4. Responsibilities of the Owner.**

Once a Significant Building is determined to be a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to so secure the building, a subsequent destruction of the building at any time during the twelve months demolition delay period, which destruction could have been

prevented by the required security measures, shall be considered a demolition in violation of this By-law.

**SECTION 5. Emergency Demolitions.**

Notwithstanding the following provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.

No provision of this By-law is intended to conflict with or abridge any obligations or rights conferred by G.L. c. 143, *et seq.*, regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of said Chapter 143 shall control.

**SECTION 6. Historic Districts Act.**

Nothing in this By-law shall be deemed to conflict with the provisions of the Historic Districts Act, G.L. c. 40C, with respect to requirements of notice, hearing and issuance by the Commission of a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship prior to demolition of any building in an historic district.

**SECTION 7. Enforcement and Remedies.**

**Section 7.1.** Except as provided below, whenever a significant building or any portion thereof has been voluntarily demolished in violation of this By-law, and for a period of two years after the date of completion of such demolition, no building permit shall be issued with respect to any premises upon which such demolition has occurred. As used herein, “premises” includes the parcel of land upon which the demolished significant building was located.

**Section 7.2.** Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this By-law better serves the intent and purpose of this By-law, it may, prior to the expiration of said period of two (2) years, but no sooner than six (6) months from the date of completion of any demolition in violation of this By-law, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this By-law, and may so notify the Building Inspector pursuant to Section VIII of this By-law.

**SECTION 8. Severability.**

If any section, paragraph or part of this By-law for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

*(Effective 8-30-1998)*  
*(amended effective 3-15-2000)*  
*(amended effective 8-10-2015)*

**ARTICLE XXVII  
STORMWATER AND EROSION CONTROL**

**SECTION 1. Purpose.**

The purpose of this By-law is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and

procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This By-law seeks to meet that purpose through the following objectives:

**Section 1.1.** Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates.

**Section 1.2.** Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.

**Section 1.3.** Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics where appropriate in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.

**Section 1.4.** Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of storm water runoff; establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.

**Section 1.5.** Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.

**Section 1.6.** Encourage the use of nonstructural stormwater management, better site design practices or “low-impact development practices”, such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.

**Section 1.7.** Promote water conservation through the re-use of stormwater for irrigation.

**Section 1.8.** Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.

**Section 1.9.** Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.

**Section 1.10.** Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.

**Section 1.11.** Establish provisions to ensure there is an adequate funding mechanism for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this By-law.

**Section 1.12.** Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; Establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.

**Section 1.13.** Ensure that construction and waste materials, toxic materials, hazardous materials, and other pollutants are prevented from mixing with stormwater runoff, which would degrade water quality.

**Section 1.14.** Establish the Town of Weston's legal authority and capacity to ensure compliance with the provisions of this By-law through funding, permitting, inspection, monitoring, and enforcement.

Nothing in this By-law is intended to replace the requirements of the Town of Weston Zoning By-law, the Mass Wetlands Protection Act, the Town of Weston General By-law, any other By-law that may be adopted by the Town of Weston, or any Rules and Regulations adopted there under.

## **SECTION 2. Definitions.**

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

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

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



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

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

*Disturbance of Land (Land Disturbance):* any action causing any removal of vegetation including tree and brush clearing; importation, removal or redistribution of soil, sand, rock, gravel or similar earth material. (Amendment effective 5-12-2014)

*Existing Lawn:* Grass area which has been maintained and mowed in the previous two (2) years. (Amendment effective 5-12-2014)

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

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

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

*Massachusetts Stormwater Management Standards:* The latest version as may be amended from time to time of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, G.L. c. 131, §40, and the Massachusetts Clean Waters Act, G.L. c. 21, §§26-53, as these laws may be amended from time to time. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

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

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

*Normal Maintenance:* Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species,

pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

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

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

*Recharge:* The replenishment of underground water reserves.

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

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

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

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

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

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

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

### **SECTION 3. Authority.**

This By-law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution Article LXXXIX, and the Home Rule Procedures Act, G.L. c. 43B, *et seq.*, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34, and as authorized by the residents of the Town of Weston at Town Meeting dated May 10, 2011.

## **SECTION 4. Applicability.**

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

**Section 4.1.** For projects not subject to Site Plan Approval, Definitive Subdivision or Special Permit Approval from the Planning Board, this By-law shall be applicable to all new development and redevelopment, land disturbance and any other activity that may result in an increased amount of stormwater runoff or pollutants, or changes to drainage characteristics causing an increase in runoff, flowing from a parcel of land, unless exempt pursuant to Section 5 of this By-law. This By-law shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this By-law, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in Section 4.2 and are not exempted by Section 5. A development shall not be segmented or phased in a manner to avoid compliance with this By-law.

**Section 4.2.** *No Permit Required.* For activities listed below, no permit shall be required by the SWPA provided that erosion control measures are used and the activity will not result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.

- i) Land Disturbance not to exceed five thousand (5,000) square feet in area other than work described in Section 4.2 and Section 4.3.1 of this By-law.
- ii) The creation of new impervious area, or expansion of existing impervious area, not to exceed seven hundred fifty (750) square feet.
- iii) Repair, replacement or reconstruction of an existing driveway.
- iv) Restoration of existing lawn areas provided that any imported material is spread at a thickness no greater than four inches and the total imported material does not exceed 250 cubic yards.
- v) The addition or on-site redistribution of up to two hundred fifty (250) cubic yards of material.
- vi) Demolition of a structure provided that any land disturbance, including the area of the structure, does not exceed five thousand (5,000) square feet.
- vii) Routine maintenance and improvement of institutional, open space, and recreational uses, provided that an annual letter or plan is filed with and approved by the SWPA describing the work to be done.

*(Subsection 7 added effective 5-12-14)*

**Section 4.3.** *Stormwater Management Permit Thresholds.* A Stormwater Management Permit shall be required for any of the following, except for an activity exempt per Section 5 of this By-law:

**Section 4.3.1.** *Minor Permit.*

- i) The creation of new impervious area, or expansion of existing impervious area, greater than seven hundred fifty (750) square feet and not exceeding two thousand five hundred (2,500) square feet.
- ii) Repair, replacement, expansion of septic systems provided the work does not exceed the thresholds in Section 4.3.2 (iv) of this By-law.
- iii) The addition or on-site redistribution of more than two hundred fifty (250) cubic yards, but not exceeding five hundred (500) cubic yards, of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

**Section 4.3.2. Major Permit.**

- i) Construction of any new dwelling or new dwelling replacing an existing dwelling in conformance with Article VIII, Section V.B.1.a and Section V.C.1.a of the Weston Zoning By-laws;
- ii) Any land disturbance exceeding an area of five thousand (5,000) square feet, or more than twenty (20%) percent of a parcel or lot, whichever is less, other than activities described in section 4.2(iv) of this By-law.
- iii) Creation of new impervious surface area greater than two thousand five hundred (2,500) square feet.
- iv) The addition or on-site redistribution of more than five hundred (500) cubic yards of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.
- v) Reconstruction of public or private way.
- vi) Reconstruction or replacement of existing non-residential parking lots, including associated driveways, greater than two thousand five hundred (2,500) square feet.

**SECTION 5. Exemptions.**

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

**Section 5.1.** Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04 (“Agricultural”) and the conversion of additional land to agricultural use, when undertaken in such a manner as to prevent erosion and siltation through the use of Best Management Practices recommended by the U.S. Department of Agriculture Natural Resources Conservation Service or the Massachusetts Department of Agricultural Resources.

**Section 5.2.** Any work or projects for which all necessary approvals and permits were issued before the effective date of this By-law.

**Section 5.3.** Normal maintenance of existing landscaping, gardens or lawn areas.

**Section 5.4.** Construction of any fence that will not alter existing terrain or drainage patterns.

**Section 5.5.** Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.

**Section 5.6.** Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility that poses a threat to public health or safety, designated by the SWPA. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission.

**Section 5.7.** The maintenance or resurfacing (not including reconstruction) of any public or private way.

## **SECTION 6. Administration.**

**Section 6.1.** The Select Board shall be the appointing authority for the Stormwater Permitting Authority. The Stormwater Permitting Authority is responsible for the administration, implementation, and enforcement of this By-law. Meetings of the Stormwater Permitting Authority shall be subject to the Massachusetts Open Meeting Law, G.L. c. 30A, §§18-25.

**Section 6.2.** *Stormwater Permitting Authority (SWPA).* The SWPA shall consist of five (5) members, four (4) of whom shall permanently be the Town Engineer, the Town Planner, the Conservation Administrator, and the Public Health Director. One (1) member shall be a resident of the Town of Weston and possess a degree in landscape architecture, environmental or civil engineering or environmental science appointed by the Select Board serving a (3) year term. The SWPA shall administer, implement and enforce this By-law. Any powers granted to or duties imposed upon the SWPA may be delegated in writing by the SWPA to any Town employee, board or agent.

**Section 6.3.** *Stormwater & Erosion Control Regulations (“Regulations”).* The SWPA may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this By-law after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the SWPA to promulgate such rules and regulations or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this By-law.

**Section 6.4.** *Massachusetts Stormwater Handbook.*

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

**Section 6.5.** *Stormwater Management Permit.*

The SWPA shall have the authority to issue a Stormwater Management Permit (SMP) for projects exceeding the thresholds defined in Section 4.3 of this By-law and not otherwise exempted by Section 5. Requirements of the SMP may be defined and included within the Regulations promulgated pursuant to Section 6.3 of this By-law.

**Section 6.6.** *SWPA Approval Process.*

**Section 6.6.1.** *Action by SWPA.*

- i) *Determination of Completeness:* The SWPA shall review the application submission and issue a determination stating whether the application is complete and whether it complies with the Design Standards established in the Stormwater Rules and Regulations, as may be waived in accordance with Section 6.8. of this By-law.
- ii) *Incomplete Applications:* If the SWPA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the SWPA may require the submission of additional information and/or disapprove the application and deny the Permit.
- iii) Applications deemed to be complete and in compliance with Design Standards. Each application for a Stormwater Management Permit that complies with the Regulations, and is determined to be a complete application by the SWPA shall be acted upon within thirty (30) days of the date of filing with the SWPA, unless such application has been withdrawn from consideration. The SWPA may:
  - a) Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-law;
  - b) Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-law; or
  - c) Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-law.
- iv) Applications not in compliance with Design Standards.
  - a) For applications where the SWPA has determined that the Design Standards are not met, the Applicant may appeal the determination and request a public hearing with the SWPA to consider the application or resubmit the application demonstrating compliance.
  - b) For applications where the Design Standards cannot be met due to site conditions or the applicant wishes to propose an alternative design not consistent with the Design Standards, the applicant may immediately request a public hearing with the SWPA.

**Section 6.6.2.** *Public Hearing Process.*

- i) A public hearing is required for all Minor and Major Stormwater Management Permits (SMP) where design standards cannot be met. Minor Permits and Major Permits that meet design standards shall not require a public hearing. Public hearings shall be published in a newspaper of general circulation for two (2) consecutive weeks. The first publication date shall be published not less than fourteen (14) days before the day of the hearing. A copy of the hearing notice shall be posted in the Office of the Town Clerk for a period of not less than fourteen (14) days before the date of the hearing. Copies of the notice shall be mailed, postage prepaid, to the applicant, property owner (if different) and to direct abutters and owners of land directly opposite on a public or private way as they appear on the most recent Assessor's list.

- ii) The SWPA may take any of the following actions following the close of the public hearing for an application for a Stormwater Management Permit:
  - a) Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-law;
  - b) Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-law; or
  - c) Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-law.

**Section 6.7.** *Appeals of Action by the SWPA.* A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under this By-law shall be to a court of competent jurisdiction.

**Section 6.8.** *Waivers.* The SWPA may waive strict compliance with any of the requirements of this By-law or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action is:

- i) Allowed by federal, state and local statutes and/or regulations,
- ii) In the public interest, and
- iii) Not inconsistent with the purpose and intent of this By-law.

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

## **SECTION 7. Performance Standards.**

Criteria for Stormwater Management Standards shall be defined and included as part of any Rules and Regulations promulgated under Section 6.3 of this By-law.

## **SECTION 8. Enforcement.**

**Section 8.1.** The SWPA, or an authorized agent of the SWPA, shall enforce this By-law, and any Regulations, permits orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.

**Section 8.2.** If a person violates the provisions of this By-law or its Regulations, or a permit, notice or order issued there under, the SWPA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.

**Section 8.3.** The SWPA, or an authorized agent of the SWPA, may issue a written order to enforce the provisions of this By-law or the Regulations, which may include requirements to:

- i) Cease and desist from land-disturbing activity until there is compliance with the By-law or provisions of an approved Stormwater Management Permit;
- ii) Maintain, install or perform additional erosion and sediment control measures;
- iii) Perform monitoring, analyses, and reporting;
- iv) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
- v) Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems; and,
- vi) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems.

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

**Section 8.4.** *Criminal Penalties.* Any person who violates any provisions of this By-law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than three hundred (\$300). Each day a violation exists shall constitute a separate violation.

**Section 8.5.** *Non-Criminal Disposition.* As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in G.L. c. 40, §21D and Article V of the Town By-laws, in which case any police officer of the Town of Weston, the Town Engineer, and such other persons as are authorized by the SWPA shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this By-law, regulation, order or permit issued thereunder, shall be punished as follows:

- First Violation: Warning
- Second violation: \$100
- Third violation: \$200
- Fourth and subsequent violations: \$300
- Each day a violation exists shall constitute a separate violation

**Section 8.6.** *Remedies Not Exclusive.* The remedies listed in this By-law are not exclusive of any other remedies available to the SWPA or the Town under any applicable federal, state or local law.

## **SECTION 9. Severability.**

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



**SECTION 10. Effective Date.**

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

*(Effective 11-3-2011)*  
*(Effective 11-12-2003)*  
*(Amended 5-08-2006)*  
*(Amended 5-12-2010)*  
*(Amended 5-9-2011)*

**ARTICLE XXVIII  
WATER CONSERVATION**

**SECTION 1. Authority.**

This By-law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to G.L. c. 40, §21 and implements the Town’s authority to regulate water use pursuant to G.L. c. 41, §69B. This By-law also implements the Town’s authority under G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

**SECTION 2. Purpose.**

The purpose of this By-law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency, by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town, by the Department of Environmental Protection or by the MWRA.

**SECTION 3. Definitions.**

*Agriculture* shall mean farming in all its branches and agriculture, as defined in G.L. c. 128, §1A.

*Outdoor watering* shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

*Person* shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

*State of Water Supply Emergency* shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under G.L. c. 21G, §§15-17

*State of Water Supply Conservation* shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this By-law.

*Water Users* or *Water Consumers* shall mean all persons using water from the Town’s public water source irrespective of that person’s responsibility for billing purposes for use of the water.

#### **SECTION 4. Declaration of State of Water Supply Conservation.**

The Town, through its Select Board authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that the distribution system is nearing capacity and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this By-law before it may be enforced.

#### **SECTION 5. Restricted Water Uses.**

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- i) *Odd/Even Day Outdoor Watering*: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- ii) *Outdoor Watering Method Restriction*: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- iii) *Outdoor Watering Ban*: Outdoor watering is prohibited.
- iv) *Outdoor Watering Hours*: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- v) *Swimming Pools*: Filling and topping off of swimming pools is prohibited.
- vi) *Automatic Sprinkler Use*: The use of automatic sprinkler systems is prohibited.
- vii) *Car washing*: Car or vehicle washing is prohibited.

#### **SECTION 6. Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP.**

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department or MWRA shall be provided by furnishing a copy of the Notice to two (2) radio and up to two (2) television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under Section 5 of this By-law or in the Department declaration of emergency or order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection and MWRA at the same time that notification is given.

#### **SECTION 7. Termination of State of Water Supply Conservation; Notice.**

A State of Water Supply Conservation may be terminated by a majority vote of the Select Board upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

**SECTION 8. State of Water Supply Emergency; Compliance with DEP US.**

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection or MWRA, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

**SECTION 9. Penalties.**

The Town, through its Public Works Director, Water Superintendent, building inspector or local police may enforce this By-law. Any person violating this By-law shall be liable to the Town in the amount of \$50.00 for the first violation and one hundred (\$100) dollars for each subsequent violation. Fines shall be recovered by indictment, by complaint before the District Court, or by non-criminal disposition in accordance with G.L. c. 40, §21D.

**SECTION 10. Severability.**

The invalidity of any portion or provision of this By-law shall not invalidate any other portion or provision thereof.

**SECTION 11. Exemptions.**

The water use restrictions adopted under this By-law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- i) Commercial agriculture;
- ii) Water to sustain animal life;
- iii) Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- iv) Commercial car or vehicle washing facilities.

Requests for exemptions shall be made in writing to the Department of Public Works.

*(Effective 11-12-2003)*

**ARTICLE XXIX  
COMMUNITY PRESERVATION COMMITTEE**

**SECTION 1. Establishment.**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L. c. 44B, §5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:

- i) One (1) member of the Conservation Commission as designated by the Commission;
- ii) One (1) member of the Historical Commission as designated by the Commission;
- iii) One (1) member of the Affordable Housing Trust Board of Trustees as designated by the Board;
- iv) One (1) member of the Planning Board as designated by the Board;

- v) One (1) individual with interest and/or expertise in parkland to be appointed by the Select Board;
- vi) Four (4) Weston residents to serve at large, appointed by the Moderator.

Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Said term of office will commence on July 1. From time to time the Committee shall elect a chair from its members. Vacancies shall be filled by the respective appointing authorities to fill the remainder of the three-year appointment to the Community Preservation Committee.

Should any of the officers and commissions, boards, or committees who have appointing authority under this By-law be no longer in existence for whatever reason, the Select Board shall appoint a suitable person to serve in their place.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

*(Effective: 5-12-2004)*  
*(Effective 5-18-2009)*  
*(Effective/voted STM Fall 2016)*

**SECTION 2. Duties.**

**Section 2.1.** The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

**Section 2.2.** The Community Preservation Committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

**Section 2.3.** The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

**Section 2.4.** In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than ten (10%)

percent of the annual revenues in the Community Preservation Fund for each of (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

**SECTION 3. Requirement for Quorum and Cost Estimates.**

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, G.L. c.30A, §§18-25. The Committee shall not meet or conduct business without the presence of a majority of the members of the Committee. The Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the Committee’s anticipated costs.

**SECTION 4. Exemptions.**

Taxpayers qualifying for the low-income exemption or the low and moderate-income senior exemption as provided for in the Act and approved by the voters, shall submit an application for the exemption, on a form provided by the Assessors, within three months after the bill or notice is sent.

*(Effective 5-15-2002)*

**SECTION 5. Amendments.**

This By-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B, *et seq.*

**SECTION 6. Severability.**

In case any section, paragraph or part of this By-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

**SECTION 7. Effective Date.**

Provided that this By-law is accepted at the 2001 Annual Town Meeting, this By-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c. 40, §32 have been met.

*(Effective 5-7-2001)*

**ARTICLE XXX  
FARM PRESERVATION**

**SECTION 1. Legislative Purpose and Intent.**

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Massachusetts Constitution, and all state statutes and regulations thereunder including but not limited to G.L. c. 40A, §3, Paragraph 1; G.L. c. 90, §9; G.L. c. 111, §125A; and G.L. c. 128, §1A. We the citizens of Weston restate and republish these rights pursuant to the Town’s authority conferred by Article LXXXIX of the Articles of Amendment of the Massachusetts Constitution (“Home Rule Amendment”).

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Weston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

**SECTION 2. Definitions.**

“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest

products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

*(Amendment Effective 9-11-2012)*

### **SECTION 3. Right To Farm Declaration.**

The Right to Farm is hereby recognized to exist within the Town of Weston. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

### **SECTION 4. Disclosure Notification.**

Not later than twenty-one (21) days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Weston, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Select Board or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

### **SECTION 5. Resolution of Disputes.**

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, in accordance with statute and appropriate By-laws and regulations of the Town. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board shall forward a copy of the grievance to the Agricultural Commission or its agent, which

shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

**SECTION 6. Severability Clause.**

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Weston hereby declares the provisions of this By-law to be severable.

*(Effective 5-15-2005)*

**ARTICLE XXXI  
ILLICIT DISCHARGE**

**SECTION 1. Purpose.**

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the Town of Weston municipal storm drain system is necessary for the protection of the town's water bodies and groundwater and to safeguard the public health, safety, welfare and the environment.

- i) The objectives of this By-law are:
  - a) to prevent pollutants from entering Weston's municipal separate storm sewer system (MS4);
  - b) to prohibit illicit connections and unauthorized discharges to the MS4;
  - c) to require the removal of all such illicit connections;
  - d) to comply with state and federal statutes and regulations relating to stormwater discharges; and
  - e) to establish the legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

**SECTION 2. Definitions.**

For the purposes of this By-law, the following shall mean:

*Authorized Enforcement Agency:* The Select Board or other employees or agents designated by the Select Board.

*Clean Water Act:* The Federal Water Pollution Control Act (33 U.S.C. §1251, *et seq.*) as hereafter amended.

*Discharge of Pollutants:* The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

*Groundwater:* Water beneath the surface of the ground and not confined in a conduit or container.

*Illicit Connection:* A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this By-law.

*Illicit Discharge:* Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

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

*National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges:* A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of stormwater to waters of the United States.

*Non-Stormwater Discharge:* Discharge to the municipal storm drain system not composed entirely of stormwater.

*Person:* Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-laws, administrative agency, public or quasi-public corporation or body, the Town of Weston, and any other legal entity, its legal representatives, agents, or assigns.

*Pollutant:* Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to, the following:

- i) paints, varnishes, and solvents;
- ii) oil and other automotive fluids;
- iii) non-hazardous liquid and solid wastes and yard wastes;
- iv) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- v) pesticides, herbicides, and fertilizers;
- vi) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- vii) dissolved and particulate metals;
- viii) animal wastes;
- ix) rock, sand, salt, soils;
- x) construction wastes and residues; and
- xi) noxious or offensive matter of any kind.



*Process Wastewater:* Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product. Process wastewater includes water which has increased in temperature as a result of manufacturing or other processes.

*Stormwater/Runoff:* Rainwater, snowmelt and/or other water that flows off surfaces and across or over the ground surface rather than being absorbed into the soil.

*Surface Water Discharge Permit:* A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

*Toxic or Hazardous Material or Waste:* Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. cc. 21C and 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

*Watercourse:* A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

*Wastewater:* Any sanitary waste, sludge, or septic tank or cesspool contents or discharge, and/or process wastewater.

*Waters of the Commonwealth:* All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

### **SECTION 3. Applicability.**

This By-law shall apply to flows entering the municipally owned storm drainage system.

### **SECTION 4. Authority.**

This By-law is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, and the Home Rule Procedures Act, G.L. c. 43B, *et seq.*, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

### **SECTION 5. Administration.**

The Select Board is delegated hereby the responsibility and authority to administer, implement and enforce this By-law. The Select Board may appoint the DPW Director or the Town Engineer or such other town employee as the Select Board may from time-to-time determine and designate in writing to aid the Select Board in the enforcement and/or administration of the By-law (herein referred to as Authorized Enforcement Agency).

**Section 5.1.** *Entry to Perform Duties Under this By-law.* To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town Engineer, and other employees designated by the Select Board may enter upon privately owned property for the purpose of performing their duties under this By-law and regulations and may make or

cause to be made such examinations, surveys or sampling as the Town Engineer deems reasonably necessary.

## **SECTION 6. Regulations.**

The Select Board shall promulgate rules and regulations to effectuate the purposes of this By-law. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

## **SECTION 7. Prohibited Activities.**

**Section 7.1.** *Illicit Discharges.* No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, into a wetland resource area, or into the waters of the Commonwealth, except as exempted in Section 8.

**Section 7.2.** *Illicit Connections.* No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

**Section 7.3.** *Obstruction of Municipal Storm Drain System.* No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the DPW Director or the Town Engineer.

## **SECTION 8. Exemptions.**

Discharge or flow resulting from fire fighting activities are exempt from the prohibition of non-stormwater discharges.

The following non-stormwater discharges or flows are also exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system, and will not damage or threaten public health and the environment:

- i) Waterline flushing and flow from potable water sources;
- ii) Springs, natural flow from riparian habitats and wetlands, diverted stream flow and rising groundwater;
- iii) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- iv) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, sump pumps or air conditioning condensation;
- v) Discharge from landscape irrigation or lawn watering;
- vi) Water from non commercial car washing;
- vii) Discharge from dechlorinated swimming pool or hot tub water (less than one ppm chlorine) provided the pool or hot tub is drained in such a way as not to cause a nuisance;
- viii) Discharge from street sweeping, and stormwater runoff containing sand and deicers used for public safety purposes on public or private property;
- ix) Emergency repairs to the municipal storm drain system, and any stormwater management structure or practice that poses a threat to public health or safety, or as deemed necessary by the DPW Director or the Town Engineer;

- x) Dye testing, provided verbal notification is given to the DPW Director or the Town Engineer prior to the time of the test;
- xi) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
- xii) Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

### **SECTION 9. Emergency Suspension of Storm Drainage System Access.**

The Authorized Enforcement Agency may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the DPW Director or the Town Engineer may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

### **SECTION 10. Notification of Spills.**

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants into the municipal drainage system, a wetland resource area or the waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Authorized Enforcement Agency. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

### **SECTION 11. Enforcement.**

**Section 11.1.** The Select Board, the DPW Director, the Town Engineer, or other authorized agent of the Select Board shall enforce this By-law and any regulations, and may pursue all civil and criminal remedies for violations.

**Section 11.2.** *Civil Relief.* If a person violates the provisions of this By-law or regulations, or of any permit, notice or order issued thereunder, the Select Board may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

**Section 11.3.** *Orders.* The DPW Director or the Town Engineer or other authorized agent of the Select Board may issue a written order to enforce the provisions of this By-law or the regulations thereunder, which may include:

- i) elimination of illicit connections or discharges to the MS4;
- ii) performance of monitoring, analyses, and reporting;
- iii) that unlawful discharges, practices, or operations shall cease and desist; and
- iv) remediation of contamination in connection therewith.

**Section 11.3.1.** If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

**Section 11.3.2.** Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town including administrative costs.

**Section 11.3.3.** The violator or property owner may file a written protest objecting to the amount or basis of costs with the DPW Director or the Town Engineer within thirty (30) days of receipt of the notification of the costs incurred.

**Section 11.3.4.** If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the DPW Director or the Town Engineer affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c. 59, §57 after the thirty-first day at which the costs first become due.

**Section 11.4.** *Criminal Penalties.*

Any person who violates any provision of this By-law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$300. Each day a violation exists shall constitute a separate violation.

**Section 11.5.** *Non-Criminal Disposition.*

As an alternative to criminal prosecution or civil action, the town may utilize the non-criminal disposition procedure set forth in G.L. c. 40, §21D and Article V of the Town By-laws, in which case any police officer of the Town of Weston, the DPW Director, the Town Engineer, and such other persons as are authorized by the Select Board shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this By-law, regulation, order or permit issued thereunder, shall be punished as follows:

- First violation: Warning
- Second violation: \$100
- Third violation: \$200
- Fourth and subsequent violations: \$300
- Each day a violation exists shall constitute a separate violation.

**SECTION 12. Appeals.**

The decisions or orders shall be final. Further relief shall be to a court of competent jurisdiction.

**Section 12.1. Remedies Not Exclusive.** The remedies listed in this By-law are not exclusive of any other remedies available under any applicable federal, state or local law.

**SECTION 13. Severability.**

The provisions of this By-law are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.

**SECTION 14. Transitional Provisions.**

Residential property owners shall have one hundred eighty (180) days from the effective date of the By-law to comply with its provisions provided good cause is shown for the failure to comply with the By-law during that period.

*(Effective 5-12-2010)*

**ARTICLE XXXII  
STRETCH ENERGY CODE**

**SECTION 1. Acceptance/Adoption.**

The Town of Weston has accepted and adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code, formerly Appendix 120.AA, or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, and 93.00.

**SECTION 2. Purpose.**

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

*(Effective 5-9-11)*

**ARTICLE XXXIII  
WESTON AFFORDABLE HOUSING TRUST FUND**

**SECTION 1. Board of Trustees.**

There shall be a Board of Trustees of the Weston Affordable Housing Trust Fund, comprised of not less than five (5) members, at least one (1) of which shall be a Select Board member. The Select Board shall appoint the Board of Trustees for rotating terms not to exceed two (2) years. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. The Select Board may remove any member of the Board of Trustees for cause after that member has been provided an opportunity to be heard by that Board.

**SECTION 2. Powers of Board of Trustees.**

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

**Section 2.1.** to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or By-law or any general or special law or any other source, including money from G.L. c. 44B;

**Section 2.2.** to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

**Section 2.3.** to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

**Section 2.4.** to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;

**Section 2.5.** to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

**Section 2.6.** to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;

**Section 2.7.** to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;

**Section 2.8.** to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;

**Section 2.9.** to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;

**Section 2.10.** to carry property for accounting purposes other than acquisition date values;

**Section 2.11.** to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;

**Section 2.12.** to make distributions or divisions of principal in kind;

**Section 2.13.** to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;

**Section 2.14.** to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

**Section 2.15.** to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and

**Section 2.16.** to extend the time for payment of any obligation to the trust.

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

**SECTION 3. Audit Requirement.**

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

*(Effective 5-9-2011)*

**ARTICLE XXXIV  
DEPARTMENTAL REVOLVING FUNDS**

**SECTION 1. Purpose.** This By-law, pursuant to G.L. c. 44, §53E½, establishes and authorizes revolving funds for use by certain town departments, boards, committees, and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

**SECTION 2. Expenditure Limitations.** Each entity authorized below to expend a revolving fund may incur liabilities against and spend monies from such revolving fund without appropriation subject to the following limitations:

**Section 2.1.** Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.

**Section 2.2.** No liability shall be incurred in excess of the available balance of the fund.

**Section 2.3.** The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting, or any increase therein as may be authorized by the Select Board and Finance Committee in accordance with G.L. c. 44, §53E½.

**SECTION 3. Interest.** Interest earned on monies credited to a revolving fund established by this By-law shall be credited to the General Fund.

**SECTION 4. Procedures and Reports.** Except as provided in G.L. c. 44, § 53E½ and this By-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this By-law.

**SECTION 5. Authorized Revolving Funds.**

<b>Program or Purpose</b>	<b>Representative or Board Authorized to Spend</b>	<b>Revenue Source</b>	<b>Use of Fund</b>
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses

Town Building Rentals	Town Manager	Rental Fees Town Hall	Utilities, Cleaning, Building Monitor
Board of Health	Health Director	Insurance Reimbursement for flu Clinics and Fees for Public Health Initiatives & Filing	Program Costs and Operations Including Staffing
Fiske Law Office	Town Manager	Rental Fees	Building Repairs and Maintenance including Salaries and Benefits
Melone House	Conservation Commission	Rental Fees	Building Repairs and Maintenance including Salaries and Benefits
Solar Array Revenue	Town Manager	Payments to the Town for the generation of solar energy from solar arrays on Town property	Electricity expenses
Weston Art & Innovation Center	Library Director	Program Fees and Grants	Program Costs and Operations
Health Services	Fire Department	Fees for providing medical services through the Fire Department, insurance reimbursements and federal/state grants or awards.	Program Costs and Operations. Including Staffing

And to set fiscal year spending limits for such revolving funds as follows:

<b>Program or Purpose</b>	<b>Spending Limit</b>
Historic Marker	\$1,500
Council on Aging Special Programs	\$50,000
Town Building Rentals	\$6,000
Board of Health	\$80,000
Fiske Law Office	\$55,000
Melone House	\$15,000
Solar Array Revenue	\$700,000
Weston Art & Innovation Center	\$350,000
Medical Testing	\$175,000

*(Effective 5-8-2017)  
(amended 5-7-2018)  
(amended 5-6-2019)*



**ARTICLE XXXV  
PLASTIC BAG BAN**

**SECTION 1. Findings and Purpose.**

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) and requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this By-law is to protect the Town’s unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Weston and to promote the use of reusable bags.

**SECTION 2. Definitions.**

The following words shall, unless the context clearly requires otherwise, have the following meanings:

*Check-out bag* shall mean a bag provided by a store to a customer at the point of sale.

*Department* shall mean the Weston Board of Health.

*Health Agent* shall mean the Health Agent for the Weston Board of Health or its designee.

*Recyclable paper bag* shall mean a paper bag that is one hundred (100%) percent recyclable and contains at least forty (40%) percent post- consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post- consumer recycled content and the percentage of post-consumer recycled content in the bag.

*Reusable Check-out bag* shall mean a bag with handles that is specifically designed for multiple reuse and that is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.

*Retail Establishment* shall mean any business facility that sells goods, articles, food, or personal services directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

*Thin-Film, Single-Use Plastic Check-Out Bags* shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than four (4.0) mils in thickness.

**SECTION 3. Regulated Conduct.**

**Section 3.1.** No Retail Establishment in the Town of Weston shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.

**Section 3.2.** If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following: 1. Recyclable paper bag; or 2. Reusable Check-Out bag.

**SECTION 4. Exemptions.**

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this By-law.

**SECTION 5. Enforcement.**

This By-law shall be enforced by any means available in law and in equity in accordance with the provisions of Sections 1 and 2 of Article V of the Weston Town By-laws. The Weston Board of Health, Health Agent, or any police officer of the Town shall be “enforcing persons” for purposes of this By-law. Each day a violation exists shall be deemed a separate violation. The fine structure set forth in Article V, Section 2.3 shall be applicable to violations of this By-law.

**SECTION 6. Effective Date.**

This By-law shall take effect six (6) months following approval of the By-law by the Attorney General or January 1, 2018, whichever is later.

**SECTION 7. Regulations.**

The Board of Health is hereby authorized to adopt regulations to effectuate the purposes of this By-law. Such rules and regulations shall be on file in the offices of the Board of Health and the Town Clerk.

*(Effective 5-10-2017)*

**ARTICLE XXXVI  
MARIJUANA ESTABLISHMENTS**

Consistent with G.L. c. 94G, §3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c. 94G, §1, including marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Weston.

**ARTICLE XXXVII  
WESTON HUMAN RIGHTS POLICY**

It is the policy of the Town of Weston that all human beings have the right to be treated with dignity and respect and given humane consideration regardless of age, gender, race, religion, national origin, sexual orientation, gender identity or expression, physical or mental ability, or other individual characteristics protected by the Constitutions and laws of the Commonwealth of Massachusetts and the United States.

This Weston Human Rights Policy shall be publicly posted on a permanent basis on the Town website, in Town Hall, at the central office of the Weston Public Schools, at each Weston public school, at the Weston Public Library, and at the Weston Police Department.

*(Effective 5-7-2018)*

## ARTICLE XXXVIII FUR BAN

### SECTION 1. - Purpose and Findings.

**Section 1.1** The Town finds that animals that are slaughtered for their fur endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in cramped and filthy cages. Fur farmers typically use the cheapest killing methods available, including suffocation, electrocution, gas, and poison.

**Section 1.2** Fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including SARS coronaviruses, that threaten public health, including in the Town of Weston. COVID-19 infections have been confirmed at fur farms in Europe and the United States, and research is being done to see if SARS-CoV-2 variants associated with farmed mink may impact the effectiveness of vaccines. Scientific studies have linked mink, raccoon dogs, and foxes – the animals most commonly farmed for their fur – to a variety of coronaviruses.

**Section 1.3** The fur production process is energy intensive and has a significant environmental impact, including air and water pollution. Runoff from the fur production process contains high concentrations of phosphorus and nitrogen, which are the most common forms of water pollution in the United States, including Massachusetts. In addition, the tanning and dyeing processes used in fur production use toxic chemicals and heavy metals like chromium and formaldehyde.

**Section 1.4** Considering the wide array of alternatives for fashion and apparel, the Town finds that the demand for fur products does not justify the unnecessary killing and cruel treatment of animals, harm to the environment, and the public health risks to the people of the Town of Weston caused by these practices.

**Section 1.5** The Town believes that eliminating the sale of fur products in the Town of Weston will decrease the demand for these cruel and environmentally harmful products and promote community awareness of animal welfare and, in turn, foster a more humane environment in Weston and enhance the reputation of the Town.

### SECTION 2.- Definitions. For purposes of this By-law, the following definitions shall apply:

*Fur:* Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

*Fur product:* Any article of clothing or covering for any part of the body, or any fashion accessory, including, but not limited to handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” does not include any of the following:

- i. An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
- ii. Cowhide with the hair attached thereto;
- iii. Lambskin or sheepskin with the fleece attached thereto; or
- iv. The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.

*Non-profit organization:* Any corporation that is organized under 26 U.S.C. Section 501(c)(3) that is created for charitable, religious, philanthropic, educational, or similar purposes.

*Retail transaction:* Any transfer of title of a fur product for consideration, made in the ordinary course of the seller's business, to the purchaser for use other than resale or further processing or manufacturing.

*Taxidermy:* The practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.

*Ultimate consumer:* A person who buys for their own use, or for the use of another, but not for resale or trade.

**SECTION 3. - Prohibitions.** Notwithstanding any other provision of the by-laws, no person shall sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Weston.

**SECTION 4. - Exceptions.** The prohibitions set forth in Section 3 of this Article do not apply to the sale, offer for sale, displaying for sale, trade, or distribution of:

- i. A used fur product by a private party (excluding a retail transaction), non-profit organization or second-hand store, including a pawn shop;
- ii. A fur product required for use in the practice of a religion;
- iii. A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or
- iv. A fur product where the activity is expressly authorized by federal or state law.

**SECTION 5. - Penalty.** In addition to any other remedy provided by law, this Article may be enforced by police officers and animal control officers through any means available in law or equity, including but not limited to noncriminal disposition in accordance with G.L. c. 40, § 21D.

Any person violating this bylaw shall be liable to the Town in the amount of \$300. Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.

**SECTION 6. – Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 7 – Effective date.** This by-law shall become effective six months after passage.

## **ARTICLE XXXIX AUTHORIZATION FOR PROCUREMENT AGREEMENTS**

**SECTION 1.** The Town Manager is hereby authorized to enter into contracts under the provisions of G.L. c.30B for terms of up to 10 (ten) years, unless such longer time is authorized by law or vote of Town Meeting.

*End of the General By-laws of the Town of Weston*

# Appendix 1

## STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
3/24/1902	R.L. 11-335	Election and duties of Town Clerk
3/24/1902	R.L. 11-339	Election of Select Board, Assessors, and Overseers of Poor
3/28/1904	R.L. 78-21-25	Boards of Cemetery Commissioners
3/22/1909	St. 1908-209	Protection of forest lands
4/01/1912	St. 1871	Election of road commissioners, rescission of vote of acceptance 3/02/74
3/24/1913	R.L. 28-16	Building lines on parkways
3/24/1913	R.L. 50-1-9	Assessment of betterments in laying out ways
4/16/1913	St. 1911-367	Use of school halls for other than school purposes
4/16/1913	R.L. 101-1-5	Common nuisances
4/16/1913	St. 1912-635	Tenement houses in Towns
11/4/1913	St. 1913-807	Workmen's Compensation Act
3/30/1914	St. 1913-807	" " "
3/30/1914	R.L 48-103	(as amended by 1913-572) Building Lines
11/3/1914	St. 1914-790	Abolition of party enrollment at primary elections
11/4/1919	St. 1919-311	Continuation schools, etc.
3/27/1922	G.L. c. 41, §97	Establishment of Police Department
11/17/1925	G.L. c. 41, §73	Select Board to act as Board of Survey
11/17/1925	G.L. c. 143, §3	Authorizing adoption of building laws
11/17/1925	G.L. c. 143, §§6-12	Relative to Inspector of Buildings
2/16/1926		Select Board - regulation of common carriers of passengers by motor vehicles
3/28/1927	G.L. c. 40, §§42A to 42F	Water Liens
6/29/1927	Art. VII	Section 2, 3, 4, 5, 8, 13 amended
6/29/1927	Art. III	Section 6 amended, not approved by Attorney General
3/25/1929	G.L. c. 136, §§21-28	Sunday sports
12/17/1942	G.L. c. 41, §111A	Vacations for police and firemen
12/17/1942	G.L. c. 40, §6B	Appropriation for purchase of uniforms for police and firemen
12/17/1942	G.L. c. 48, §§42 to 44	Fire Department
12/17/1942	G.L. c. 31, §48	Police (excepting Chief) placed under Civil Service (revoked effective 7/17/82)
3/29/1943	G.L. c. 129, §15, ¶2	Inspector of animals to be appointed by Board of Health instead of by Select Board
1943	G.L. c. 32, §§26 to 31H	(Retirement) accepted by Select Board
3/27/1944	G.L. " "	Accepted by ballot vote 503-42
3/03/1947	G.L. c. 147, §13a	Reserve police, four (4) members

# Appendix 1

## STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
3/03/1947	G.L. c. 136, §§7 & 8	License of Frozen Desserts
3/15/1948	G.L. c. 40, §6C	Snow removal from private ways (by ballot)
3/19/1951	G.L. c. 40, §6e	Minor repairs of private ways
3/25/1957	G.L. c. 41, §23A	Executive Secretary of the Select Board
3/25/1957		Acts of 1956 Ch. 401 Indemnification of Civil Defense volunteers while operating publicly owned vehicles
3/31/1958	G.L. c. 32B	Group life, group accidental death and dismemberment and group hospital, surgical and medical insurance for Town employees (Ballot 333 Yes to 33 No)
3/28/1960	G.L. c. 32B, §9A	Pay half premium costs of retired employees (Ballot 827 Yes to 482 No)
3/25/1963	G.L. c. 32B, §11B	Elderly governmental retirees (Ballot 732 Yes to 278 No)
3/25/1963	G.L. c. 32B, §11A	Optional life insurance, no premium cost to Town (Ballot 815 Yes to 187 No)
4/01/1963	G.L. c. 90, §18A	Pedestrian regulations
3/28/1964	G.L. c. 33, §59	Pay for military training duty leave
6/10/1965	G.L. c. 262, §53C	See Op. Attorney General 67-68-46 Nov 3, 1967
3/26/1966	G.L. c. 32B, §8A	Sharing of refunds and dividends with employees, (Ballot 802 Yes to 167 No)
3/27/1967	G.L. c. 54, §103A	Absentee voting at town elections
3/27/1967		Acts of 1966 Ch. 198 Investment of Town's trust funds
5/24/1967	G.L. c. 40, §6J	Purchase of work clothes
3/23/1968	G.L. c. 32B, §11D	Half - group accidental death (Ballot 1,895 Yes to 214 No)
12/16/1968	G.L. c. 40, §8D	Establish Historical Commission
3/29/1971	G.L. c. 41, §108L	Police career incentive program
3/29/1971	G.L. c. 40, §8E	Youth Commission established
12/11/1972	G.L. c. 44, §53C	Payment of money to police for off-duty details from special fund
10/16/1973	G.L. c. 32B, §16B	By vote of Select Board - Health care plan for Town employees
5/12/1976	G.L. c. 40, §8G	Police mutual aid
5/12/1976	G.L. c. 90, §20C	Parking regulations and fines by Select Board
1/24/1977	G.L. c. 180, §17B	Payroll deductions for United Fund authorized
6/12/1978	Acts of 1975 Ch. 808	Accept Zoning By-laws
12/4/1978	Acts of 1978 Ch. 582	Brook School/Elderly Housing
5/14/1979	G.L. c. 32B, §7A	Group life and health ins-authorize add rate (Ballot 150 Yes to 88 No)
11/25/1980	Acts of 1980 Ch.416	Assessors and Asst. Assessors qualified without meeting training requirements (by Select Board)

# Appendix 1

## STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
3/09/1981	Acts of 1980 Ch.117	Purchases up to \$4,000 without advertising
5/04/1981	G.L. c. 71, §71	Revolving fund for certain school purposes (Article 13, A.T.M.) 2-2-81
10/19/1981	Acts of 1981 Ch.351 Section 20A 1/2	Parking Clerk - rules, regulations, fines (Article 8, S.T.M.)
5/17/1982	Acts of 1981 Ch.743 G.L. c. 59, §§5 to 7C	Equity allowed for certain tax exemptions 7/17/82
7/17/1982		Effective this date, 61 days after vote at adjourned annual town meeting, acceptance of G.L. c. 31, Civil Service, was rescinded by authority of G.L. c. 4, §4B
5/14/1984	G.L. c. 59, §§5 to 41B	Exemption for older persons who meet certain more liberal qualifications for eligibility
10/21/1985	Acts of 1985 Ch.188 Section 13	Professional Development Grant program for School System of the Town
5/11/1987	G.L. c. 59, §§5 to 41C G.L. c. 258, §13	Eligibility of certain persons for tax exemption - effective July 1, 1987 Indemnify municipal officers from personal financial loss
5/11/1988	Acts of 1987 Ch.306 G.L. c. 60, §23B G.L. c. 40, §4H G.L. c. 59, §§5 to 17D	Fees for lien certificates Purchase of equipment, supplies and materials from other governments Eligibility of certain persons for tax exemption - effective July 1, 1988
11/21/1988	G.L. c. 41, §100G1/4	Funeral expenses of firefighters and police officers killed in line of duty to be paid by Town up to but not exceeding \$5,000
5/08/1989	G.L. c. 40, §42J	Defer water use charges where owner is receiving deferral of real estate taxes
5/6/1991	Acts of 1990, Chapter 291	Enhanced-911 Service
5/6/1991	G.L. c. 41, §81U	Use of bonds or deposits to complete work specified in approved subdivision plan

# Appendix 1

## STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
4/14/1992	G.L. c. 29, §64D as Amended by Ch 494, Acts of 1991	May require employee not covered by retirement plan to contribute to deferred compensation plan.
5/11/1992	G.L. c. 59, §5(37A)	Exempt from real estate taxes \$500 due from blind person who is legal MA resident and who occupies property.
5/4/1994	G.L. c. 71, §83	Early Retirement Incentive Program for teachers
5/13/1996	G.L. c. 40, §22F	Authorizes fixing of reasonable fees for license, permit, certificates, or service, subject to approval of elected board where applicable.
5/11/1998	G.L. c. 140, §147A	Authorizes enactment of By-laws relative to the regulation of dogs.
5/8/2000	G.L. c. 127, §59 Acts of 1999	Establishes property tax work-off program under which senior citizens provide services to Town in exchange for reduction in tax bills.(Article 5 recinds Ch 59 Secion K)
5/10/2004	RESCINDED	
5/13/2002	G.L. c. 59, §57C	Permits quarterly real estate tax billing.
5/13/2002	G.L. c. 32B, §9E	Allows Select Board to set retiree health insurance contribution at greater than 50%.
5/13/2002	G.L. c. 32B, §18	Requires retirees with Medicare eligibility to enroll in a medicare supplement plan.
5/13/2002	G.L. c. 44, §53F1/2	Permits water enterprise fund.
5/13/2002	G.L. c. 44, §53F1/2	Permits COA revolving fund.
11/25/2002	Ch. 184, Section 51, Acts of 2002 G.L. c. 59, §5 (41C)	Property tax exemptions for elderly - increases income & estate limit, exemption amount.
5/12/2003	G.L. c. 44, §53F1/2	Permits recreation enterprise fund
5/12/2003	G.L. c. 59, §2A(a)	Allows Assessors to include for taxation purposes new construction and other improvements added between January 2 and June 30 of each fiscal year in the next fiscal year's tax rolls.



# Appendix 1

## STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
5/10/2004	G.L. c. 40, §57	Denial, revocation or suspension of licenses and permits if there is outstanding debt owed to the Town
5/10/2004	G.L. c. 71, §71F	Permits the Town to establish a revolving fund for the purpose of nonresident or foster care student tuitions
5/10/2004	G.L. c. 44, §53E1/2	Permits Town Building Rentals and Board of Health revolving fund
5/12/2004	G.L. c. 40, §57	Permits the Town to deny or revoke any local licenses and permits for non-payment of local taxes
5/16/2005	G.L. c. 60, §3D	Creates property tax relief fund for elderly and disabled residents
5/16/2005	G.L. c. 44, §53F1/2	Permits Brook School Apartments enterprise fund
5/16/2005	G.L. c. 148, §§26G, 26H, 26I	Requires installation of fire sprinklers in certain buildings
5/16/2005	G.L. c. 44, §53F1/2	Permits Affordable Housing Monitoring Revolving fund
5/8/2007	Ch. 73, Section 4, Acts of 1986 as amended  By Ch 126 of the Acts of 1988 which amends G.L. c. 59 (acceptance made annually)	Permits the Town to grant additional propert tax exemptions to certain tax payers.
1/10/2009	Acts of 2008 Ch.479	An Act providing for the establishment of other post employment benefits liability trust funds in municipalities and certain other governmental units
5/9/2011	G.L. c. 44, §55C	Permits the Town to establish a Trust to be known as the Weston Affordable Housing Trust Fund.
5/11/2011	G.L. c. 39, §23D	Allows ZBA Members to miss one session of adjudicatory hearings.

## Appendix 2

### SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT

<u>Chapter No.</u>	<u>Acts of Year</u>	<u>Effective Date</u>	<u>Title An Act</u>	<u>Amended</u>
217	1896	3/28/1896	To Incorporate The Weston Water Company	
189	1951	4/2/1951	To Relocate The Natick-Weston Boundary Line	
294	1964	4/21/1964	Establishing A Park And Cemetery Commission In The Town Of Weston	
198	1966	4/25/1966	Authorizing The Town Of Weston To Invest Certain Trust Funds In Certain Investments	
642	1969	8/7/1969	Combining The Offices Of Treasurer And Tax Collector Of The Town Of Weston Into The Office Of Town Treasurer And Collector	
689	1971	8/19/1971	Authorizing The City Of Waltham And The Towns Of Watertown, Belmont And Weston To Enter Into Agreements To Provide Psychiatric Services For The Youth Of Said Municipalities	
913	1971	10/21/1971	Authorizing The Town Of Weston To Layout, Construct And Operate A Sewer Force Main In The City Of Waltham	
349	1976	9/7/1976	Increasing The Membership Of The Conservation Commission In The Town Of Weston	
147	1977	5/5/1977	Authorizing The Town Of Weston To Sell And Convey A Certain Parcel Of Land To Weston Community Housing, Inc. For The Purpose Of Providing Certain Elderly Housing Facilities.	
148	1977	5/5/1977	Authorizing The Town Of Weston To Provide Certain Housing For Elderly Persons	Amended See 1978
582	1978	8/10/1978	Authorizing The Town Of Weston To Provide Certain Housing For Elderly Persons	
584	1979	9/19/1979	Authorizing The Town Of Weston To Pay A Sum Of Money To Robert Selvey	
684	1979	11/7/1979	Relative To The Draining Of Certain Public Outdoor Inground Swimming Pools	
708	1979	11/9/1979	Relative To The Draining Of Certain Public Outdoor Inground Swimming Pools	
471	1980	7/2/1980	Exempting Certain Positions In The Town Of Weston From The Provisions Of The Civil Service Law	

## Appendix 2

### SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT

<u>Chapter No.</u>	<u>Acts of Year</u>	<u>Effective Date</u>	<u>An Act Title</u>	<u>Amended</u>
487	1985	11/13/1985	Authorizing the Town to make certain compensation to certain injured employees.	
603	1987	12/24/1987	Authorizing The Town Of Weston To Pay A Certain Unpaid Bill	
538	1991	1/9/1992	Authorizing The Town Of Weston To Enter Into An Agreement For An Energy Conservation Retrofit Program	
151	1994	10/4/1994	Relative To Filling Vacancies In The Board Of Water Commissioners Of The Town Of Weston	
154	1994	10/5/1994	Authorizing The Town Of Weston To Arrange For Dental Insurance And/Or Disability Insurance For Employees	
150	1994	10/4/1994	Art. 25 5/18/94 Authorizing The Town Of Weston To Reimburse Ruth P. Miller Of The Town Of Westwood For Interest And Charges And Motor Vehicle Excise Paid To Said Town Of Weston	
192	1995	11/1/1995	An Act Authorizing The Town Of Weston To Convey Certain Parcels Of Conservation Land	
261	1995	11/22/1995	Establishing A Department Of Public Works In The Town Of Weston	
151	1996		Section 619 (This is referenced in Article X Section 3. It refers to Regis sewerage)	
123	1996	6/18/1996	An Act Authorizing The Town Of Weston To Pay A Certain Unpaid Bill	
67	1997	8/13/1997	Relative To The Investment Of Certain Trust Funds By The Commissioners Of Trust Funds Of The Town Of Weston	
106	1999	11/15/1999	Relative to the Conservation Commission of the Town of Weston - Fees For Outside Consultants	
80	2001	8/29/2001	An Act Establishing The Position Of Town Manager In The Town Of Weston	
283	2004	8/9/2004	An Act Authorizing The Town of Weston To Appropriate Money From the Community Preservation Fund	
421	2004	12/16/2004	An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly	
390	2006	5/7/2007	Section 2 of chapter 80 of the acts of 2001 is hereby amended	

## Appendix 2

### SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT

<u>Chapter No.</u>	<u>Acts of Year</u>	<u>Effective Date</u>	<u>An Act Title</u>	<u>Amended</u>
37	2008	2/21/2008	An Act authorizing the Town of Weston to grant a license for the sale of wines at a food store.	
515	2008	5/14/2008	An act authorizing the Select Board of the Town of Weston to grant a license for the sale of all alcoholic beverages to be drunk on the premises of the Josiah Smith Tavern and Barn.	
6	2009	4/2009	An Act relative to the Town Clerk of the Town of Weston	
76	2009	8/17/2009	An Act establishing an enterprise fund for the Brook School Apartments	
27	2012	2/10/2012	An Act relative to the granting of Club and Special Licenses for the sale of alcoholic beverages in the Town of Weston.	
47	2012	3/9/2012	An Act relative to the regulations of salaries of employees of the Town of Weston serving in the Armed Forces of the United States	
82	2013	9/18/2013	An Act authorizing the Town of Weston to grant a license for the Sale of Wines and Malt Beverages at a food store.	
34	2018	2/22/2018	An Act authorizing the Select Board to increase the required signatures for Citizens' Petitions submitted to the Annual town Meeting From 10 to 50. (Approved by Town Election 5/5/18)	

## Appendix 3

### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 349 of the Acts of 1976

##### AN ACT INCREASING THE MEMBERSHIP OF THE CONSERVATION COMMISSION IN THE TOWN OF WESTON

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding the provisions of section eight C of chapter forty of the General Laws, the membership of the conservation commission of the town of Weston shall not be less than three and not more than nine members, such members to be appointed by the Select Board of said town.

SECTION 2. This act shall take effect upon its passage.

*Approved September 7, 1976*

#### Chapter 147 of the Acts of 1977

##### AN ACT AUTHORIZING THE TOWN OF WESTON TO SELL AND CONVEY A CERTAIN PARCEL OF LAND TO WESTON COMMUNITY HOUSING, INC. FOR THE PURPOSE OF PROVIDING CERTAIN ELDERLY HOUSING FACILITIES.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Weston is hereby authorized to sell and convey for consideration of not less than one hundred dollars, a portion, not exceeding eighteen acres, of the parcel of land lying to the east of Merriam Street acquired by said town from Weston College for municipal purposes pursuant to the second vote under Article II of the warrant at the nineteen hundred and seventy-two annual town meeting.

SECTION 2. The sale of said land shall be made to the Weston Community Housing, Inc., a corporation organized under chapter one hundred and eighty of the General Laws provided that said Weston Community Housing, Inc. enters into an agreement with the town of Weston, acting through its Select Board, to construct, on said land, a structure or structures to be used for housing for elderly persons of low or moderate income of the commonwealth and to operate such structure, or structures, for such purposes, for a period of not less than twenty years, which agreement may include terms and conditions concerning rents to be charged tenants, tenant eligibility standards, maintenance requirements, and real estate assessment, and shall be as said Select Board shall in their discretion determine.

SECTION 3. This act shall take effect upon its passage.

*Approved May 5, 1977*

## Appendix 3

### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 148 of the Acts of 1977

#### AN ACT AUTHORIZING THE TOWN OF WESTON TO PROVIDE CERTAIN HOUSING FOR ELDERLY PERSONS.

*Be it enacted, etc., as follows:*

SECTION 1. The town of Weston is herewith authorized to appropriate money and receive gifts and grants to renovate, construct, reconstruct, equip, furnish, rent and manage, on and after August thirty-first, nineteen hundred and seventy-seven at and on the site of the Brook school in said town, a building or buildings for the purpose of providing housing for elderly persons of the commonwealth of low and moderate income.

SECTION 2. At any special or annual town meeting of the town of Weston held subsequent to the effective date of this act, such town meeting may authorize the moderator of said town to appoint a committee, and fill vacancies occurring therein, of not more than five residents of said town, to carry out the purposes of this act. Of the initial appointments, one shall be designated for a one-year term and two for two-year terms and two for three-year terms; thereafter all appointments shall be for three years and until a successor is appointed and qualified. The committee so appointed shall be known as the Weston elderly housing committee.

SECTION 3. To provide such housing, the town of Weston may authorize the appropriation of money not in excess of two million dollars for the renovation, construction, reconstruction and original equipping and furnishing of a building or buildings at and on the site of the said Brook school, any appropriation therefore to be raised by taxation or the issuance of bonds or notes, such borrowing to be for a period not exceeding twenty years and as provided in chapter forty-four of the General Laws but such borrowing shall not be included in the limit of indebtedness prescribed by section ten thereof.

SECTION 4. The Weston elderly housing committee shall have the authority to employ agents, managers and employees, enter into contracts, including construction contracts, subject to approval of town counsel of the town of Weston, for the purposes of this act, establish rents and make such rules and regulations concerning use, occupancy and other necessary matters relating to the elderly housing as herein authorized and as it shall deem proper. All revenues of the building or buildings shall be town funds and the Weston elderly housing committee shall, except as otherwise provided by law, expend only such funds as are appropriated for it by said town.

SECTION 5. This act shall take effect upon its passage.

*Approved May 5, 1977*

## Appendix 3

### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 582 of the Acts of 1978

#### AN ACT AUTHORIZING THE TOWN OF WESTON TO PROVIDE CERTAIN HOUSING FOR ELDERLY PERSONS.

*Be it enacted, etc., as follows:*

SECTION 1: Chapter 148 of the acts of 1977 is hereby amended by striking out section 1 and inserting in place thereof the following section:

SECTION 1. The town of Weston is herewith authorized to appropriate money and receive gifts and grants to renovate, construct, reconstruct, equip, furnish, rent and manage, on and after August thirty-first, nineteen hundred and seventy-seven, at and on the site of the Brook School in said town, a building or buildings for the purpose of providing housing for handicapped persons and elderly persons of the commonwealth of low or moderate income.

SECTION 2. Said chapter 148 is hereby further amended by striking out sections 3 and 4 and inserting in place thereof the following two sections:

SECTION 3. To provide such housing, the town of Weston may authorize the appropriation of money not in excess of two million four hundred thousand dollars for the renovation, construction, reconstruction and original equipping and furnishing of a building or buildings at and on the site of the said Brook school, any appropriation therefore to be raised by taxation of the issuance of bonds or notes, such borrowing to be for a period not exceeding twenty years and as provided in chapter forty-four of the General Laws but such borrowing shall not be included in the limit of indebtedness prescribed by section ten thereof.

SECTION 4. The Weston elderly housing committee shall have the authority to employ agents, managers and employees, enter into contracts including construction contracts, subject to approval of town counsel of the town of Weston, for the purposes of this act, establish rents and make such rules and regulations concerning use, occupancy and other necessary matters relating to the handicapped and elderly housing as herein authorized and as it shall deem proper. All revenues of the building or buildings shall be town funds and the Weston elderly housing committee shall, except as otherwise provided by law, expend only such funds as are appropriated for it by said town.

SECTION 3. This act shall take effect upon acceptance by the town of Weston at an annual or special town meeting.

*Approved August 10, 1978*

## Appendix 3

### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 261 of the Acts of 1995

#### AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF WESTON

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. There is hereby established in the Town of Weston a department of public works, hereinafter called the department, which shall be under the supervision and control of a director of operations, hereinafter called the director. Said department shall be charged with responsibility for the management of public works operations of the town including, but not limited to, the following: highways; water supply; storm drains; solid waste and recycling; maintenance of cemeteries, parks, public memorials, commons; engineering services; maintenance of vehicles and equipment; and other operations and functions as may be deemed necessary or desirable. Said department shall also perform such functions and responsibilities as required by By-law or direction of the Select Board.

SECTION 2. The Select Board shall appoint a director of operations and all employees of the department. The Select Board may remove the director when in their judgment the public interest so requires, and shall fix the compensation of the director, subject to available appropriations. The director shall be specially fitted by education, training and experience to perform the duties of his/her office. His/her term of office shall be determined by the Select Board and s/he shall serve at the pleasure of the Select Board and shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws. During his/her tenure s/he shall hold no elective office nor shall s/he engage in any other business or occupation. The director may appoint and remove such employees as the exercise and performance of his/her powers, rights, and duties may require, subject to available appropriations and the approval of the Select Board.

SECTION 3. The Select Board shall assume the powers and duties as provided hereafter and, unless otherwise provided by this act, shall have the power to establish goals and objectives for and to make all policy decisions related to the operation of the department of public works.

SECTION 4. With the exception of those powers and duties specifically granted to the public works committee in section 7 of this Act, the Select Board shall have all the powers and duties now and from time to time vested by general or special law or town By-laws in the following commissions: water commission and park and cemetery commission, which commissions are hereby abolished.

No contracts or liabilities in force on the effective date of this act shall be affected, but the Select Board shall in all respects be the lawful successor of the commissions so abolished.

The Select Board shall have jurisdiction over all solid waste or recycling facilities of the Town of Weston, and shall have such additional powers with respect to public works as the town from time to time may by By-law provide.

SECTION 5. The director of operations of the department of public works shall be responsible for the management of all the operations placed under the direction of the department in accordance with section one. The powers, duties and responsibilities of said director shall



## Appendix 3

### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

include, but not be limited to, the following: supervision of the daily operations of the department of public works; supervision of all employees assigned to the department of public works; supervision of engineering services of the town; development of departmental plans, work programs, and projects; coordination of maintenance and other activities with the school department; control of all records, property, facilities, offices, and vehicles assigned to the department; organization of the department and assignment of personnel; investigation of innovative approaches to the delivery of public works services; investigation of shared or cooperative service arrangements with other jurisdictions and such other responsibilities as may be assigned by the Select Board. The director shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his/her duties in such sum and upon such conditions as the Select Board may require. The director shall render to the Select Board, as often as said board may require, a full report of all operations under his/her control during the period reported upon, and from time to time as required by said board, shall make a synopsis of such reports for publication and shall keep said board fully advised as to the needs of the town within the scope of his/her duties and shall annually furnish to said board a carefully prepared and detailed estimate in writing of the appropriations required during the next fiscal year for the proper exercise and performance of all said duties.

SECTION 6. (a) The department of public works shall become operational upon the appointment and qualification of a director of operations of the department of public works.

(b) When said department is operational as provided for in paragraph (a), the staff and employees of the following offices and departments shall be assigned to the department of public works: town engineer, highway department, park and cemetery department, solid waste and recycling department and water department. Every employee so assigned shall continue to serve and shall retain all rights to holidays, sick leave, vacations and other benefits in effect on the effective date of this act, and shall be retained in a capacity as similar to the person's former capacity as is practical.

(c) All records, offices, property, equipment, and facilities of the highway department, solid waste and recycling department, water department and park and cemetery department shall be transferred to the care, custody and control of the department of public works when said department is operational as provided for in paragraph (a).

SECTION 7. The Select Board shall establish and appoint a public works committee. Said committee shall consist of not more than seven nor fewer than five members, of such term as the Select Board may determine. The committee shall be responsible for development of general goals and long term plans for the town's water supply and parks and cemeteries and shall fix fees, user charges or rates associated with delivery of water services and provision of cemetery services, including charges for cemetery lots and for perpetual care. The committee shall be responsible for the adoption of rules and regulations with respect to the provision of water supply and cemetery services. It shall have the authority to authorize and approve expenditures from trust funds for park and cemetery purposes and to delegate to the director of operations authority to execute deeds for lots in the cemeteries of the town. At the request of the Select Board the committee shall advise the Select Board concerning policies and operations of the department of public works.

## **Appendix 3**

### **TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON**

SECTION 8. All special laws, special acts, By-laws, rules and regulations which are in force at the time this act becomes effective that are not inconsistent with the provisions of this act shall continue in full force until amended or repealed. Where a provision of this act conflicts with any provision of any special law, special act, By-law, rule or regulation of the town, the provisions of this act shall govern.

SECTION 9. This act shall take effect upon its passage.

*Approved November 25, 1995*

## Appendix 3

### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 80 of the Acts of 2001

#### AN ACT ESTABLISHING THE POSITION OF TOWN MANAGER IN THE TOWN OF WESTON.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** There shall be established in the town of Weston the office of town manager, who shall be appointed by the Select Board for a term not to exceed 3 years, as the board may determine, and may be appointed for successive terms of office. The town manager shall be a person of demonstrated ability with administrative experience in public management or business administration and who is qualified by reason of education and experience. The town manager shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his employment by the town. The town manager shall hold no elective office in the town during his tenure as town manager, but the Select Board may appoint the town manager to any nonelective office or position consistent with the responsibilities of the town manager. Before entering upon his duties, the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk.

The Select Board may from time to time establish additional qualifications for the office of town manager. To the extent permitted by law, the terms of the town manager's employment may be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters, excluding tenure, as are customarily included in an employment contract.

The Select Board shall set the compensation of the town manager, not to exceed the amount appropriated by the town meeting.

**SECTION 2.** The town manager shall be the chief administrative officer of the town. The town manager shall be responsible to the Select Board for the effective management of all town affairs placed in the town manager's charge by this act, the Select Board, or vote of the town meeting. The town manager shall be responsible for the implementation of town policies established by the Select Board. The functions and duties of the town manager shall include, but not be limited to, the following:

(a) Supervise all town departments under the jurisdiction of the Select Board and direct the operations of the town. The town manager may assume responsibilities falling under the jurisdiction of other officers, or elected or appointed boards or committees as those boards and the Select Board may jointly approve. This section shall not apply to employees of the school department and to the statutory responsibilities and functions of the school committee.

(b) Transfer personnel within departments under the jurisdiction of the Select Board, with its approval. The town manager may transfer personnel under the jurisdiction of other elected boards or commissions as the Select Board and such other boards or commissions having

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

jurisdiction thereof jointly approve. All personnel transfers of positions shall be subject to chapter 31 of the General Laws.

(c) Appoint all town officers and employees whose appointments are not otherwise provided for in this act. The town manager shall also organize and implement the hiring process, which shall include the preparation of position descriptions in consultation with the relevant appointing authority, where applicable, and shall set compensation, recruit, interview and, where required, test.

(i) The Select Board shall appoint the town manager, town counsel, multimember boards and committees under the jurisdiction of the Select Board, and the metropolitan area planning council representative, and shall retain the authority to appoint individuals to, to dismiss individuals from, and to fill vacancies in such positions without reference to the operation of paragraphs (ii) to (vi).

(ii) The town manager shall recommend to the Select Board for its appointment candidates for the positions of chief of the fire department, forest warden, police chief, and director of public works. The Select Board shall approve or disapprove the recommendation by a majority vote, and shall not appoint any individual to one of these positions who has not been recommended for that position by the town manager.

(iii) Positions of department heads, or in the absence of department heads, chief staff employees, for elected or appointed boards other than the Select Board, at Grade 6 or above in the town's personnel classification plan, shall be appointed by their respective board by majority vote, with the concurrence of the town manager.

(iv) The town manager may conduct interviews for positions described in paragraphs (ii) and (iii), with the relevant board, as the town manager and such board shall mutually agree. Neither the town manager nor the respective board shall dismiss an individual from 1 of the positions set forth in paragraphs (ii) and (iii) without the concurrence of the other.

(v) Notwithstanding the foregoing:

(1) the town clerk shall retain the authority to appoint, dismiss, and fill vacancies in the position of assistant town clerk;

(2) the town moderator shall retain the authority granted by town meeting vote or by By-law to appoint and fill vacancies in such offices, committees, or boards as specified thereby; and

(3) the library board of trustees, in consultation with the town manager, shall retain the authority to appoint and dismiss the library director, and all other library employees shall be appointed and dismissed by the library director in consultation with the town manager.

(vi) All other employees shall be appointed and dismissed by their respective department head, or in the absence of a department head, by the chief staff employee, in consultation and concurrence with the town manager and in accordance with employment practices established by the town manager.

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

(d) Except as to the Select Board, every elected or appointed town board shall directly supervise its department head, or in the absence of a department head, its chief staff employee, except with respect to personnel, financial and administrative technology practices in their departments, as to which the town manager shall have supervisory authority. All other employees shall be supervised by the town manager, his designee, or by the department head, or the chief staff employee of their department.

(e) The town manager may reorganize, consolidate, establish, or abolish any department or position under the town manager's direction or supervision, at his discretion and with the Select Board's approval. With the approval of both the Select Board and finance committee, the town manager may transfer all or part of any unexpended appropriation of a discontinued department, board or office to any other town department, board or office under the Select Board's jurisdiction.

(f) The town manager, may, at his discretion and with the approval of the Select Board, establish a consolidated department of finance responsible for the coordination and overall supervision of all fiscal and financial affairs of all agencies of town government and may appoint a director of finance; but the terms of persons holding the position of accountant, auditor or comptroller, treasurer, collector or assessor on the effective date of this act shall not be shortened by reason of the consolidation.

(i) The department of finance may include the functions of the offices of accountant, treasurer and collector, and assessors, and may also include the following: coordination of all financial services and activities; maintenance of all accounting records and other financial statements; payment of all obligations; receipt of all funds due; assistance to all other town departments and offices in any matter related to financial affairs; monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies on the status of accounts; supervision of all purchases of goods, materials and supplies and maintenance of inventory controls; supervision of data processing facilities; and any other matter relating to municipal finance as the town manager may determine necessary or desirable.

(ii) The town manager may appoint a director of finance for a term of one year. The director of finance shall be especially fitted by education, training, and experience to perform the duties of the office, and, may, at the discretion of the town manager, serve as the head of any division within the department, or the town manager may designate a person to serve as head of one or more divisions within the department. The director of finance, in consultation and concurrence with the town manager, may hire such other personnel as necessary to staff the department. The powers and duties of the director of finance as designated by the town manager may include, but not be limited to, the following:

(1) coordinate and operate, in accordance with applicable statute, By-law, code and accepted practice, the financial functions of all town departments and agencies, and supervise the following functions of accounting, treasury, tax collections, assessing, budgeting and procurement;

(2) work with the town manager and Select Board to develop strategic financial plans and policies;

(3) plan, organize, and provide administrative direction for all financial functions;

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- (4) receive all requests made for the expenditure of town funds from every office and agency and assemble all such requests into a complete projected budget for all town funds and activities for the ensuing fiscal year;
- (5) compile and submit an annual operating budget to the town manager, which shall show in detail the estimated income from the proposed property tax levy and from every other source by category; and
- (6) provide general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.
- (g) Administer, either directly or through a person appointed by him, all provisions of general and special laws applicable to the town, and By-laws and votes of the town within the scope of his duty, and all rules and regulations made by the Select Board.
- (h) Establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the town manager to make periodic reports to the Select Board and the finance committee on the status of the town's finances.
- (i) Develop and administer a personnel system, including, but not limited to, the development and implementation of an ongoing training program, personnel and hiring policies, practices, and regulations for town employees.
- (j) Oversee preparation of the draft town budget and submit it with written comments and recommendations to the Select Board and finance committee by such date or dates as may be determined by the Select Board.
- (k) Negotiate collective bargaining contracts on behalf of the Select Board, which contracts shall be subject to approval, ratification and execution by the board. The Select Board may authorize use of additional persons to assist the town manager in the negotiations at its discretion.
- (l) Administer and enforce collective bargaining agreements, and personnel rules and regulations, and By-laws adopted by the town.
- (m) Act as the chief procurement officer under the provisions of chapter 30B of the General Laws, responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department.
- (n) Attend all regular and special town meetings, unless excused therefrom by the Select Board.
- (o) Cause full and complete records of meetings of the Select Board to be taken and maintained, and compile reports of the meetings as requested by the Select Board.
- (p) Exercise general supervision over the personnel, organization, systems and practices of the Select Board's office.

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

- (q) Act as the liaison with and represent the Select Board before state, federal and regional authorities.
- (r) Approve all warrants or vouchers, including payroll warrants, for payment of town funds submitted by the town accountant.
- (s) Award and execute all contracts for designer services and construction of town buildings, including school buildings, consistent with provisions of the permanent building committee By-law
- (t) Perform any other duties consistent with his office as may be required by By-law or vote of the town or by vote of the Select Board.

The chief staff employee of each town department shall be a member of the town manager's administrative staff for the purpose of assuring common town personnel, financial, administrative and technology use practices, and for the purpose of fostering effective communications among town departments.

**SECTION 3.** A vacancy in the office of town manager shall be filled as soon as practicable by the Select Board. When a vacancy exists, the Select Board may appoint by a majority vote of the entire board a suitable person as acting town manager during the period of the vacancy.

**SECTION 4.** The procedure for filling a vacancy in the office of town manager shall be as follows:

- (a) The Select Board may reappoint an incumbent town manager without a screening committee.
- (b) The Select Board shall appoint a screening committee to consider applicants for the position. The committee shall be composed of 5 registered voters of the town of Weston.
- (c) The screening committee shall:
  - (i) receive and review all applications for the position of town manager;
  - (ii) select applicants for interviews;
  - (iii) conduct 1 or more preliminary interviews with the selected applicants;
  - (iv) investigate the experience, qualifications and reputation of applicants deemed eligible for consideration as finalists;
  - (v) evaluate the applicants in relation to the established job description for the position and criteria specified by the Select Board;
  - (vi) report in writing to the Select Board a summary of its activities; and

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(vii) present to the Select Board in writing a list of not more than five nor, if reasonably practicable, fewer than three applicants deemed qualified for the position of town manager.

(d) The Select Board shall then interview in public meeting the applicants recommended by the screening committee. The Select Board may conduct such further investigation and examination of applicants as it determines and may appoint a town manager from the screening committee's list. If the board does not appoint a town manager from the list, it shall prepare and file in its records a written statement of the reasons for its decision. The screening committee shall then be requested to provide a recommendation of not more than 3 other applicants whom it considers qualified. The Select Board shall consider such applicants in the same manner as those first recommended.

(e) The Select Board shall not appoint to the position of town manager a person who has not received a recommendation from the screening committee except by unanimous vote of the board.

**SECTION 5.** The Select Board may remove the town manager by the majority vote of the entire board. At least 30 days before such proposed removal shall become effective, the Select Board shall file a preliminary written resolution with the town clerk setting forth the specific reasons for such proposed removal. The town clerk shall forthwith deliver to the town manager a copy of such resolution, or cause it to be delivered by registered mail at his last known address. The town manager may file with the Select Board, within 7 days after receipt of the copy, a written request for a public hearing to be held not earlier than 10 nor later than 20 days after the filing of the request. After such public hearing, if any, or otherwise at the expiration of 30 days following the filing of the preliminary resolution, and after full consideration, the Select Board, by the majority vote of the entire board, may adopt a final resolution of removal. In the preliminary resolution, the Select Board may suspend the manager from duty, and at its discretion, shall determine whether the suspension will be with or without pay.

**SECTION 6.** Section 4 of chapter 582 of the acts of 1978 is hereby amended by inserting after the word "employees", in line 2, the following words:- with the concurrence of the town manager.

**SECTION 7.** Section 1 of chapter 261 of the acts of 1995 is hereby amended by inserting after the word "Select Board", in line 10, the following words:- or town manager.

**SECTION 8.** Section 2 of said chapter 261 is hereby amended by striking out, in line 6, the words "said Select Board" and inserting in place thereof the following words:- the town manager.

**SECTION 9.** Section 5 of said chapter 261 is hereby amended by striking out, in lines 5 and 6, the words "; supervision of engineering services of the town".

**SECTION 10.** Paragraph (b) of section 6 of said chapter 261 is hereby amended by striking out, in line 3, the words "town engineer,".

**SECTION 11.** Section 7 of said chapter 261 is hereby repealed.



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**SECTION 12.** All special acts, By-laws, rules and regulations which are in force on the effective date of this act that are not inconsistent with the provisions of this act shall continue in full force until amended or repealed. If any provision of this act conflicts with any provisions of any special act, By-law, rule or regulation of the town, the provisions of this act shall govern.

**SECTION 13.** This act shall take effect upon its passage.

*Approved August 29, 2000  
Amended and approved December 22, 2006  
(section 2)*

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 283 of the Acts of 2004

#### AN ACT AUTHORIZING THE TOWN OF WESTON TO APPROPRIATE MONEY FROM THE COMMUNITY PRESERVATION FUND.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** The general court finds that the town of Weston adopted the Community Preservation Act, in this act called the Act, chapter 44B of the General Laws, sections 3 through 7, inclusive, before November 25, 2002, and could have authorized creation of community housing at the Brook School Apartments pursuant to the Act; however, the town approved the creation of community housing under Article 11 at the November 25, 2002, special town meeting to be funded using federal subsidies which the town of Weston will not receive as expected due to unanticipated, unusual circumstances resulting from federal budget matters entirely outside the control of the town of Weston.

**SECTION 2.** Notwithstanding section 6 of chapter 44B of the General Laws or of any other general or special law to the contrary, the town of Weston may, upon recommendation by the Weston Community Preservation Committee, and pursuant to a 2/3 vote of the Weston town meeting, amend the vote under Article 11 of the November 25, 2002 special town meeting, authorizing the construction of affordable housing at the Brook School Apartments, approve the creation of community housing in accordance with the act, and provide that the portion of the appropriation and borrowing authorization attributable to the creation of community housing at the Brook School Apartments be funded through the town's community preservation fund, established pursuant to section 7 of chapter 44B of the General Laws, including the affordable housing reserve. The Weston town meeting may further, upon recommendation by the Weston Community Preservation Committee, appropriate funds for the purpose of paying the debt service on the portion of the bonds issued pursuant to this vote and the vote of the Weston town meeting authorized under this act, for the purpose of creating community housing at the Brook School Apartments. Such funds may be so appropriated and expended only if the town votes to place a permanent deed restriction for affordable housing purposes on 13 units at the Brook School Apartments created for community housing under this act and the vote of the Weston town meeting authorized hereby, which restriction complies with the requirements of chapter 184 of the General Laws. The deed restriction must run to the benefit of a nonprofit, charitable corporation or foundation selected by the town with the right to enforce the restriction.

**SECTION 3.** If the Weston town meeting votes as authorized herein to approve under the act the creation of affordable housing at the Brook School Apartments, that portion of the unexpended amount of the temporary borrowing incurred pursuant to the vote under Article 11 of the November 25, 2002, Weston special town meeting attributable to the creation of affordable housing at the Brook School Apartments shall be transferred without further appropriation to the Weston community preservation fund, and that portion of any interest earned on the amounts temporarily borrowed under Article 11 of the November 25, 2002, special town meeting, net of interest expense, attributable to the creation of affordable housing at the Brook School Apartments shall be similarly transferred without further appropriation.

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**SECTION 4.** Except as otherwise provided in this act, if the town votes to approve the creation of community housing at the Brook School Apartments under the act as so authorized herein, the community housing created at the Brook School Apartments shall be deemed to be community preservation property, subject to all requirements of the Act; further, any future expenditures from the community preservation fund for the purposes set forth herein shall be subject to the provisions of the Act.

**SECTION 5.** If this act is not in effect on May 10, 2004, any vote taken under Article 19 of the Weston 2004 Annual Town Meeting warrant to authorize the creation of community housing at the Brook School Apartments, as authorized by section 2 of this act, shall be ratified, validated and confirmed as if this act had been in effect on the date of the vote.

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

*Approved August 9, 2004*

## Appendix 3

### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### 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.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding clause Forty-first A of section 5 of chapter 59 of the General Laws, or any other general or special law to the contrary, and subject to sections 2 to 5, inclusive, the board of assessors of the town of Weston shall defer the real estate property tax payment for property of a person 60 years of age or older and occupied by him as his domicile, or a person who owns the same jointly with his spouse, either of whom is 60 years of age or older and occupied as their domicile, or of a person who owns the same jointly or is a tenant in common with a person not his spouse and occupied by him as his domicile, if the person claiming the exemption either alone or together with his spouse had combined income during the preceding year of an amount not to exceed the amount established by the Select Board and ratified by vote of the annual town meeting, provided that such person has owned and occupied as his domicile such real property in the town for 5 years or is a surviving spouse who inherits such real property and has occupied such real property as his domicile in the town for 5 years and who otherwise qualifies under this act.

**SECTION 2.** Any such person may, on or before December 15 of each year to which the tax relates or within 3 months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the town.

The agreement shall provide that:-

(1) no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 4 per cent per annum for the first year and at an annual rate set thereafter by the Select Board provided that the rate set by the Select Board shall never exceed 8 per cent annum;

(2) the total amount of such taxes due, plus interest, for the current and prior years does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

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(3) upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to the real property by paying in full the total taxes which would otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on the real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of subparagraph (2);

(4) if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

**SECTION 3.** In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this act, plus interest as hereinafter provided. A lien filed pursuant to this act shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

**SECTION 4.** In addition to the remedies provided by this act, the recorded statement of the assessors provided for in this act shall have the same force and effect as a valid taking for nonpayment of taxes under section 53 of chapter 60 of the General Laws, except that: (1) interest shall accrue at the rate provided in this act until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this act may be made pursuant to section 52 of said chapter 60; and (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

**SECTION 5.** This act shall take effect upon its passage.

*Approved December 16, 2004*

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#### 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.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Weston may grant to a food store a license for the sale of wines not to be drunk on the premises under section 15 of said chapter 138. Except as otherwise provided herein, such license shall be subject to all of said chapter 138 except said section 17.

For the purposes of this act, a “food store” shall mean a grocery store or supermarket which sells at retail, food for consumption off the seller’s premises either alone or in combination with grocery items or other nondurable items typically found in a grocery store and sold to individuals for personal, family or household use; provided, however, that such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store shall not be a convenience store or specialty store; provided, however, that the Select Board shall determine whether an applicant is a food store under this act. In making such determination, the Select Board shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of a license under this act may sell wine alone or in combination with any other items offered for sale. The amount of any initial or renewal fee for such a license shall be determined by the licensing authority issuing or renewing that license.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted at the same location if an applicant for the license files with the authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

**SECTION 2.** Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the Select Board of the town of Weston shall cause to be placed on the ballot at a regular election the following question:-

“Shall an act passed by the general court in the year 2008, entitled ‘An Act Authorizing the Town of Weston to Grant a License for the Sale of Wines at a Food Store’, be accepted?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the Select Board. If a majority of votes cast in answer to the

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question is in the affirmative, the town shall be taken to have authorized the granting of a license for the sale of wines at a food store.

**SECTION 3.** This act shall take effect upon its passage.

*Approved February 21 , 2008*

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 515 of the Acts of 2008

#### **AN ACT AUTHORIZING THE SELECT BOARD OF THE TOWN OF WESTON TO GRANT A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF THE JOSIAH SMITH TAVERN AND BARN.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the Select Board of the town of Weston, for the purpose of preserving and operating the Josiah Smith Tavern and Barn consistent with a preservation restriction on the property, may grant a license for the sale of all alcoholic beverages to be drunk on the premises to a nonprofit corporation established in accordance with section 2. The Select Board shall not approve the transfer of the license to any other entity or location. The Josiah Smith Tavern and Barn is located at 358 Boston Post road in the town of Weston and is owned by said town, subject to a 500-year historic preservation restriction held by Historic New England and recorded at the Middlesex south district registry of deeds at Book 15086, page 081-086.

**SECTION 2.** There shall be a body corporate to be known as the Josiah Smith Tavern Corporation. The corporation shall have all the rights, privileges, powers, duties and responsibilities of a corporation established pursuant to chapter 180 of the General Laws, and shall be deemed to be a nonprofit corporation established pursuant to said chapter 180 for all purposes of the General Laws including, but not limited to, liability of the corporation and its members pursuant to section 85K of chapter 231 of the General Laws. The corporation shall not be deemed to be an agency, commission, authority or other subdivision of the commonwealth or the town of Weston or an instrumentality of any of the foregoing for any purpose. The principal office of the corporation shall be in the town of Weston.

The purposes of the corporation shall be to assist, promote and support the historic renovation and reuse of the Josiah Smith Tavern and Barn in order to promote the common good and general welfare of the town of Weston. The corporation may hold the all alcoholic beverages license authorized in section 1 for use at the tavern and barn. Notwithstanding any other provision of this paragraph, the corporation shall apply to the Select Board for the license in accordance with section 15A of chapter 138 of the General Laws, and shall include in such license application the name of the responsible manager. Except as otherwise provided herein, the license shall be subject to said chapter 138. The Select Board may grant the license to the corporation and may condition, modify, suspend or revoke the license as it deems appropriate. The corporation may enter into such management and operations agreements as may be needed for the exercise of the license at the Josiah Smith Tavern and Barn. Any such agreement may allow the manager or operator to share in any of the profits earned as a result of the exercise of the license; but no such agreement between the corporation and the operator or manager shall be deemed a license transfer for purposes of said chapter 138. Any such agreement granting the manager or operator an interest in the license shall be approved by the Select Board and the alcoholic beverage control commission.

The corporation shall be governed by a board of directors, which shall have all the powers of the



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corporation. The board shall consist of not less than 5 members who shall be residents of the town and appointed by the moderator for staggered 3-year terms as designated by the moderator. No member of the Select Board, fire or police department, or any such member's immediate family, shall be eligible for appointment as a director of the corporation. For purposes of this act, the term "immediate family" shall be defined as set forth in paragraph (e) of section 1 of chapter 268A of the General Laws. Members of the board shall serve until their successors are appointed and qualified and may be removed after a hearing. A vacancy in the board, however occurring, may be filled by the moderator for the remainder of the unexpired term. The board of directors shall annually elect a president, treasurer and clerk.

Initial appointments to the board shall be made not later than 1 month after the effective date of this act. The first meeting of the corporation shall be called not later than 2 months after the acceptance of this act by the town at an election pursuant to section 3 by a notice signed by the chairperson of the Select Board stating the time, place and purpose of the meeting, a copy of which notice shall be mailed or delivered to each member of the board at least 5 days before the day appointed for the meeting.

At the first meeting, the directors shall organize by the election of a temporary clerk, the adoption of By-laws, the election of officers, the adoption of additional articles of organization, consistent with this act, including whether the corporation will have more than 1 class of members, indemnification of directors, officers, employees and other agents of the corporation, the conduct and regulation of the business and affairs of the corporation, the street address of the principal office of the corporation in the commonwealth, the name, residential street address and post office address of each director and officer of the corporation, the fiscal year of the corporation and the filer's contact information and such other matters within the powers of the corporation as the directors may see fit; provided, however, that no member of the Select Board, fire or police department, or any such member's immediate family, shall be eligible to be a member or employee of the corporation. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. Within 30 days after the final adjournment of the first meeting, the clerk shall make, sign, swear to and file in the office of the state secretary a copy of this act, any additional articles of organization approved by the board of directors, the By-laws, a certificate stating the date on which the meeting for organization was held and the names of the officers elected at such meeting and any other information or documentation required by the state secretary.

Members of the board shall not be subject to sections 23A and 23B of chapter 39 of the General Laws, but the board shall post its meetings in the manner provided in said sections 23A and 23B and otherwise abide by the requirements thereof. The members of the board of directors shall not be subject to chapter 268A of the General Laws, but shall abide by the provisions thereof as if they were special municipal employees for purposes of said chapter 268A.

The corporation shall make reports of its condition and activities not less than annually to the Select Board of the town of Weston and shall make all other filings and reports as would otherwise be required by chapter 180 of the General Laws.

The corporation shall be exempt from chapters 59 and 62 of the General Laws, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed

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by the commonwealth or any political subdivision thereof.

**SECTION 3.** Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the Select Board of the town of Weston shall cause to be placed on the ballot at a regular or special town election the following question:-

“Shall an act passed by the general court in the year 2008, entitled ‘An Act Authorizing the Select Board of the town of Weston to grant a license for the sale of all alcoholic beverages to be drunk on the premises of the Josiah Smith Tavern and Barn,’ be accepted?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the Select Board. If a majority of votes cast in answer to the question is in the affirmative, the town shall be taken to have authorized the town to grant a license for the sale of all alcoholic beverages to be drunk on the premises of the Josiah Smith Tavern and Barn.

**SECTION 4.** This act shall take effect upon its passage.

*Approved January 15, 2009*

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 6 of the Acts of 2009

#### AN ACT RELATIVE TO THE TOWN CLERK OF THE TOWN OF WESTON.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. The position of town clerk in the town of Weston shall be appointed.

SECTION 2. Paragraph (ii) of subsection (c) of section 2 of chapter 80 of the acts of 2001 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The town manager shall recommend to the Select Board for its appointment candidates for the positions of town clerk, chief of the fire department, forest warden, police chief, and director of public works.

SECTION 3. Paragraph (v) of said subsection (c) of said section 2 of said chapter 80 is hereby amended by striking out clauses (1), (2) and (3) and inserting in place thereof the following two clauses:-

- (1) the town moderator shall retain the authority granted by town meeting vote or by By-law to appoint and fill vacancies in such offices, committees, or boards as specified thereby; and
- (2) the library board of trustees, in consultation with the town manager, shall retain the authority to appoint and dismiss the library director, and all other library employees shall be appointed and dismissed by the library director in consultation with the town manager.

SECTION 4. Notwithstanding any general or special law to the contrary, upon the approval of this act by the voters as set forth in section 5, the position of elected town clerk in the town of Weston shall be abolished, and the term of the elected incumbent holding office, if any, shall be terminated; provided, however, that any individual elected to the position of town clerk at the same election at which the question set forth in section 5 appears on the ballot shall hold that office and perform the duties thereof until the appointment to said office is otherwise made in accordance with the provisions of chapter 80 of the acts of 2001, as amended in accordance with section 2 of this act, or the individual's sooner resignation.

SECTION 5. This act shall be submitted for its acceptance to the qualified voters of the town of Weston at an annual or special election in the form of the following question:-

“Shall an act passed by the general court in the year 2009, entitled ‘An Act Relative to the Town Clerk of the Town of Weston,’ be accepted?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by town counsel and approved by the Select Board.

If a majority of the votes cast in answer to the question is in the affirmative, sections 1 to 4, inclusive, shall take effect in the town of Weston, but not otherwise.

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

*Approved April 3, 2009*

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 47 of the Acts of 2012

#### IN ACT RELATIVE TO THE REGULATION OF SALARIES OF EMPLOYEES OF THE TOWN OF WESTON SERVING IN THE ARMED FORCES OF THE UNITED STATES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Notwithstanding any general or special law to the contrary, an employee in the service of the town of Weston, including a school department employee, who has been granted a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed forces of the United States called to active service in the armed forces of the United States after September 11, 2001, may, at the discretion of the Weston Select Board and subject to appropriation, be paid at the employee's regular base salary as such a public employee and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensatory time or earned overtime. If the board elects to make payments under this act, an eligible employee shall be paid the regular base salary as such a public employee for each pay period of such military leave of absence after September 11, 2001, reduced by any amount received from the United States as pay or allowance for military service performed during the same pay period, excluding overtime pay, shift differential pay, hazardous duty pay or any other additional compensation. For the purposes of this section, the term "active service" shall not include active duty for training in the army national guard or air national guard or as a reservist in the armed forces of the United States. Nothing in this act shall limit or reduce a person's entitlement to benefits under section 59 of chapter 33 of the General Laws and nothing in this act shall entitle a person to benefits in excess of the maximum benefit provided under said section 59 of said chapter 33 for any period during which that person is receiving benefits under this section.

**SECTION 2.** Payments made by the town of any amounts authorized pursuant to section 1 are hereby ratified, validated and confirmed as though this act had been in full force and effect on the date such payments were made.

**SECTION 3.** This act shall take effect upon its passage.

*Approved, March 9, 2012.*

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### TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT ON BEHALF OF THE TOWN OF WESTON

#### Chapter 82 of the Acts of 2013

#### AN ACT AUTHORIZING THE TOWN OF WESTON TO GRANT A LICENSE FOR THE SALE OF WINES AND MALT BEVERAGES AT A FOOD STORE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Section 1 of chapter 37 of the acts of 2008 is hereby amended by inserting after the word “wines”, in line 3, the following words:- and malt beverages.

**SECTION 2.** Said section 1 of said chapter 37 is hereby further amended by striking out, in line 16, the word “wine” and inserting in place thereof the following words:- wines and malt beverages.

**SECTION 3.** Notwithstanding any general or special law to the contrary, the holder of the license issued under chapter 37 of the acts of 2008 may apply for an amendment to that license in order to authorize the sale of malt beverages in addition to wines.

**SECTION 4.** This act shall take effect upon its passage.

Approved, September 18, 2013.