

LAND USE, PLANNING AND ZONING

REPORT OF THE AGRICULTURAL COMMISSION

The Agricultural Commission (AC) was formed in June 2006. This new commission's charter tasks it with administering the Town's Farm Preservation Bylaw.

Additionally, the Commission is charged with:

- encouraging the continued pursuit of agricultural in Weston,
- promoting agricultural-based economic opportunities in Town,
- mediating, advocating educating and/or negotiating on farming issues,
- working for the preservation of prime agricultural lands, and,
- pursuing all initiatives appropriate to retaining farming in Weston.

Over the last six months, the Agricultural commission made excellent progress in launching, or partnering with other organizations on initiatives consistent with its mission and with the specific interests and areas of expertise of AC members.

Specifically, the Agricultural Commission has:

- Contributed to the multi-organization, Town-wide effort to preserve the Case Estates. The AC contributed literature to the Case Coalition's October 14, 2006 special event, staffed literature tables on the Town Green and elsewhere, and held "Save Case" signs on Election Day. The AC will meet with the Town's Selectmen in early 2007 to share its views on agricultural use of the Case Estates property.
- Reached out to Land's Sake to explore the idea of partnering on "agriscaping", a Land's Sake program in development, where Town residents will be encouraged to use vegetable gardens as a source of food and as an aesthetically pleasing, resource-conserving landscaping tool.
- Reached out to the Town's Board of Health and its Pesticide Study Committee. This Committee is exploring alternate methods of pest control and reducing the overall use of pesticides in Weston.
- Established a working relationship with the Massachusetts Department of Agricultural Resources (MDAR). This group supports agricultural commissions across the state, and is a resource on many of the areas of the AC's charter. The AC will meet with a representative of the MDAR in March 2007.

Also, the Agricultural Commission has:

- Made telephone calls to agricultural commissions in the greater Weston area for networking and idea-swapping.
- Considered and tabled a spring farm tour. Careful consideration makes an activity like this beyond the manpower currently available to the AC. This idea may be revisited in the future.
- Developed content for the Town's website. AC agendas and minutes are posted online as well.

Budget

The AC did not have a formal budget for FY 2007. Expenses for the group were nominal. The AC has requested a FY 2008 budget of \$2,000 to cover administrative costs and possible travel to regional or state-wide agricultural-related events.

REPORT OF THE BOARD OF APPEALS

The Town of Weston adopted its first set of zoning regulations in 1928. Since that time, the Zoning By-Laws have been amended periodically to promote the health, safety, convenience, morals and welfare of the citizens of the Town. The zoning regulations provide for certain building restrictions, and it is the role of the Board of Appeals to determine whether relief from these restrictions is warranted in certain situations. To that end, the Board of Appeals hears and makes decisions on applications for: variances from zoning restrictions; findings for the reconstruction, alteration or extension of a pre-existing, non-conforming structure or lot; special permits; Comprehensive permits, and appeals of the decisions of the Building Inspector.

Variances: A property owner may petition the Board of Appeals for relief from the Zoning By-Law's building restrictions. The Board of Appeals will publish a legal notice of the petitioner's request, notify the petitioner's abutters, and hold a public hearing on the matter. A variance may be granted only upon the petitioner demonstrating that:

1. Special circumstances relating to the soil conditions, shape or topography of the land or structures make the literal enforcement of the zoning regulations a substantial hardship;
2. Desirable relief may be granted without detriment to the public good; and
3. The granting of the variance would not nullify or substantially derogate from the intent of the Zoning By-Laws.

Satisfaction of these three legal requirements must be made at the public hearing before the Board of Appeals will grant a variance request. The Board makes a written decision which is then filed in the Town Clerk's office.

Findings: Many of Weston's properties were developed and built prior to the current Zoning By-Law's adoption. These older properties may be deemed to be pre-existing, non-conforming structures and lots. Although they are "grandfathered," any property owner seeking to extend, alter or reconstruct the buildings must petition the Board of Appeals for a finding that the proposed addition or change will not be more detrimental to the neighborhood than the existing structure. This procedure requires published legal notice, notice to abutters, and a public hearing in much the same manner as a variance request. The Board of Appeals files its written decision with the Town Clerk's office.

Special Permits: Special permits may be granted for a variety of exceptional uses of property as described in the "Use Regulations" section of the Zoning By-Law. Special permits are granted for uses which are in harmony with the general purpose and intent of the Zoning By-Law and may be granted with conditions, safeguards and limitations on time. Examples of special permits are those granting the operation of summer camps and the conversion of a residential dwelling to include an accessory apartment.

Comprehensive Permits: In 1969 Massachusetts enacted the "Anti-Snob Zoning Act," allowing for the override of local zoning legislation, in order to construct low and moderate income housing. A developer seeking to build such housing appears before the Board of Appeals with an application for a comprehensive permit. This process is handled similarly to other requests before the Board, with the exception that these requests typically require multiple hearings before a decision is reached, due to the complexity of the Comprehensive permit process.

The Board of Appeals typically meets twice a month, and in the past year heard approximately sixty-three cases. The Board's hearings are public, and notices are mailed to legal abutters. Notices of hearings are posted at the Town Clerk's office and on the Town website. The Board makes every effort to consider the opinions of the petitioners, their neighbors, and other

interested Town entities such as the Planning Board, the Board of Selectmen, the Historical Commission, the Conservation Commission, the Board of Health, the Building Inspector and the Town Engineer.

Assistance: Assistance with applications and questions related to the Zoning Board of Appeals may be directed to the office in Town Hall.

REPORT OF THE COMMUNITY PRESERVATION COMMITTEE

The Community Preservation Committee (CPC) evaluates proposals submitted by Town boards and committees or community groups for use of funds that the Town receives pursuant to Article 31 of the Town By-Laws and the state Community Preservation Act (CPA) which the Town accepted in 2001. The Act provides for a participating town to adopt a property tax surcharge up to 3% with the State matching the local receipts. The Town of Weston voted in 2001 to surcharge up to the 3 % maximum.

In October the Town received its fifth disbursement from the State's matching Community Preservation Trust Fund. The State continued to match at the 100% level with the FY06 amount of \$1,315,380 based on total local receipts of \$1,330,136 recorded in FY05. The total local and state revenue received through October 2006 is \$11,697,924.

Pursuant to the CPA legislation, a community must spend, or set aside for future spending, a minimum of 10% of annual CPC receipts on: open space (excluding recreational purposes), historic preservation, and community housing. The remaining 70% of funds, the so-called "unreserved funds," may be allocated to any of one or a combination of the three main uses, including public recreational purposes, at the discretion of the CPC and subject to the approval of Town meeting. Up to 5% of the annual CPA funds may be spent on the operation and administration costs of the CPC.

At the Annual Town Meeting on May 8, 2006, the CPC presented its recommendations for FY07. Article 18 set aside at least a minimum of 10% of the annual CPC receipts in each of the three allowed categories and no more than 5% of the annual CPA funds for administrative expenses. The CPC presented its recommendation to acquire the 29.6 acre portion of the Case Estates, the "Hillcrest Corridor", at the November 8, 2006 Special Town Meeting. Appropriations approved by Town Meeting were as follows:

Administrative Allowance	Operating Expenses	116,000
Open Space	Debt service on Sunday Woods	315,000
	Open fields restoration, 3rd phase	20,000
	Case Estates - consultant studies	85,000
	Construction of multipurpose playing field on dormant school septic area	600,000
	Acquire 29.6 acre Case Estates "Hillcrest Corridor" and associated costs (\$2,920,000 cash and \$6,000,000 bond authorization)	8,920,000
Historic Resources	Condition assessment of Farmers' and Central Cemeteries	12,500
	Exterior renovation of Josiah Smith Tavern	360,000
	Purchase historic preservation restriction- 823 Boston Post Road ("Hayfields")	250,000
	Purchase historic preservation restriction 412 Highland Street	200,000

Community Housing	Brook School Apartments debt service	420,307
	Affordable Housing Consultant	20,000
	Reimbursement to Weston Affordable Housing Foundation - rehabilitation of 15 Jones Road	83,000

Most of the projects voted at the 2006 Annual Town Meeting are underway or completed. Purchase of the historic restriction on the "Hayfields" property at 823 Boston Road has been executed, thereby ensuring the preservation of the exterior of the main house, outbuildings and landscape with no further development allowed on the site. Construction of the new playing field is over 80 percent completed. The closing date with Harvard University for the Case Estates purchase has been postponed to March 15, 2007, because of the discovery of arsenic residues on the property. However, Harvard has agreed to remedy the problem, and the purchase is expected to go forward at the same price.

Projects funded at previous town meetings are also making progress: the construction contractor for the exterior rehabilitation of the Josiah Smith Tavern has been selected, and the design phase for the Fiske Law Office and Melone House is nearing completion. Consultants are expected to deliver their condition assessment report on Farmers' and Central cemeteries in May.

The following table shows CPC fund revenues and appropriations through June 30, 2006:

CPA FUND - REVENUE AND APPROPRIATIONS FY02 - FY06					
	FY02	FY03	FY04	FY05	FY06
<u>Community Preservation Act - Revenue</u>					
Prior Year Balance	----	931,777	1,832,972	3,285,506	4,396,304
Property Surcharge	927,936	1,042,135	1,123,880	1,186,916	1,315,380
State Match	----	935,343	1,051,629	1,122,336	1,189,089
Investment Income	2,457	8,141	16,750	117,960	320,375
Donations/Other	1,384	2,821	2,145	23,713	----
Total Revenues	931,777	2,920,217	4,027,376	5,736,432	7,221,148
<u>Use of Community Preservation Funds</u>					
<u>Open Space Allocation</u>					
<u>Balance - beginning of fiscal year</u>	----	93,212	239,101	123,101	-6,149
New allocation	93,212	180,000	220,000	220,000	800,000
Open Space subtotal	93,212	273,212	459,101	343,101	793,851
<i>Less: Appropriations for</i>					
Debt Service - Sunday Woods	----	-34,111	-336,000	-329,250	-322,500
Field Restoration	----	----	----	-20,000	-20,000
Dupont/Nicholas Land	----	----	----	----	-450,000
Playing Fields	----	----	----	----	----
Case Estates Consultants	----	----	----	----	----
<u>Balance at end of fiscal year</u>	<u>93,212</u>	<u>239,101</u>	<u>123,101</u>	<u>-6,149</u>	<u>1,351</u>

	FY02	FY03	FY04	FY05	FY06
<u>Historic Preservation Allocation</u>					
Balance - beginning of fiscal year	----	93,212	58,212	53,212	33,212
Appropriation not used					27,666
New allocation	93,212	180,000	220,000	220,000	250,000
Historic Preservation subtotal	93,212	273,212	278,212	273,212	310,878
<i>Less: Appropriations for</i>					
787 Boston Post Road	----	-155,000	----	----	----
Mill Dam, 39 Crescent Street	----	-60,000	----	----	----
809-811 Boston Post Road	----	----	-225,000	----	----
Melone Homestead	----	----	----	-240,000	----
Fiske Law Office	----	----	----	----	-230,000
Central & Farmers' Cemeteries	----	----	----	----	----
412 Highland Street	----	----	----	----	----
823 Boston Post Road	----	----	----	----	----
<u>Balance at end of fiscal year</u>	93,212	58,212	53,212	33,212	80,878
<u>Community Housing Allocation</u>					
Balance - beginning of fiscal year	----	93,212	273,212	333,212	190,212
New allocation	93,212	180,000	220,000	220,000	450,000
Community Housing subtotal	93,212	273,212	493,212	553,212	640,212
<i>Less: Appropriations for</i>					
809-811 Boston Post Road	----	----	-160,000	----	----
Brook School Apartments	----	----	----	-363,000	-453,721
15 Jones Road	----	----	----	----	----
Affordable Housing Consultant	----	----	----	----	----
<u>Balance at end of fiscal year</u>	93,212	273,212	333,212	190,212	186,491
<u>Administrative Funds</u>					
Allocated	----	59,500	44,000	60,000	120,000
Spent	----	-8,134	-20,870	-37,878	76161
<u>Returned to unallocated funds</u>	----	51,366	23,130	22,122	43,839
<u>Unallocated Funds</u>					
Balance - beginning of fiscal year	----	652,141	1,262,447	2,775,981	4,179,029
New Unallocated Funds	652,141	1,388,940	1,490,404	1,730,926	1,204,844
Unexpended Administrative funds	----	51,366	23,130	22,122	43,839
Unallocated subtotal	652,141	2,092,447	2,775,981	4,529,029	5,427,712
<i>Less: Appropriations for</i>					
Open Space - Sunday Woods	----	-800,000	----	----	----
Fiske Law Office	----	-30,000	----	----	----
Historic Preservation - JST	----	----	----	-350,000	----
Case Estates - Hillcrest Corridor	----	----	----	----	----
<u>Balance at end of fiscal year</u>	652,141	1,262,447	2,775,981	4,179,029	5,427,712
<u>Total of all balances at the end of fiscal year</u>	931,777	1,832,972	3,285,506	4,396,304	5,696,432

REPORT OF THE CASE ESTATES REVIEW COMMITTEE (CERC)

The Case Estates Review Committee (CERC) was appointed by the Selectmen in June of 2005 and was charged with advising the Board regarding the potential acquisition, future use and funding for some or all of the Case Estates property for municipal purposes, open space, historic preservation, and/or affordable housing uses

Seven voting members were appointed by the Selectmen (see page 8). The committee also included liaisons from Town Boards and representatives from the community's private conservation organizations and others include staff to help with the work.

The whole committee met at least twenty times including site visits and workshops with consultants. Two large open meetings were organized to report on findings in November and May. All meetings were open to the public.

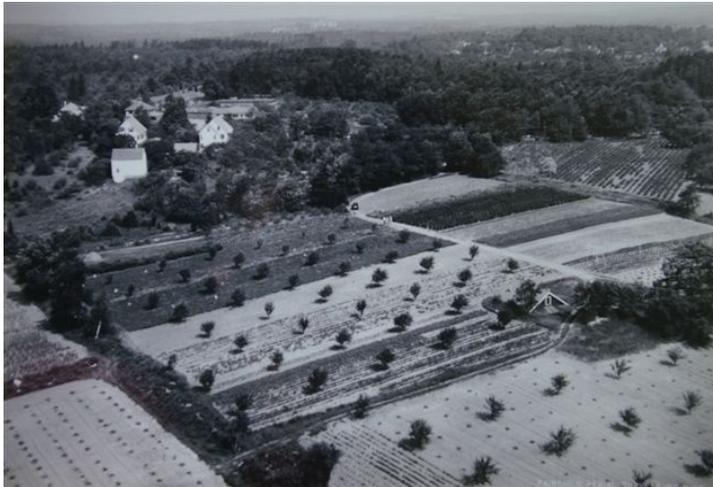
Background

In 2005 Harvard University notified the Weston Board of Selectmen that they were prepared to sell the Case Estates. In 2006 it became clear that the sale was to include the entire property and was to be completed by the end of year. The property was offered to others as well as the Town of Weston. The sale price was uncertain until the fall of 2006.

Recommendation from the Report of CERC Submitted May, 2006.

Recommendation #1: Take ownership of the Case Estates property in the fall of 2006

"We strongly recommend that the Town of Weston obtain ownership of the Case Estates property this Fall. Unless we do so, it is our understanding that Harvard will sell the property to another party and we will have forever lost the opportunity to control the outcome of a critical parcel of open space."



A view of the Case Estates from the 1930's

By right, a developer working within the Weston zoning laws could build at least 29 houses on this 62-acre property. In order to prevent this scenario, the committee agreed that first and foremost the Town should purchase the property in its entirety so that the community could determine its future.

With this said, the committee recognized the significant finan-

cial challenges involved in the decision of total acquisition of such a large and attractive property. Therefore CERC undertook the necessary analysis to set priorities and divide the property into parts or parcels to facilitate a staged and more focused decision making process after initial acquisition.

Parcels included:

- A. Historic Hillcrest Corridor to be acquired through funds available from the Community Preservation Act designated for open space.
- B. Other Undeveloped Land “lands subject to change” to be acquired through short term funding until further study is completed.
 - Potential parking area adjacent to Alphabet Lane
 - Pine Woods
 - Northeast Lot
 - South Meadow
 - Southwest Lot
- C. Three buildings on the property to be acquired through short term funding until further study is completed.
 - Yellow brick barn
 - Schoolhouse
 - Farmhouse

Follow-Up Recommendations

Follow-up suggestions included the realization that much more work needed to be done in the way of appraisals, further work on land use analysis and land planning as well as the probable need for future committees to advise the Selectmen regarding the “lands subject to change” and the three buildings. CERC also believed that private fundraising should begin immediately.

The Summary: The committee agreed,

“The recommendation to take ownership of the Case Estates property in the fall of 2006 and the follow-up recommendations we have presented above will:

- Allow the town, rather than a developer, to determine the fate of the Case Estates;
- Allow the town to vote to permanently protect all or a significant part of the “Hillcrest Historic Corridor” using Community Preservation funds and donated money;
- Provide time for a newly appointed committee to study and make recommendations as to the use and final disposition of the ‘lands subject to change’ [undeveloped land outside the Hillcrest Corridor] and the three buildings purchased with short-term funds;
- Provide time to fund-raise;
- Allow the town to place development constraints, conservation restrictions and other desirable controls on portions of the land that may be sold at a future date;
- Allow the town to place constraints, preservation restrictions, and/or affordable housing restrictions on the buildings that may be retained by the town or sold at a future date.”

A copy of the complete Report of the Case Estates Review Committee is available on the town website: www.weston.org and at the Library or Community Preservation office. Further related information is also available at these sites and on a new website (www.caseestates.org) that was created as part of the follow-up work for the November 8, 2006 Town meeting. At that meeting, citizens of Weston voted unanimously to acquire the Case Estates.

REPORT OF THE CONSERVATION COMMISSION

The Conservation Commission is responsible for the protection and management of Weston’s conservation land and the administration of the Massachusetts Wetlands Protection Act.

The administration of the Wetlands Protection Act continues to take over one half the time of the Conservation Commission. A total of 87 hearings were conducted during the year. Persons contemplating any work in or within 100 feet of a wetland, or within 200 feet of a stream which

flows continuously throughout the year, should seek information about the Wetlands Protection Act at the Commission's office in the Town Hall.

During the past year, the Commission has remained committed to the responsible use and management of the Town Conservation land. Trails, fire roads, and hilltop outlooks have been maintained for public use and enjoyment with most of the funding provided by the Weston Forest and Trail Association. Fields throughout the Town have been mowed under contract by Land's Sake.

The Commission enjoyed another year of stewardship of the Case Estate's Forty Acre Field, which was purchased by the town for municipal purposes from Harvard University's Arnold Arboretum. This area has been managed for the Commission by Land's Sake. Land's Sake is a nonprofit, community service organization dedicated to the productive use and maintenance of land in Weston as well as providing education and employment for young people in Weston. Vegetables, flowers, herbs and fruit were provided for sale at a farm stand or on a pick-your-own basis. Maintenance of this area continued with brush clearing, mowing, walking path upkeep, and tree work. Land's Sake also continues to maintain the apple orchard on Concord Road.

The Greenpower Farm project continues to be a vital part of the Town's activities. This project is administered and paid for by the Conservation Commission and managed for the Commission by Land's Sake. Over 20,000 pounds of fresh produce was delivered at no cost to homeless shelters and food pantries. About 64 youngsters participated in this program. These young people received a practical introduction to organic farming and gardening. They were also involved in the distribution of produce to those who needed it. As in the past, land was also made available for community garden plots. Our popular maple syrup project was continued at the "sugar shack" at the Middle School. The Commission supported Land's Sake's involvement with environmental education projects which were conducted with the School Department.

A forest management plan has been implemented which now provides fire wood and saw logs. By selective cutting and careful management, the Town's forests will ultimately be more productive and will provide improved wildlife habitat. Interpretive and signed trails are located on Conservation land off Crescent Street. Land's Sake has been granted a license by the Commission to occupy the Melone Homestead off Crescent Street. This prop-



Tapping trees for the maple sugar project

erty provides office space and living quarters for some of their staff. Land's Sake has built a greenhouse and storage shed near the house. There are several fields and a developing sugar bush in the same area which will be used by Land's Sake in the future. This location makes an ideal home for Land's Sake and many of their activities.

The Commission has initiated a survey of the bounds of the land under its jurisdiction. This project will clarify the limits of the private land which abuts the conservation land in town.

REPORT OF THE CRESCENT STREET HISTORIC DISTRICT COMMISSION

The Crescent Street Historic District is a Local Historic District established under MGL Chapter 40C and is the only such district in Weston. There are eight houses in the district. The Crescent Street Historic District Commission is charged with review of proposed exterior modifications of structures and other features located within the district, in accordance with Article XXIV of the Bylaw as enacted in 1993, provided that the changes are visible from Crescent Street. Of the five members on the Commission, three are district residents.

On July 27, in response to a Request for Determination by the owner, the Commission met to review proposed changes to a porch at 10 Crescent Street, a property located within the District. The owner proposed to replace the flooring, to install a new railing at the porch perimeter wall, and to install screen panels. After deliberation and discussion of the owner's presentation, the Commission determined that the changes were in keeping with the Colonial Revival style of the residence and voted 3-0 to grant a Certificate of Appropriateness for the proposed work.

REPORT OF THE HISTORICAL COMMISSION

The Historical Commission is appointed by the Selectmen to preserve Weston's architectural, cultural and landscape history and to educate the public about its value. The following summarizes the Commission's activities during 2006.

Demolition Delay activity

Weston's Demolition Delay By-law requires that the Historical Commission review any demolition application for a building built prior to 1945 to determine whether the proposed demolition would adversely affect a historically or architecturally significant structure. If the building is deemed significant and the proposed demolition detrimental, the Commission may impose a six-month delay on construction to try to find a way to save the structure while still fulfilling the applicant's needs. The table below summarizes the 2005 review activity:

Applications received	43
Approved without meeting with the Commission	28
Initial Determination reviews held	15
Public hearings held	2
Six-month delays imposed	2

The number of demolition applications submitted was substantially lower than in previous years, presumably as a result of the slow real estate market.

Historical Markers

The Commission authorized five historical markers for pre-1945 houses which retain their architectural and landscape integrity. Standards for inventorying and awarding markers for more recent buildings which are more than 50 years old are being developed.

Community Preservation Act Projects and Activity

Preservation Restrictions Town meeting authorized the expenditure of CPA funds to purchase preservation restrictions on two of Weston's most visible remaining farm complexes for which the Commission had received applications for total demolition:

- \$250,000 for the purchase of a restriction preserving the 18th century house and later outbuildings and much of the landscape at Hayfields, 823 Boston Post Road;

- \$200,000 for the purchase of a restriction that would preserve the original 5-bay 18th century house and the barn at 412 Highland Avenue;

In each case the purchase price was determined as the result of a professional appraisal that evaluated the potential loss in value to the owner for the loss of control represented by the imposition of the restriction.

The Commission was informed during 2006 that the current owners of the house and barn at 787 Boston Post Road do not want to sell the Town a restriction on their property. Town Meeting had authorized \$155,000 for this purpose in 2002. The Community Preservation Committee has released the funds for future projects.

Fiske Law Office and Melone Homestead Rehabilitations.

Preservation restriction documents were drafted delineating the historic portions of the buildings to be preserved. A design services firm was hired to produce working drawings, finalize design recommendations and clarify matters such as handicap accessibility requirements for historic structures. Construction details are in the process of being finalized for bids.

Josiah Smith Tavern Restoration

A design services architectural firm was hired to determine the scope of the restoration work on the building's exterior and to prepare drawings and specifications for bids. Because of steep increases in construction costs and the discovery that damage to the 18th century structure was more extensive than had been believed, Town Meeting was asked to approve \$360 million in additional CPA funds for the project. After two rounds of bidding, a fully-qualified contractor has been hired to undertake the work. A hospitality services consultant was hired to determine the feasibility of using the Tavern as a restaurant and submitted a favorable report.

Historic Area Designations

During 2006, Weston was honored to have the Glen Road Historic Area listed on the National Register of Historic Places. In addition, Norumbega Road and Recreation Road are included in the new Charles River Reservation Parkways National Register District. These are Weston's seventh and eighth National Register Historic Districts.

Historical Archives Committee

The Historical Archives Committee (HAC) received the *Report of the Archival Survey of Weston Town Clerk's Vault, Records Storage Room, Historical Commission, Historical Society, and the Public Library's Local History Room* from archivist Scott Andrew Bartley in July 2006. Mr. Bartley and an assistant, Martin Hollick, were hired as consultants in September 2005 using grant funds from the Massachusetts Historical Records Advisory Board and Secretary of the Commonwealth, William Francis Galvin. The survey was done in November and December 2005. Because of the long delay between the survey and the report, HAC requested and received a six-month extension of the grant period from August 1, 2006 – January 31, 2007.

HAC reviewed the archivist's report with the archivist and researched historical archives collections in other communities to identify problems and find solutions for Weston's historical archives. A HAC report with recommendations for Weston's historical archives has been drafted and will be submitted to the Historical Commission in early 2007. For FY06, \$2,500 of the \$5,000 grant was received; consultants' expenses were \$1,187.50; fund balance was \$1,187.50, with matches of \$50 cash and \$4,322 of in-kind services.

Appreciation

The Commission is very grateful to:

- Laura Sher for her service on the Commission;
- Glynn Edwards for her service as co-chair of the Historical Archives Committee;
- Ann Swaine for her patience and help administering the Demolition Delay By-Law at Town Hall;
- Kathleen O'Donnell of Kopelman and Paige for expert assistance with preservation restriction legal matters; and
- Pam Fox for continuing to share her knowledge of Weston and its buildings.

REPORT OF THE PLANNING BOARD

The Planning Board is responsible for the review of land division, either through construction of a subdivision road or, where sufficient frontage exists, through submission of an Approval Not Required ("ANR") plan under the Subdivision Control Law. The Board also reviews and approves proposals for: (1) new residential development that is constructed on Scenic Roads and/or that exceeds a certain square footage, (2) commercial projects, (3) tree and stone wall removals/enhancements where they are or will be in the Town's right of way on a Scenic Road, (4) long range planning activities including proposed amendments to the Zoning By-law (the "By-law") and other land use regulations. In 2006, the Board held 34 formal meetings, numerous public hearings, and 19 site walks.

More specifically, in 2006, the Board:

1. Reviewed and approved four Site Plan Approval Applications for new residential construction under the Residential Gross Floor Area ("RGFA") provision to the By-law. Of these RGFA applications, two also qualified for review because of their location on a Scenic Road;
2. Reviewed and approved nine Site Plan Approval Applications for new residential construction under the Scenic Road provisions of the By-law;
3. Reviewed and approved seventeen amendments to previously issued Approvals under the RGFA and/or Scenic Road provisions of the By-law;
4. Reviewed and approved one removal and rebuilding of a stone wall under the General Town By-law, the Scenic Road By-law;
5. Endorsed four ANR plans under the Subdivision Control Law;
6. Reviewed and Approved two Flexible Development Subdivision plans;
7. Reviewed and approved one Conventional Definitive Subdivision plan;
8. Continue to review two proposed Flexible Development Subdivision Plans;
9. Reviewed and approved one proposal for a telecommunications facility within the cupola of an existing historic barn;
10. Granted approval for five day camp proposals at local schools;
11. Reviewed a proposal from NSTAR for tree removal along Scenic Roads;
12. Reviewed and approved one Site Plan for a Country Club under the Zoning By-law;
13. Met with the Zoning Board of Appeals ("ZBA") to discuss potential revisions to the By-law concerning the building of stone walls located in setback areas, in the Town's right of way and/or along Scenic Roads, and the definition of the word "structure" as used in the By-law;

14. Presented for approval at Town Meeting the adoption of the GIS map as the official map for the Town of Weston;
15. Updated the "review" fee schedule for consultants hired by the Board.

Approval Not Required Plans

A landowner with sufficient frontage as defined in the By-law may request endorsement from the Board for his/her subdivision plan. The Board endorsed three ANR plans under the Subdivision Control Law, for reconfigured lots on Summit Road and for the Hunt Property on Lexington Street (two ANR Plans). The Board endorsed an ANR Plan for the Stewart Property on Aberdeen Road that created an additional building lot.

Site Plan Approval for Residential Construction

The Board reviewed and approved four projects that exceeded the RGFA for a house greater than 10% of its lot size or greater than 6,000 square feet ("SF"), two of which also are located on a Scenic Road¹. The Board reviewed and approved eight additional projects proposed on Scenic Roads,² including included both teardowns of existing smaller homes and new construction on vacant lots. In each case, the Board placed conditions on Site Plan Approval which included the elimination of excessive exterior lighting, modification of the elevation of the proposed house, maintenance of existing vegetation, addition of new vegetative buffers, reduction in the amount of impervious surface, and management of storm water. Additionally, the Board granted amendments to seventeen (17) properties that previously were issued a Special Permit or Site Plan Approval.³

Subdivision Approval

In 2006, the Board completed its review of Regis College's definitive subdivision plan and voted on the Certificate of Action ("COA") on January 26, 2007. The plan divides the parcel, located on the eastern side of Wellesley St, into three buildable lots. The filing and approval of a Definitive Subdivision Plan has the effect of freezing existing zoning regulations for eight years. This parcel and its potential use is the subject of pending litigation between Regis and the Town.

The Board issued a COA for a flexible development at 17 Blake Road. The project divides a parcel with an existing house into two separate parcels, one retaining the existing house and the other proposing a house that exceeds the RGFA. The new home will sit on a knoll overlooking a pond shared by both parcels. Because of the height and mass of the new home, the Board looked closely at the limits of work, landscape screening, lighting, and architecture.

The Board also reviewed in great detail a proposed flexible development at 26 Love Lane, which proposes three (3) buildable lots with and three homes exceeding the RGFA. In this case, positioning of the shared road, location of the septic system, retention of a vernal pool, and buffer screening were major issues.⁴

Another flexible development was proposed at 102 Ash Street. This plan proposed a three-lot subdivision that maintains the existing home fronting on Ash Street and adds two homes that exceed the RGFA. The septic system, location of the driveway for the existing home, and screening were among the issues addressed.

¹ 55 Hidden Rd, 18 Pine St, 4 Deerpath Ln (project abuts Pine St and Highland St), 33 Skating Pond Rd

² 64 Oak St, 24 Oak St, 3 Pigeon Hill Rd, 107 Love Lane, 225 North Ave, 239 Winter St, 235 Glen Rd, 25 Ash St

³ 81 Sherburn Cir, 56 Chestnut St, 180 Ash St, 154 Church St, 193 Merriam St, 465 Glen Rd, 400 Concord Rd, 162 Highland St, 5 Newton St, 448 Concord Rd, 118 Chestnut St, 425 Glen Rd, 2 Ripley Ln, 111 Walker St, Lot 6 Cutter's Bluff, 113 Merriam St, Lot 10 Prescott Ln.

⁴ Final approval of this plan is pending.

Finally, the Board reviewed and approved a two-lot subdivision at 725 Boston Post Road that proposed maintaining the existing house fronting on Route 20 and creating a second lot with a home behind the first. Because the parcel abuts conservation land, contains Weston Forest and Trail easements, and is on a Scenic Road, creation of a new driveway curb cut and buffer plantings were the main areas of concern.

Telecommunications

The Board issued a Special Permit to Omnipoint Holdings for a wireless communications facility at 487 Wellesley St, to be located in the cupola of the existing "Gateways" barn owned by the Hyde family. The barn is located adjacent to the Mass Pike overpass, in a stretch where Omnipoint has been trying to address a dead zone. As it is the first such installation on privately-owned land in Weston, the Board required the applicant to look closely at other potential sites and at the likelihood that other carriers will be able to use this location as well. The Board considered in its approval the fact that the owners of the barn plan to use the fees to preserve a well-known historic landmark in Weston.

Day Camps

The Board issued COA's (or renewals thereof) for five summer day camps: the New England Chinese Youth Summer Camp at Regis College, two additional week-long camps at Regis College, the Rivers Day Camp, and the Cambridge School Day Camp. Applicants were required to discuss modes of transportation for the campers and traffic control issues, especially since the camps will abut residential areas and/or be conducted on roads that are major traffic arteries in Weston during rush hour.

Tree Removal

The Board gave approval to NSTAR for removal of dead and dying trees along designated scenic roads in Weston, pursuant to the Town's General By-law-Scenic Road By-law. NSTAR was advised that removal of the snags and stumps will have to take place within a reasonable time after removals of the tops of trees, as there have been numerous complaints from residents based on past performance. In addition, one resident of Glen Road questioned the accuracy of NSTAR's evaluation of several trees located on Glen Road, a scenic road that has suffered considerable tree loss in the past few years from various causes. The Board will send a representative to "walk" Glen Road with the NSTAR representative, the concerned resident, and the Weston Tree Warden in January 2007.

Regis College

As discussed above, the Board approved the Regis Conventional Subdivision Plan. The pending litigation between the college and Town, which appeals the ZBA's denial of Regis's requested variances for its adult educational facility, is still active. The Board is not a party to this suit. However, the Selectmen have formed a committee to represent the Town in mediation, and one member of the Board sits on the committee.

Highland Meadows

A majority of the Board's time in 2006 was focused on the Adult Active Residential Development ("AARD"), known as "Highland Meadows," to be built on the 44- acre parcel owned by Highland Real Estate Development LLC, located between Highland Street and the Boston Post Road/ Route 20. The AARD is an alternative type of residential development allowed in Weston by vote of Town Meeting in May, 2005. Under the terms of the by-law passed at that time, an AARD is restricted to persons 55 years of age and older and a minimum of 10% of the units must be "affordable" as defined by State regulation. The purpose of the AARD is to provide a maturing population with alternative housing choices that reduce the burden of individual property maintenance, to encourage flexibility in site planning, and to protect natural features and scenic views.

Prior to this year, the developers had submitted, with the assistance of Sasaki Associates, a Concept Plan for Highland Meadows. That plan included a No Disturb Zone around the perimeter of the parcel, 69 units of mostly detached housing with seven affordable units, construction of, or payment for, an additional affordable unit off-site, creation of walking trails established by permanent easement in favor of the Weston Forest and Trail Association, substantial landscaping in the perimeter buffer and within the site, limits on the amount of exterior lighting, a clubhouse and tennis courts, waste disposal and an on-site package treatment plant, renovation of the historic home at 734 Boston Post Road, and construction of a sidewalk and reconstruction of a stone wall along Highland Street. That plan was accepted by Town Meeting in May 2004.

During 2007, the Board has held almost weekly informal meetings, in addition to the year-long continuation of the Public Hearing, in an attempt to address each of the details presented by a project of this scope. The Board has heard separately from members of the development team regarding various issues, including storm water runoff, traffic mitigation during construction, style of architecture, landscape planting within the development and as screening, affordable units, condominium governance documents, and phasing of construction to minimize tree removal until units are ready to be built... The Board appointed a subcommittee consisting of two Board members and its permanent landscape consultant, to take extra site walks with the developer's landscape expert and revise the building and planting plans to save existing trees and topographical features wherever possible. In addition, members of the Board with expertise in architecture and historic preservation have met informally with the development team on numerous occasions. The Board expects to issue the COA in February 2007.

Green Street

The Board continued to study and express concern about the impact of developer Sam Park and Company's proposed development of 530,000 SF of office space on a parcel of land on Green Street St in Waltham abutting the Route 128/20 interchange. Park also has proposed, and gained initial approval from the Massachusetts Highway Department for, a concurrent modification to this the interchange, including creation of a connecting ramp from Green Street to the interchange. The proposed modification creates a connection between Route 117 and Route 20 and also calls for the installation of at least two traffic signals around the interchange. Robert Michaud of MDM Transportation Consultants was hired by the Board to make a technical evaluation of traffic problems that likely will ensue if the Green Street Development and Route 117 Connector are constructed as presently proposed Connector's. The Board incorporated Michaud's findings in its response to Park's Final Environmental Impact Report ("FEIR"). The Board also has hired outside counsel to advise it in its dealing with the Mass Environmental Protection Agency and the Mass Highway Department. The Board and the Selectmen remain in contact with the City of Waltham on the Green St project.

Long Range Planning Projects

Two members of the Board participated with a member of the ZBA on a special subcommittee to draft a By-law revision that would specify when ZBA approval is required for construction of stone walls, including retaining walls, within property setback limits. A subsequent joint session between the Board and ZBA determined that any such revision should consider other types of structures as well. This work is ongoing.

The Planning Board has discussed revisions to the By-law that would address questions of how the RGFA is calculated, whether certain types of spaces such as above-grade finished basements and certain types of finished attic space should be counted in RGFA calculations, and under what circumstances additions should be reviewed under the RGFA by-law. These discussions continue.

The Board has requested and received from the Selectmen funds to hire an affordable housing consultant. The goal is for Weston to look at what strategies the Town might use to increase its stock of affordable housing and to develop a pro-active plan. The Board also requested and received from the Selectmen funds to pay counsel to overhaul the Town's By-laws, which has not been done since 1989. One goal is to address the By-law's treatment of storage of commercial vehicles on residential property.

Finally, members of the Board continue to meet informally with developers each week to answer questions about the By-law as it relates to their projects.

The Board also requested and received from the Selectmen funds to pay Town Counsel to recodify the Town's by-laws, which has not been done since 1989. Further work will be done to address problems in the by-law, such as the by-law's treatment of storage of commercial vehicles on residential property and the inclusion of a definition of "structure", in the By-law.

Finally, members of the Board continue to meet informally with developers each week to answer questions about the by-law as it relates to their projects.

Input and Participation on other Town Matters

The Board remained involved in land-use and community development issues, including expressing its opposition to the development of the historic "Hayfields" property as a 40B development and its support for the Town's acquisition of the Case Estates. The Board also keeps abreast of discussions on the Josiah Smith Tavern, as any future project there will likely come within its purview. In the upcoming year the Board plans to monitor the proposed Wayland Town Center development on the old Raytheon property on Route 20. The traffic impacts of such a development, when combined with the already-permitted Mass Broken Stone office building, the proposed Green Street development and interchange modification, and possible future development on the Polaroid site in Waltham, will have a profound impact on one of Weston's major arteries.

REGIONAL PLANNING AGENCIES

REPORT OF THE METROPOLITAN PLANNING COUNCIL

The Metropolitan Area Planning Council (MAPC) promotes inter-local cooperation and advocates for smart growth by working closely with cities and towns, state and federal agencies, non-profit institutions, and community-based organizations in the 101 cities and towns of Metropolitan Boston. MAPC provides leadership on regional issues by conducting research, building coalitions, and acting as a regional forum for action. Since 1963, the Council has provided technical assistance and specialized services in land use planning, water resources management, transportation, housing, environmental protection, economic development, public safety, geographic information systems, collective purchasing, data analysis and research, legislative and regulatory policy, and facilitation and support of inter-local partnerships.

MAPC is governed by 101 municipal government appointees, 21 gubernatorial appointees, and 13 appointees of state and City of Boston agencies. An Executive Committee oversees agency operations which are carried out by 40 professional staff and an executive director. Funding comes from governmental contracts and foundation grants, and a per-capita assessment on member municipalities. MAPC has divided the region into eight sub-regions, which are overseen by councils of local leaders, with a staff coordinator who provides organizational and technical staff support.

Smart Growth Across Municipal Boundaries

MAPC's **MetroFuture: Making a Greater Boston Region** initiative: planning for growth and development in the region through 2030 by presenting a scenario of what the region will look like if current trends

continue, inviting participants to suggest alternatives, and eventually choosing a desired outcome. Formation of a regional strategy for achieving the desired result is the next step.

During 2006, MAPC helped over 70 cities and towns rewrite zoning by-laws, evaluate smart growth uses for key parcels, keep traffic under control, expand transit, deal with crime, and prepare for natural disasters.

As a member of the **Massachusetts Smart Growth Alliance**, MAPC worked with six allied organizations to advocate for sustainable development throughout the Commonwealth. Subjects included recapitalizing and reforming the state's Brownfields Tax Credit, analysis of significant state land use and transportation policy proposals and research on the impact of sprawling development.

MAPC and the 495/MetroWest Corridor Partnership produced the **Massachusetts Low Impact Development Tool Kit**, which presents state-of-the-art practices for managing stormwater and increasing the recharge of water to aquifers and **Once is Not Enough: A Guide to Water Reuse in Massachusetts**, a manual that describes techniques for non-potable reuse of treated wastewater. MAPC and the US Geologic survey have begun work on a **hydrologic modeling project** simulating the impact of future development on watersheds of the Charles and Assabet Rivers.

Getting Around the Region -- MAPC sponsored a conference on the impact of transportation emissions on public health. See www.mapc.org/air_quality for more information. A **Regional Bicycle Plan** to assess current conditions and guide future improvements to bicycle transportation in the region was developed. Objectives include increased use of bicycles, simplification and coordination of funding programs and increasing regional knowledge. MAPC also worked with other agencies to develop a **Regional Bike Parking Program**, negotiating discount group contracts to purchase equipment using Federal Funds. See www.mapc.org/transportation/transportation_alternatives.html for more information.

Collaboration to Address Shared Municipal Challenges -

Working through its Metro Mayors Coalition, MAPC helped to develop legislation to create the *Senator Charles E. Shannon Jr. Community Safety Initiative* which supports gang and youth violence prevention and law enforcement efforts. \$1.2 million in Shannon grants was used to enhance public safety through targeted workforce development, after-school mentoring, re-entry initiatives, gang-prevention education, and collaborative community policing, in 17 communities in Metro Boston and Essex County.

The **Municipal Health Insurance Working Group** drafted and proposed legislation to let cities and towns purchase their health insurance through the Group Insurance Commission.

Collaboration for Safety –fiduciary, planning, and project management services for the **Northeast Homeland Security Regional Advisory Council (NERAC)**, a network of 85 cities and towns north and west of Boston. In 2006, more than \$1.5 million in emergency equipment and supplies was distributed to member communities, and first responders were trained for various Homeland Security incident command system roles.

Pre-Disaster Mitigation: plans for cities and towns throughout the region were developed to help communities reduce vulnerability to damages due to natural hazards and include an inventory of critical facilities and infrastructure in each community, a vulnerability analysis, and a mitigation strategy with recommendations for protecting the communities from future damages.

Collaboration for Savings -- the Consortiums Project administered 37 procurement contracts for 42 municipal clients in 2006, saving cities and towns up to 20% on the purchases. MAPC concluded seven procurement contracts for public safety, public works and general use vehicles under which 142 municipalities purchased 180 vehicles. Other procurement collaborations included purchases of bicycle racks, hybrid vehicles, and water leak detection services at favorable prices.

Charting a Course to Region-wide Prosperity - the annual **Comprehensive Economic Development Strategy**, assesses current regional economic trends and conditions, background on trends and conditions in the regional economy, and a discussion of the relationship between the economy and factors such as geography, population, labor force, resources, and the environment. For the 2006 report see www.mapc.org/economic_development/comprehensive_economic.html.

Tools to Improve Planning and Decision-Making The **Metro Data Center** and The Boston Foundation developed an online data and mapping tool for residents and leaders in the region. The resource, which, can

be accessed at www.MetroBostonDataCommon.org, helps individuals to create customized maps and charts. The Data Center and MAPC's Legislative Committee advocated for the establishment of a **statewide population estimates program** at the University of Massachusetts Donahue Institute, which lays the foundation for analyzing Census estimates in a more robust way.

MAPC's **Geographic Information Systems (GIS) Lab** provides professional services and products and technical assistance for local and regional planning projects. In 2006, MAPC's GIS team completed projects for the NERAC region, and maps associated with the Pre-Disaster Mitigation Program, both of which are described above. The GIS Lab also made major contributions to the MetroBoston DataCommon and the MetroFuture planning projects. A project to map areas suitable for economic development throughout the region in accordance with smart growth principles was also begun.

The *Regional Record*, the MAPC's quarterly newsletter, provides updates on the latest regional projects and thinking, and provides opportunities for residents and communities to get involved in various events, converted from print to an electronic format. To receive it, e-mail a request to info@mapc.org.

On Beacon Hill: 2005 – 2006 Legislative Session

- The *Brownfields Redevelopment* Fund was recapitalized with \$30 million, and the Brownfields Tax Credit was amended to allow non-profit development projects to raise equity by selling the credit to taxable entities.
- *Expedited Permitting*: a law to expedite permitting of commercial/industrial developments in "priority development sites" designated by cities and towns was passed. In part, the new law includes funding for technical assistance to municipalities, development of a statewide expedited permitting model, and criteria to steer priority development sites toward smart growth locations.
- *GIS Data Layer*: the FY 2007 budget includes \$400,000 to update and improve the quality of Mass GIS data linking aerial photographs to land uses.
- A *Statewide Population Estimates Program* at the University of Massachusetts was funded at \$100,000 in the FY 2007 budget.
- *Community Safety Initiative*: an \$11 million grant program to encourage the creation of regional, multi-disciplinary initiatives to combat gang violence, youth violence, and substance abuse was established.
- *Sewer Rate Relief*: the FY 2007 budget includes \$25 million to help lower costs for residential and business consumers served by sewer districts, including the MWRA.
- *Surplus Land*: the House and Senate passed bills to reform the state's surplus land disposition policy. Both included a municipal right of first refusal, smart growth review for larger parcels; oversight of disposition; and 10%-25% share of profits for municipalities who do not exercise the right of first refusal. While differences between the two bills were not resolved in Conference Committee, significant progress was made for future passage of this legislation.

More information about MAPC's services and ongoing activities is available at www.mapc.org.

REPORT OF THE METROWEST GROWTH MANAGEMENT COMMITTEE

The MetroWest Growth Management Committee (MWGMC), formed in 1985, includes leaders from 10 communities in the MetroWest area, helps local elected officials and planning staff meet growth management challenges by facilitating inter-local collaborative planning and problem solving to enhance the quality of life and economic competitiveness of the region. It is the oldest of the eight sub-regions of the Metropolitan Area Planning Council (MAPC).

One selectman/mayor or city council member and one planning board member represent each member community. MWGMC, which is funded by member assessments, grants and contracts, maintains an office in Natick and employs a staff of two to deliver core services to member communities. Weston's representatives to the Committee are Selectman Douglas Gillespie who serves as Chairman, and Planning Board Member David Mendelsohn.

Technical Assistance – In FY 06, the Technical Assistance to our member communities expanded.

Transit: - The "495/MetroWest Alliance for Transit Services" was created to discuss new opportunities that are available to MetroWest communities as a result of recent statutory reforms allowing suburban communities served by the MBTA to join an existing or new Regional Transit Authority (RTA). In December, a new RTA was established in Framingham. The Alliance is informing communities of this new opportunity and assisting them with transportation needs. MWGMC met with the Weston Board of Selectmen in late fall and offered to assist the town in determining its transportation needs and how they might be met by the newly formed RTA.

Low Impact Development - MWGMC developed Low Impact Development, Stormwater & Erosion Control, Earth Removal and Illicit Discharge Bylaws. In April, the Town of Southborough Annual Town Meeting voted to these bylaws, all of which were subsequently approved by the Attorney General. MWGMC prepared LID Rules and Regulations which were adopted by the Southborough Planning Board. MWGMC continues its work with the Conservation Commission to finalize the draft regulations for the Stormwater and Erosion Control Bylaw. The bylaws and regulations are available at (www.metrowestgrowth.org).

Housing - MWGMC assisted the Town of Holliston in drafting Affordable Housing Bylaws and regulations. Other communities were assisted with the formation of Affordable Housing Trust Funds. At present, MWGMC has drafted Affordable Housing Rules and Regulations for Framingham, Wayland and Holliston. The Natick Housing Plan and Planned Production Strategy, which was drafted by MWGMC, was approved by the Massachusetts Department of Housing and Community Development.

Regional Pre-Disaster Mitigation - MAPC and MetroWest staff are working to identify areas within each community that is at risk of damage from natural hazards, evaluating existing protection measures, and developing mitigations strategies to reduce future damages. Completion of this work and development of a regional disaster mitigation plan approved by FEMA will make each community eligible to receive federal disaster mitigation.

Our ties with the MetroWest legislative delegation are strong. The semi-annual **Legislative Breakfasts** are always well attended by legislators and municipal staff and leaders.

The monthly **Planners Roundtable** for local planners and planning board members provide technical information and training on planning and growth issues. It also provides planners with the opportunity to share expertise, experience, and questions with colleagues. In FY06, MWGMC held its first meeting of a **MW Housing Task Force**, and has arranged for a series of discussions on deriving the most benefit from the scarce dollars available for affordable housing. MWGMC is working closely with CHAPA and its legislative delegation on several pieces of legislation for housing.

One of the core services MWGMC provides to its members is the **Regional Impact Review (RIR)** which provide opportunities for local leaders to comment on the impacts of proposed commercial, industrial, and residential development projects, and provide administrative services to citizen advisory boards. This allows for regional development impacts to be considered early in the development project. RIRs were conducted for the Natick Mall expansion, Lowes, EMC, Wayland Town Center, Beacon@495, and Genzyme.

NYANZA - In late summer, the MWGMC voted to establish a Nyanza Task Force to develop strategies to further study and mitigate the plume that has affected the Sudbury River in the past and may continue to adversely impact this valuable environmental resource. MWGMC is hoping to obtain a grant to study whether the plume should be addressed as a public health hazard impacting the river and the communities through which it runs.

The **MetroWest Transportation Taskforce** advocates for improved transportation services to the region, and strategizes to influence transportation planning and decision-making by the Boston Metropolitan Planning Organization. The task force, which is chaired by former state legislator John Stasik, held its second annual transportation event, "**Gridlock or Green Light?**" in 2006. The goal of this effort is to elevate the transportation discussion to a higher level and connect it to the Smart Growth/Sustainable Development movement.