

LAND USE, PLANNING AND ZONING

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; and comprehensive permits.

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. The Board of Appeals has granted a number of comprehensive permit applications in recent years.

The Board of Appeals typically meets twice a month, and in the past year heard approximately seventy cases. The Board's hearings are public and 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 and the Board of Health.

REPORT OF THE COMMUNITY PRESERVATION COMMITTEE

The Community Preservation Committee (CPC) evaluates proposals submitted by Weston residents or other boards and committees 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 to surcharge up to the maximum of 3%.

In October the Town received its fourth disbursement from the State's matching Community Preservation Trust Fund. The State continued to match at the 100% level with the FY06 amount of \$1,189,090 based on total local receipts of \$1,182,904 recorded in FY05. The total revenue received through FY05 is \$7,541,834.00.

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 11, 2005, the CPC presented its recommendations for FY06. 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. Appropriations approved by Town Meeting were as follows:

Article 18

\$800,000 for the acquisition, creation and preservation of open space excluding land for recreational use:

\$250,000 for the acquisition, preservation, rehabilitation and restoration of historic resources;

\$450,000 for the creation, preservation and support of community housing;

\$120,000 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2006. Projected administrative expenses were for the following items:

\$50,000 - engineering and related studies to evaluate possible purchase of the Case Estates owned by Arnold Arboretum of Harvard University

\$40,000 - feasibility study to investigate possible uses for the Josiah Smith Tavern

\$20,000 - salary for a part-time administrator

\$10,000 - miscellaneous expenses

Article 19 - acquisition of open space

\$322,500 for principal and interest payments related to the purchase of Sunday Woods approved for purchase under Article 6 of the May 2002 Annual Town Meeting; this payment was the third of five payments to be made. The Sunday Woods property, a 23 + acre woodland, is adjacent to the Jericho Town Forest and is part of a valuable wildlife

habitat. The total purchase price of \$3.2 million was funded with \$800,000 in FY02 CPA funds , \$450,000 in remaining MWRA funds, \$500,000 in private funds raised by the Weston Forest and Trail Association, and 1.5 million in additional CPA funds bonded over five years.

Article 20 - creation of community housing

\$453,721 for debt service associated with the expansion of the Brook School Apartments to ensure that 13 of the 24 new units were classified as affordable units in perpetuity; this was the second payment of twelve to be made.

Article 21 - rehabilitation and restoration of historic resources

\$230,000 for the rehabilitation and restoration of the historic Fiske Law Office to make it viable for leasing as commercial office space. All work will be subject to a preservation restriction on the historic features of the structure.

Article 22 - preservation of open space

\$20,000 for the preservation of several fields under the jurisdiction of the Conservation Commission. This project was a continuation of the field preservation program initiated at the May 2004 Annual Town Meeting. The work involves cutting vegetation to restore the fields back to their original boundaries - either stone walls or mature trees marking an old fencerow or woodlot edge.

Article 23 - acquisition of open space

\$450,000 for the purchase of 4.5 acres of land at 0 Church Street along with two trail easements over adjoining parcels, The Town also secured a conservation restriction upon an adjacent 2.8 parcel sold to private parties. In addition, the owners separated out a one-acre lot that was given to the Weston Affordable Housing Foundation as a site for an affordable housing unit.

The CPC hired its first part-time administrator in May. Project related activities included the issuance in November of Requests for Qualification for the selection of an architect to design the renovation of the Fiske Law Office and the Melone Homestead; construction is expected to be completed in November, 2006. The Melone Homestead portion of this project involves the structural stabilization of the structure and a partial renovation of the interior layout for continued use as rental office space. All work to be done will be subject to a preservation restriction. The Board of Selectmen voted on December 20, 2005 to award the fields' preservation project to Land's Sake, Inc. The acquisition of 0 Church Street as described above was also executed in December 2005.

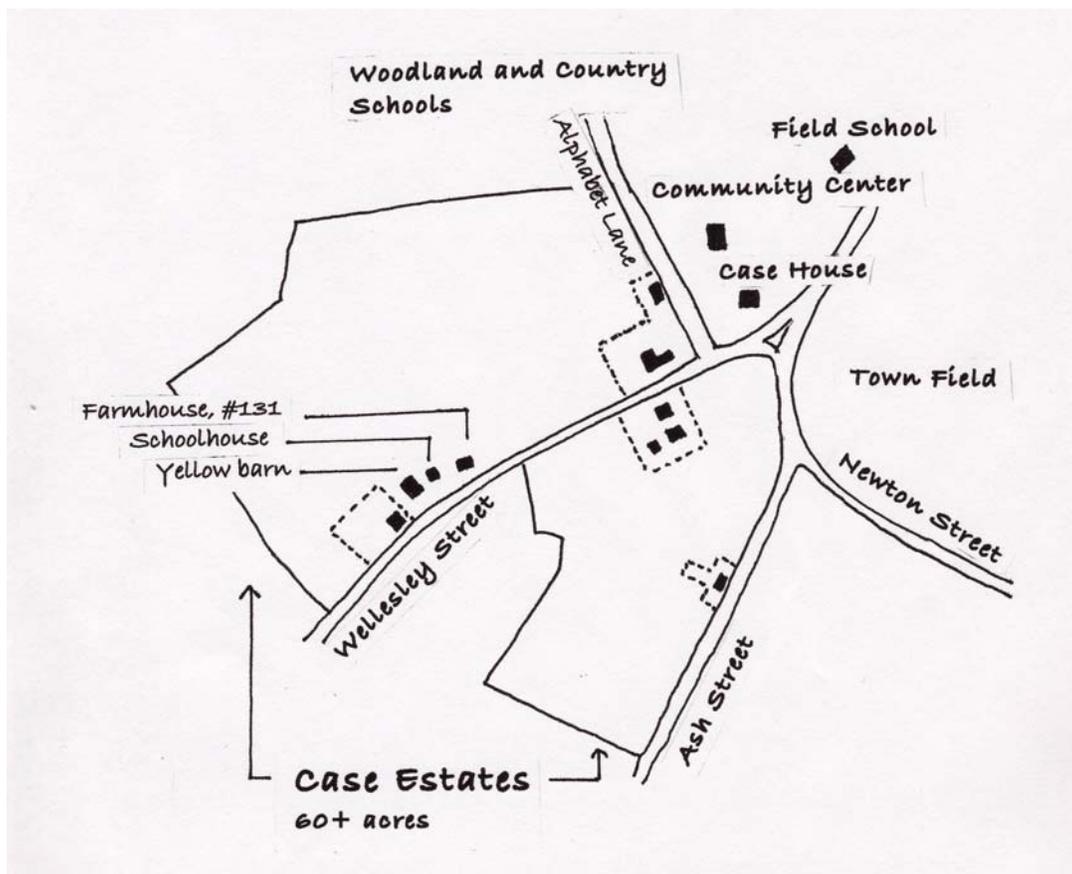
Several projects funded in prior Town meetings are in progress or nearing completion including the installation of a new boiler and the restoration of the exterior of the Josiah Smith Tavern. The Town opened proposals from designers for the exterior rehabilitation of the Tavern on December 2, 2005; construction is expected to be completed by August 2006. Restoration of the historic Crescent Street dam, funded up to a maximum of \$60,000 at the November 2002 Annual Town Meeting, was completed with the owners receiving reimbursement for a total of \$32,334.02.

The Board of Selectmen appointed the Case Estates Review Committee (CERC) on June 15, 2005; the committee has the authority to expend, in the course of fulfilling its charge, up to \$50,000 under the FY06 CPA administrative budget for engineering and related consultant studies. A fuller description of CERC's activities to date can be found under the Case Estates Review Committee report.

COMMUNITY PRESERVATION ACT REVENUE AND APPROPRIATIONS FY02 - FY05				
	FY02	FY03	FY04	FY05
Community Preservation Act - Revenue				
Property Surcharge	927,936	1,042,135	1,123,880	1,182,904
State Match	-	935,343	1,051,629	1,122,336
Investment Income	2,457	8,141	16,750	119,711
Donations/Other	<u>1,384</u>	<u>2,821</u>	<u>2,145</u>	<u>2,262</u>
Total Revenues	931,777	1,988,440	2,194,404	2,427,213
Use of Community Preservation Funds				
Open Space				
Balance - beginning of fiscal year	-	93,212	239,101	141,431
Appropriation not used	-	-	18,330	-
New allocation	93,212	180,000	220,000	220,000
<u>Less: Appropriations for</u>				
Debt Service - Sunday Woods	-	34,111	336,000	329,250
Field Restoration	-	-	-	<u>20,000</u>
Balance at end of fiscal year	93,212	239,101	141,431	12,181
Historic Preservation				
Balance - beginning of fiscal year	-	93,212	58,212	53,212
New allocation	93,212	180,000	220,000	220,000
<u>Less: Appropriations for</u>				
787 Boston Post Road - Historic Preservation		155,000	-	-
Mill Dam, 39 Crescent Street - Preservation Res.		60,000	-	-
809-811 Boston Post Road - Preservation Res.			225,000	-
Melone Homestead - Historic Preservation		-	-	240,000
Josiah Smith Tavern - Historic Preservation		-	-	<u>326,500</u>
Balance at end of fiscal year	93,212	58,212	53,212	(293,288)
Community Housing				
Balance - beginning of fiscal year	-	93,212	273,212	333,212
New allocation	93,212	180,000	220,000	220,000
<u>Less: Appropriations for</u>				
809-811 Boston Post Road	-	-	160,000	-
Brook School Apartments	-	-	-	<u>363,000</u>
Balance at end of fiscal year	93,212	273,212	333,212	190,212
Administrative Funds				
Allocated	-	59,500	44,000	60,000
Spent	-	<u>8,134</u>	<u>20,870</u>	<u>39,342</u>
Returned to unallocated funds	-	51,366	23,130	20,658

REPORT OF THE CASE ESTATES REVIEW COMMITTEE

In January 2005 representatives of the Arboretum notified the Weston Board of Selectmen that they were prepared to discuss the possible sale of the Case Estates to the Town. The Selectmen appointed the Case Estates Review Committee (CERC) to study the possible acquisition, future use and funding sources for purchase of some or all of the property. The committee is listed in the front of the annual report.



The Case Estates is a 62+-acre property in the geographic center of Weston. Wellesley Street separates the property into a 40.8 acre parcel northwest of Wellesley Street and a 21.7 acre parcel between Wellesley and Ash Streets. Owned by the Case sisters through the early 1900's, the property was maintained as Hillcrest Farm, then Hillcrest Garden until they bequeathed it to Harvard University for the benefit of the Arnold Arboretum in 1944. Harvard managed it until the early 1990's as part of the university's Arnold Arboretum, but currently does not use the property for any purpose other than the storage of maintenance equipment. The Case Estates is a prominent historic landscape that contains horticultural plantings and other natural resources. It provides roadside views that are a reminder of Weston's rural history as an agricultural community with open fields and woods. The property includes two houses and a barn adjacent to Wellesley Street.

Many studies have been completed as part of the planning process for the property. The Arnold Arboretum has engaged consultants who completed soil suitability analyses and condition assessments of the existing buildings. Harvard has also obtained an appraisal of the property. The Town has engaged consultants for various studies, including a preliminary horticultural survey. Through the years there have been land planning efforts with community

input. In early 2006 the Case Estates Review Committee will take another look at these conceptual plans with land planning consultants.

The committee itself has been hard at work gathering data about projected municipal and community needs and how they might be met on this property. Interviews have been conducted with representatives from each of the town's departments, the neighbors in the Case Historic District and also with contacts from other towns that have faced land use decisions similar to this. Information appears on the town website www.weston.org. Besides background material and maps, the website includes agendas, meeting times and minutes. There are also hardcopy files in the CPC office, Town Hall and at the Town Library in notebooks at the reference desk.

The possibilities for the future of the Case Estates range from private development of as many as 29 single family house lots preservation of the entire site with variations in between. Each scenario has different benefits for the Town and different financial impacts. The Committee will be recommending priorities for the site and will be analyzing the viability of purchasing the property so that the Town can control the various ways the land and buildings might be utilized or developed. If it is purchased by the Town, many ideas have been discussed including reserving a portion of the land for future cemetery expansion, selling portions for residential development, using the houses for affordable housing, providing improved circulation and parking for the nearby "Case Campus" and preserving portions for open space and important roadside landscapes. The financial implications of each of these choices will be studied and the Committee will look at using various funding options including Community Preservation Funds, private fundraising, and proceeds from a limited development to fund the purchase of the parcel.



Case Estates: Corner of Wellesley and Newton Streets

The Case Estates is a special place in Town with a long tradition as a historic landscape. The value of this property for development is high and the resources of the town are limited. Decisions will be difficult. The Committee is charged with making recommendations to the Board of Selectmen and residents will be asked to vote on a proposal related to this property at a future Town Meeting.

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 75 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 by the Conservation Commission and managed for the Commission by Land's Sake. Over 33,000 pounds of fresh produce was delivered at no cost to homeless shelters and food pantries. About 79 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 have been completed 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 property provides office space and living quarters for some of their staff. Land's Sake has built a greenhouse 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 serving on the Commission, three are district residents.

The Commission held two meetings last year, both associated with a petition to demolish entirely every structure at 16 Crescent Street, a property located within the District. At the first meeting, held on September 28, the Commission elected officers and, on advice of town counsel, invoked the State Ethics Commission's Rule of Necessity to allow the Commission to review the petition. Then, after deliberation and discussion, the Commission determined that it had jurisdiction over the application, which involved exterior features visible from Crescent Street. At the second meeting, held on October 17, the Commission denied the petition without prejudice because the applicant failed to appear and provide sufficient information supporting his petition.

REPORT OF THE HISTORICAL COMMISSION

The Historical Commission is appointed by the Selectmen to preserve Weston's history and educate the public about its value. 2005 was an especially busy year for the Commission and its related committees and subcommittees.

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	53
Approved without meeting with the Commission	37
Initial Determination reviews held	16
Public hearings held	6
Six-month delays imposed	5

The two most controversial demolition applications were submitted for the outbuildings and the house at 823 Boston Post Road the site of two sequential proposals for multi-unit housing under Massachusetts's 40B law. 40B overrides local zoning if 25% of the units are for affordable housing and other criteria are met. The Historical Commission and the Selectmen opposed both applications because of the prominent location, scenic qualities, and historical significance of the property, which is within the Boston Post Road National Register District. The demolition delay on the outbuildings has expired and that on the house expires in February 2006.



Hayfields – 823 Boston Post Road

Historical Markers

The Commission authorized six historical markers for pre-1945 houses which retain their architectural and landscape integrity.

Historic Areas

Area Forms officially documenting the architectural and cultural history of the Jones Road, Webster Hill, Warren Avenue and Chiltern Hundreds neighborhoods were prepared for the Commission by preservation consultant Pamela Fox and filed with Massachusetts

Historical Commission. Each has a cohesive character and history that is an important contribution to Weston's history. The Chiltern Hundreds area includes Columbine, Ferndale, Ridgeway, Pembroke, Locust, Old Colony, Dean, Chiltern and Ox Bow Roads.

Weston now has 15 historic neighborhood areas, six National Register Districts, and one Local Historic District, the later encompassing six properties on Crescent Street Local Historic District. Only the Local Historic District imposes restrictions on exterior changes. More information about each of these can be found at the Commission's web site at www.westhistcomm.org.

Josiah Smith Tavern Committee

The Committee developed a Vision Statement for the future use of the Tavern and the Old Library, which was subsequently endorsed by both the Historical Commission and the Board of Selectmen. A basic principle is that both buildings will be restored sympathetically while being renovated for new uses using CPA funds. The Vision Statement recommends that the Tavern is to be restored to its original use, with part of the building serving as a restaurant featuring locally-grown foods. The Historical Society Museum is also to be housed there. The Old Library is to house the Women's Community League on the main floor and archives for the Historical Commission and Historical Society in the basement. Land's Sake is to utilize the Tavern Barn for educational programs and it will also continue to be available for public rental. The intent is that the commercial activities will provide sufficient revenue so that there will be no incremental maintenance cost to the town. A more comprehensive summary of the Vision Statement is available at www.westhistcomm.org.

The Committee oversaw the installation of a new boiler for the Tavern to replace the one that had failed. With the assistance of the CPC assistant, Judith Sparrow, a Design Service firm has been hired to implement the exterior restoration work which Town Meeting authorized. Both are CPA-funded projects.

Other Community Preservation Act Projects

Post Road Green at 809-811 Boston Post Road is an example of successful integration of an historic house and barn into a 40B project while preserving the historic buildings and viewscape. The project opened during 2005 and provides two affordable housing units. Town meeting had authorized purchase of a preservation easement on the exterior of the house and barn with CPA funds, in addition to providing funds to help subsidize the affordable units.

Project specifications for the restoration of the Melone Homestead and the Fiske Law Office were developed and an RFP for Design Services for both buildings was sent out for responses early in 2006. The Design Service firm will finalize the construction drawings and bid specifications after analyzing issues such as appropriate handicap access for historic buildings and will conduct the bidding for the construction work.

Historical Archives Committee

The Historical Archives Committee, with funding from a the Massachusetts Historical Records Advisory Board (MHRAB) grant, hired consultant archivist Scott Andrew (“Drew”) Bartley and intern Martin Hallek to survey Town archive collections currently housed in the Town Hall and Josiah Smith Tavern, and provide recommendations to the Town on the appropriate ways to catalogue, store, and maintain its collections as well as the best way to achieve public access. The initial survey was completed in 2005. A report summarizing the findings of the survey and recommendations for the Town historical archives will be provided in 2006.

Preservation Restriction Committee

Massachusetts Historical Commission approved the preservation restriction for the exterior of the house and barn at Post Road Green and it was registered. This restriction was purchased with \$225,000 of Community Preservation Act funds. Restrictions for the Melone Homestead and Fiske Law Office are being drafted, and Forest and Trail Association has agreed to administer them. The Landscape provisions of the restrictions at 157 Church Street and 171 Church Street were modified and approved by the Restriction Committee and the Historical Commission. The wording of the dam restriction at 37 Crescent Street was altered to ensure that the view from the abutting conservation land would remain open, a condition of the town meeting vote approving CPA funds for restoration of the dam.

Appreciation

The Historical Commission sincerely thanks

- Diane Hubbard for her 10 years of service as a loyal member. Her dedication, thoughtfulness and hard work are much appreciated.
- John Sallay for his hard work, creativity, and organizational accomplishments as Chair of the Josiah Smith Tavern Committee.
- Dennis Saylor for his thoughtful contributions and diligent legal research as a member of the Josiah Smith Tavern Committee.
- Pam Fox for continuing to share her knowledge of Weston’s buildings and its history.

REPORT OF THE WESTON/MWRA WORKING GROUP

Norumbega Reservoir

- Replanting of grasses and shrubs at the Norumbega Reservoir, necessitated because of the late start and erosion from storm run-off, was completed in 2005.
- A contract to remove the external fence around the reservoir property was let. It is combined with the contract for fencing the new John Carroll water treatment plant in Marlborough and security fencing around the reservoir. The work will start in Marlborough so work around Norumbega will be done in '06. Abutters to the Norumbega whose properties are currently fenced were given the option of having the fence at their property removed or letting it remain. Those choosing the latter assume responsibility for the fence. The black chain link fence around the reservoir proper will remain for safety and water supply protection (the reservoir remains as part of the MWRA’s emergency water supply).

- o Walking trails around the reservoir and Schenk's Pond have been laid out with the assistance of George Bates. The trails are now open to the public; however the issue of automobile parking remains unsolved. At this time auto access to the site is not permitted because the MWRA plans to use the site to start rehabilitation and repair of the Hultman Aqueduct. This project will not commence for over a year, and the Working Group would like there to be auto access to the site until the project starts. However we have not been successful to date in getting the MWRA to agree to this plan. Access then remains by foot, with the entrance at Wellesley Street under the Turnpike being the most convenient.



Norumbega Reservoir – with covered water storage tank in background

On Advice from the Access subcommittee, , and the Water Supply Citizen's Advisory Committee, the Working Group has agreed that public access rules should prohibit motorized vehicles, bicycles or horseback riding on the trails. Unlike Weston Reservoir, no dogs will be allowed.

Weston Reservoir

- o The Selectmen signed a 5 year MOA with the MWRA for the management of the Weston Reservoir. This was an extension of the 1 year trial contract which has proved to be a mutually agreeable program. The MWRA will continue to manage and maintain the reservoir and land inside the fence. The Town and a volunteer group known as the "Friends of the Weston Reservoir" agreed to undertake management of the land outside of the fence, including trail maintenance and the successful "MuttMitt" program.
- o The rehabilitation of the Ash Street bridge over the open channel connecting the Weston Aqueduct to the Reservoir was completed. In addition a walkway was added to the reservoir side, making crossing of Ash Street safer for those who park and use the reservoir trails.

The attempt at replicating a vernal pool, which is currently behind the fence north of the Weston Reservoir, has been declared a success. As a consequence, the fence around this experiment has been removed.

REPORT OF THE PLANNING BOARD

The Planning Board is responsible for the review of land division, either through the construction of a subdivision road or through submission of an Approval Not Required Plan ("ANR") under the Subdivision Control Law, if sufficient frontage exists. In addition, the Board reviews and approves proposals for new residential development constructed on a Scenic Roads; for new houses that exceed a certain square footage; for commercial projects; for tree and stone wall removals provided that they occur within the Town's right of way on a designated Scenic Road; and for long range planning activities including proposed amendments to the zoning by-law and other land use regulations. In 2005, the Board held 42 formal meetings, numerous public hearings and 25 site walks.

In 2005 the Board:

- 1) reviewed and approved ten (10) Site Plan Approval Applications for new residential construction under the Residential Gross Floor Area ("RGFA") provision to the Zoning By-Law. Of these 10 "RGFA" Applications, 5 were for new construction along the Town's designated Scenic Roads;
- 2) reviewed and approved twelve (12) amendments to previously issued Approvals for new construction along Scenic Roads and/or proposed under the "RGFA" provision to the Zoning By-law;
- 3) endorsed three (3) Approval Not Required Plans under the Subdivision Control Law ("ANR");
- 4) reviewed one day care proposal and gave Site Plan Approval for one commercial use;
- 5) reviewed four (4) projects and gave Site Plan approval to three (3) projects under the Town's General By-Law, the Scenic Road By-law ;
- 6) reviewed and approved one (1) Flexible Development Subdivision Plan;
- 7) reviewed and approved one conventional preliminary subdivision plan;
- 8) reviewed one proposal for a telecommunications facility within a cupola of an existing historic barn and approved the assignment of a Special Permit for construction of a "stealth" flagpole from one carrier to another in the Personal Wireless Service Overlay District for improved telecommunications in the Town;
- 9) reviewed and gave recommendation to the Zoning Board of Appeals on a Comprehensive Permit Project under Chapter 40B MGL;
- 10) Developed and Town Meeting adopted a new provision to the zoning by-law permitting construction of housing for over 55 year olds in all Residence Districts. The By-law requires Town Meeting approval of a "Concept Plan" and issuance of a Special Permit by the Planning Board;
- 11) Updated fee schedule for review fees for consultants

Approval Not Required Plans

Submittal of an Approval Not Required Plan to the Planning Board for its endorsement is a means by which a landowner can subdivide his property, provided there is sufficient frontage, as determined by the Zoning By-law. The Planning Board endorsed 3 (three) "ANR" Plans under the Subdivision Control Law, for the following reconfigured lots:

- Creation of several non-buildable lots from the parcel at No. 335 Boston Post Road, owned by Clover Nichols, including parcel "A"-20, 750 SF; Parcel "B"-18,553 SF; Parcel "C"-13, 172 SF; Parcel "D"-153, 326 SF (to be purchased by the Town of Weston for connection to existing

Town Owned open space); one lot on Church Street as a potential site for an affordable housing unit.

- A reconfiguration of two building lots on Pine Street and 4 Deerpath Lane, owned by Reeves, into one building lot;
- Creation of Parcel "B" a 3.11 non-buildable lot, due to lack of frontage, from Lot "A", a 15.53 acre parcel, owned by Dickson, on Love Lane.

Site Plan Approval for Residential Construction

Ten projects that exceeded the Residential Gross Floor Area Ratio (RGFA) for a house greater than 10% of its lot size or a house that was greater than 6,000 SF were reviewed and approved by the Board. Five of these houses are located on a designated Scenic Road.

Teardowns: Ten of these applications and approvals were given to projects that included a teardown of the original smaller home. The teardowns include:

180 Ash Street	88 Merriam Street
56 Chestnut Street	193 Merriam Street
400 Concord Road	48 Shady Hill Road
15 Dogwood Road	81 Sherburne Circle
16 Driftwood Lane	111 Walker Street

The Board is in the process of reviewing two proposed new homes for 55 Hidden Road and 75 Cartpath Road, which will involve tear downs of the existing homes.

Vacant Parcels: As part of the Subdivision Approval for the Coburn's Barn Flexible development, one proposed new home at 14 Hitching Post Lane was granted site plan approval.

Conditions placed on all these projects include elimination of unnecessary exterior lighting, reducing the elevation of the house, maintenance of existing vegetation and addition of new vegetative buffers, reduction in the amount of impervious surface and management of stormwater.

The Board granted amendments to 12 of the following properties that were previously issued Special Permits or Site Plan Approvals: 448 Concord Road; 465 Glen Road; 85 Pine Street; 2 Ripley Lane; 55 Hallet Hill Road; 148 Highland Street; 541 North Avenue; 162 Highland Street; 118 Scotch Pine Road; 299 Meadowbrook Road; 29 Webster Road; and 100 Highland Street.

Town of Weston's General By-Laws, Article XXVI

Removal of stone walls and/or significant trees located in the public right of way of designated Scenic Roads requires prior approval from the Planning Board. The Board approved removal and reconstruction of stone walls at 409 Conant Road and 448 Highland Street. The Cambridge School of Weston presented their plans to the Board for construction of a barn-like maintenance building and removal and reconstruction of a portion of a stone wall on Lexington Street in order to reconfigure a driveway to the School. The work proposed was outside the Town's right of way. The Tree Warden presented a list of trees for removal that were either dead or in significant decline. The Planning Board approved the list submitted by the Tree Warden, after a public hearing.

Subdivision Approval

The Board approved one subdivision under the Flexible Development provision to the Zoning By-Law, approved a conventional preliminary subdivision plan and is in the process of reviewing a conventional definitive subdivision plan under the Subdivision Control Law and endorsed a previously approved subdivision.

The 3.47 acre Burr Property at the corner of Ash Street and Trailside Road was divided into two buildable lots under a Flexible Development Plan. The Trailside Road lot contains the existing house while the other lot contains no dwelling.

Regis College submitted a 3-lot residential preliminary subdivision plan for its 60 acre parcel located on the east side of Wellesley Street. The parcel is located across the street from the main campus of Regis College. The project proposes construction of a 700 foot double barreled road onto Wellesley Street. A definitive Subdivision Plan was filed within 7 months of the Preliminary Subdivision Plan. The Board is in the process of reviewing the Definitive Plan.

The Planning Board endorsed the previously approved 2-lot Flexible Development Plan for the Teller property at 727 Boston Post Road. Endorsement is the final step for approval of a subdivision plan and allows a plan to be filed at the Registry of Deeds, giving it legal status.

Highland Meadows Project

A majority of the Planning Board's time in 2006 was focused on creation of a new zoning use and plan for the 44 acre residential parcel owned by Highland Real Estate Development LLC, located between Highland Street and the Boston Post Road.

A new zoning use was adopted by Annual Town Meeting for all residential districts in Town. An Active Adult Residential Development ("AARD") is an alternative type of residential development, restricted to persons 55 years of age and older, with a minimum of 10% of the units declared affordable, as defined by the State. The purpose of the AARD is to provide alternative housing for a maturing population which reduces a residents' burden of property maintenance, encourages flexibility in site planning and protects natural features and scenic views and encourages the development of low and moderate income housing. The "AARD" provision to the by-law stipulates specific brite line standards for a development, specifically that the "AARD" parcel contains a minimum of 40 acres, excluding wetlands and floodplains; that the AARD provides at least 45% undisturbed, restored open space, and that the Total Residential Floor Area of buildings cannot exceed 11% (with the exception that bonus floor area up to 5% can be granted with the provision of public benefits); and that the maximum number of dwelling units per acre cannot exceed 1.5, excluding the affordable units.

Creation of an AARD on a specific parcel requires Site Plan Approval and Special Permit from the Planning Board, after adoption of a Concept Plan by Town Meeting vote.

Central to the AARD provision to the by-law is the requirement that Town Meeting adopt by two-thirds vote a Concept Plan so that Town residents can compare the impacts from a proposed AARD to the impacts from a by-right use and determine whether this is a suitable use of the land.

Highland Real Estate Development LLC hired Sasaki Associates to work with the Planning Board on a Concept Plan for the 44 acre Highland Street parcel that includes a no disturb zone around the perimeter of the parcel; 69 units of mostly detached housing with 7 units designated as affordable; construction or payment for one additional unit of affordable housing off-site; creation of walking trails established by permanent easement and deeded to the Weston Forest and Trail Association, Inc, provision of substantial planting of trees and other vegetation in the perimeter buffer and within the site; limit on the amount of exterior lighting; provision of a clubhouse for members and adjacent tennis courts; waste disposal by an on site package treatment plant; historic renovation of the historic home on Boston Post Road; construction of a sidewalk along Highland Street, running along the property's frontage and reconstruction of the stone wall in the same area.

Subsequent to passage of the AARD provision to the Zoning By-law, Town Meeting adopted the Concept Plan.

Non Residential

The Planning Board granted site plan approval to Masterworx, for construction of a hair and nail salon on Colpitts Road.

The Board worked with Boston Properties on lighting and landscaping at the newly renovated historic Brotchie house, at the former Massachusetts Broken Stone site.

Telecommunications

The Board modified a Special Permit originally granted in 2003 to Sprint Spectrum L.P. to co locate its antenna on a "stealth" monopole within a flagpole, with AT&T Wireless PCS LLC as constructor of the pole. The flagpole was intended for the Police Station parcel on Boston Post Road. AT&T Wireless was acquired by Cingular before the pole was constructed and New Cingular Wireless PCS LLC has assigned to Sprint Spectrum L.P. all of the rights, title and interest in the proposed facility. The Planning Board issued a Special Permit to Sprint Spectrum L.P. for construction of the pole.

Other

Planning Board staff and consultants continued their practice of meeting with developers and prospective applicants on Thursday afternoon to explain the Site Plan Approval process for new construction under the Residential Gross Floor Area and Scenic Road By-Law.

After a presentation by the developers of a proposed 40B Project at No. 823 Boston Post Road, the historic "Hayfields" parcel, the Planning Board expressed its concern to the Board of Selectmen and Housing Needs Committee over the location of this development, within several hundred feet of an existing 40B development previously approved under the LIP process and endorsed by the Planning Board, and the demolition of historic outbuildings, as shown in the Plan for the development of Hayfields. The parcel is located along a National Register Historic District and the outbuildings are listed on the National Register of Historic Places and on the State Register. The 18th century house and the outbuildings represent one of the last remaining examples of a historic farm complex in Town.

The Planning Board met with the Board of Selectmen and Sam Park, Sam Park and Company LLC, the proposed developer of approximately 530,000 SF of office space on a parcel of land on Green Street in Waltham that abuts the Route 128/Route 20 interchange. The developer has proposed, with preliminary approval from the Massachusetts Highway Department, substantial traffic changes to the interchange including creation of a slip ramp from Green Street onto the interchange, which will proved a connector road between Route 117 and Route 20, and installation of at least two traffic signals around the interchange. This will have a significant impact on traffic accessing the Town of Weston.

In coordination with the Zoning Board of Appeals ("ZBA"), a subcommittee was formed with two Planning Board members and one ZBA member to review the issue of retaining walls that are located within the zoning set back.

After public notice and a public hearing, the Board adopted a revision to its Project Review Fees, last revised in the mid 1990's.

Finally, the Board has met with numerous homeowners and developers over the year to discuss disposition and development of their land.

REGIONAL PLANNING AGENCIES

METROPOLITAN AREA PLANNING COUNCIL

The Metropolitan Area Planning Council is the regional planning and economic development district representing 101 cities and towns in metropolitan Boston. In addition, the Council shares oversight responsibility for the region's federally funded transportation program as one of 14 members of the Boston Metropolitan Planning Organization. The Council's legislative mandate is to provide technical and professional resources to improve the physical, social and economic condition of its district, and to develop sound responses to issues of regional significance. The Council is governed by 101 municipal government representatives, 21 gubernatorial appointees, and 10 state and 3 city of Boston officials. An Executive Committee oversees agency operations and appoints an executive director. The agency employs approximately 30 professional and administrative staff. The Council is funded by contracts with government agencies and private entities, foundation grants, and a per-capita assessment charged to municipalities within the district.

In the past year, the Council has focused on initiatives that respond to regional challenges, some of which include:

- **MetroFuture:** Comprehensive regional plan which compares Bostonians vision of the future of the region with what is likely to occur if our current trends continue. Findings include:
 - By 2030, the region's population will increase by 10% while the number of households is projected to increase by 19%.
 - Fifteen percent of land that was open in 2000 will be developed by 2030.
 - While the under-55 population decreases and the number of older people increases, there will be demands for different housing and increased demand for health care, resulting in a near tripling of health care costs by 2030.
 - Communities whose water systems are not part of the MWRA will face serious water constraints by 2030.
- **Municipal Planning:** MAPC continues to assist municipalities in implementing Smart Growth Principles through local zoning changes and provides information regarding Smart Growth Overlay Districts enabled under Chapter 40R.
- **Metro Mayors Coalition:** MAPC works with mayors and city managers of 10 municipalities on issues such as purchasing, employee health insurance, regional public safety and municipal public finance; Staffed the statewide Municipal Finance Task Force which reinvigorates the partnership between local and state government; Formulated grant program to fund approach to youth violence, drug use, and gang activities in the region.
- **Metro Data Center,** an official US Census affiliate, helps to distribute demographic data throughout the communities and subregions of the greater Boston area.
- **Transportation Planning:** MAPC worked to develop the 25-year Regional Transportation Plan as well as the annual Transportation Improvement Program, including transportation spending priorities for the region. Population and employment projections to 2030 to be used for modeling the new Regional Transportation Plan and MetroFuture were developed.
- **Legislative Advocacy:** The Legislative Committee has worked to promote legislation of regional interest and/or guided by smart growth principles; priorities include: reform of

state's surplus land disposition policy, recapitalization of the brownfields redevelopment fund, reform of the state's antiquated zoning laws, and repeat offender legislation.

- **Metropolitan Highway System Advisory Board:** MAPC advises the Massachusetts Turnpike Authority on issues relative to land use, air rights, zoning, and environmental impacts associated with development of land owned by authority.
- **Regional Services Consortiums:** Collectively procured more than \$3,000,000 in office supplies for 32 municipalities and \$16,000,000 in services for highway maintenance services. MAPC also facilitates collegial forums among members' chief administrative officers that focus on collective problem solving and resource sharing; and, with the Greater Boston Police Council, local governments in procuring police, public works and general use vehicles, along with various public safety supplies.
- **Public Safety and Homeland Security:** MAPC provides planning and fiduciary services to the Northeast Homeland Security Regional Advisory Council, the Northeastern Law Enforcement Council and the Metropolitan Law Enforcement Council; including procurement, research, and planning enhancements of public safety services to ensure preparation of terrorist attacks or natural disasters.
- **Hazard Mitigation:** Pre-Disaster Mitigation (PDM) helps communities prepare for natural disasters; In 2005 MAPC completed PDM plans for 20 communities; Plans for Boston and several neighboring communities will be completed in 2006. FEMA has awarded a grant for PDM plans in 28 towns in three suburban subregions, beginning in 2006.
- **495/MetroWest Water Resources and MAPC** completed three major components of comprehensive water strategy for the corridor (*Massachusetts Low Impact Development Toolkit, Once Is Enough*, and two regional contracts for Leak Detection Services).
- **Comprehensive Economic Development Strategy:** Every 5 years, MAPC is responsible for developing a CEDS in partnership with the Economic Development Administration. The strategy developed in 2005 contains an analysis of economic trends and conditions, and invites a regional response to five highlighted challenges to economic well-being in the area.
- **Wind Power:** With the help of a grant from Massachusetts Technology Collaborative MAPC recently completed project to help coastal communities analyze opportunities and obstacles to siting land-based wind turbines on municipally-controlled properties.
- **MEPA Project Reviews:** MAPC reviews projects under MEPA and submits comments on projects with significant regional impacts.

More information about MAPC is available at www.mapc.org

REPORT OF THE METROWEST GROWTH MANAGEMENT COMMITTEE

MetroWest Growth Management Committee (MWGMC) was formed in 1985 and includes leaders from Ashland, Framingham, Holliston, Marlborough, Natick, Southborough, Sudbury, Wayland, and Weston. It is the oldest subregional group of the Metropolitan Area Planning Council (MAPC). MWGMC serves as a think tank and advocate for locally initiated regional solutions to policy and planning challenges shared by MetroWest communities in the areas of land use, natural resources and the environment, housing, transportation, economic development, demographic and socioeconomic data, and legislative issues. It also serves as a forum for state and local officials to address issues of regional importance.

One selectman/mayor or city council member and one planning board member represent each member community. Funding for the MWGMC comes from member assessments, grants and contracts. MWGMC maintains an office in Natick and employs a staff of two to deliver core services to member communities. Weston's representative to the Committee is Selectman Douglas Gillespie.

Growth management requires elected officials to balance new development, protect the environment, and provide funding for municipal services – all while maintaining a community's unique quality of life. The Committee serves as a think tank and advocate for locally initiated regional solutions to policy and planning challenges shared by MetroWest communities. The Committee regularly holds Planners' Roundtables and brings together elected officials and planning staff from neighboring communities to address regional growth management issues. Some of the focused initiatives that respond to regional challenges this past year include:

- First meeting of MetroWest **Housing Task Force**. Subsequently arranged for series of workshops on how to derive beneficial results from scarce dollars available for affordable housing;
- **"You Can't Grow if You Can't Go"** – summit regarding MetroWest's transportation needs and services with a goal of connecting the transportation discussion to our economic well-being, housing needs and environment;
- **Low Impact Development Bylaw (LID)** – received EOEA Smart Growth Technical Assistance grant and other funding sources to develop bylaws on behalf of Framingham and Southborough, which may be included in annual town meetings;
- **Technical Assistance** – reinstatement of program to members offering assistance with zoning, drafting general bylaws, GIS, pictometry, and other information services;
- **Community Preservation Act: 5 Years of Experience** – joint subregional meeting highlighted achievements from Community Preservation Act funds;
- **Regional Pre-Disaster Mitigation** – MAPC and MetroWest will work with communities to identify natural hazards and develop disaster mitigation strategies, thereby enhancing eligibility to receive federal disaster mitigation funds;
- **Legislative Breakfasts** – provides MetroWest local officials with a forum to exchange ideas directly with state legislators;
- **Suburban Mobility Program LIFT9** – MWGMC Transportation Task Force submitted a proposal that has been funded for a Route 9 bus to provide service from the Route 9/90 crossing to the Golden Triangle commercial area in Framingham and Natick; service should begin early 2006;
- **Weston Nurseries Smart Growth Technical Assistance Grant** – will finance a regional dialogue and review of potential development of the 900-acre Weston Nurseries property and surrounding areas.