

LAND USE, PLANNING AND ZONING

REPORT OF THE BOARD OF APPEALS

The Board of Appeals hears and decides on applications for variances from zoning restrictions; findings (on additions or changes for preexisting, nonconforming properties); special permits for exceptional uses specified in the Zoning By Law; and comprehensive permits (under the “Anti-Snob Zoning” or Low and Moderate Income Housing Act of 1969). These cases total about 70 to 80 annually. Some are readily decided, but a few require multiple hearings and participation with other boards and committees.

While zoning restrictions have protected the town from haphazard overdevelopment and have preserved a level of residential privacy, they may pose hardships to owners wishing to improve or to use their properties in a reasonable way. Hence the Board might serve as a “relief valve” in some such cases.

Zoning in Weston began in 1928 and has been strengthened throughout subsequent years in light of new concerns and pressures. Since there is no town sewage, each property must have its own septic system, which incidentally requires and legally justifies larger lots and setbacks. However, our unique desirability and soaring property values – due not only to zoning, but also to a location convenient to the great facilities of a metropolitan area that draws talented people, which in turn leads to superior schools, involved citizenry and responsible local government – create special problems:

1. Building sites (with or without existing houses thereon) have become so valuable that new houses (often as replacements on the sites) are inevitably very large in view of the expensive land component.
2. Additions to enlarge existing houses often need variances from setback and other restrictions, or need “findings” to expand older preexisting, nonconforming properties.
3. Since new houses are large and remodeled expanded existing houses become expensive, the availability of “reasonably” priced residences has dwindled, excluding many young buyers and older residents, to the loss of diversity.
4. More special permits for accessory apartments are being sought, where the main residence is large and over ten years old.

Variances: An owner wishing to enlarge a house or build a new one may find that some peculiarity of the lot (area, width, frontage, setbacks) conflicts with otherwise reasonable plans. Since the Inspector of Buildings cannot issue the necessary permit, the remedy is an appeal to the Board. This requires a two week newspaper publication of the legal notice, along with mailed notices to neighbors, for the scheduled hearing. The process thus takes more than three weeks plus an additional three-week period required for anyone who wishes to appeal the decision to the courts.

The authority to grant variances is provided by law under specified and limited conditions; they are permissible only upon a showing of:

- 1) special circumstances (like shape of lot or topography) making literal enforcement of the restrictions a substantial hardship, and
- 2) where desirable relief may be granted without detriment to the public good, and
- 3) without nullifying or substantially derogating from the intent of the zoning law.

These three legal requirements must be satisfied, factually supported at the hearing and explained in the Board’s written decision.

Findings: If a house was built before zoning or tightening revisions, on what becomes a preexisting, nonconforming lot, it is “grandfathered”. However, the owner may wish to improve the house; if the addition does not extend beyond the present setback requirements or does not create new nonconformities, he/she may seek a “finding,” a simpler procedure, that the change will not be more detrimental to the neighborhood. In view of the circumstances referred to above, these “findings” are becoming more frequent.

Special Permits may be granted for a variety of exceptional uses of property in instances provided for in the “Use Regulations” section of the Zoning By-Law covering all districts (residential, multiple dwelling, business, “R&D,” wetlands and Aquifer Protection). The special permit procedure also applies to accessory apartments, non-incident removal of loam, sand, and gravel, and to the storage of vehicles, supplies and equipment in a residential district under special circumstances. In many of these cases the site plan approval procedure must first be followed, or waived, in conjunction with the Planning Board’s prior review. While the special permit procedure allows for wide discretion, it cannot be used to permit any use contrary to the Zoning By-Law.

Comprehensive Permits - In 1969, Massachusetts enacted the “Anti-Snob Zoning” or Low and Moderate Income Housing Act. Under this law, a developer (public agency, limited dividend or nonprofit organization) may seek a “comprehensive permit” with the Board of Appeals to build low or moderate income housing, overriding local zoning restrictions. Such developments have been approved: in 1995, “Winter Gardens” (a 24 house project, six permanently designated as “affordable” for buyers satisfying limited income and asset requirements under state regulations); in 1999, “Dickson Meadow” (an 18 house project, six “affordable”); and in 2004, eight units of mixed income housing at 809-811 Boston Post Road. A new application for 16 units at 680 South Avenue is currently before the Board.

Conclusion: Hearings by the Board are fully public; neighbors are formally notified and may attend and voice their opinions or concerns. Some cases do provoke controversy and a few require public hearings over extended periods. The Board makes a sincere effort to listen to each interested neighbor, or resident, or other parties and attorneys if involved. The Planning Board, Conservation Commission, Board of Health, Historical Commission and others may be involved.

The Board’s members typically serve for many years, providing seasoned experience, continuity and collegiality. Three of the six Board members sit on each panel.

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 the Community Preservation Act, which the Town accepted in 2001. Those projects that the CPC deems to be the best and most suitable are recommended to Town Meeting, which has the sole power to approve or reject funding of the proposals the CPC has recommended.

Early in the year HUD withdrew its funding of Section 8 vouchers which the Brook School Elderly Housing Committee and the Town were depending on to meet its financial obligations on the 24 new units under construction. A plan was conceived whereby CP housing funds could be used to purchase affordability restrictions on 13 of the 24 new units.

At Annual Town Meeting in May, 2004, the CPC presented its recommendations for FY05. The articles sponsored by the CPC at May, 2004 Town Meeting were as follows:

A uniform allocation of \$220,000 was made to each of the three dedicated sub-accounts: open space and recreation, affordable housing, and historic preservation. Once funds are thus set aside for a specific purpose, they may not be reassigned to a different purpose. In the interest of greatest flexibility to address any of the three purposes, the CPC continued to pursue a policy of allocating close to the 10% minimum to each account and keeping most of the funds as unreserved, where it may be drawn upon to address any of the three purposes.

Appropriations approved by Town Meeting were as follows:

Administrative expenses: -- \$60,000 as follows:

\$ 15,000	Playing fields master plan
\$ 10,000	Appraisals, legal services
\$ 5,000	Printing, mailing
\$ 30,000	Staffing

For open space preservation -- \$329,250 to service the debt on the Sunday Woods bond, the second payment on a five year bond.

For open space preservation -- \$20,000 for field restoration to clear several of Weston's 36 fields to their historic stone wall boundaries.

To the historic reserve fund from the general unreserved fund: -- \$350,000 for a new boiler and restoration of the exterior of the Josiah Smith Tavern. The insurance payment of \$23,500 for damages caused by the failure of the old boiler will be applied to the cost of a new boiler, so the actual appropriation from the historic reserve fund was \$326,500. Even though the future use of the building has not yet been determined, the need for repairs to and restoration of the exterior could not be postponed in good conscience, as further damage to the interior would occur; also, because the preservation restriction on the building's exterior precludes changes, Town Meeting accepted the conclusion that that exterior work done with the money would not need to be undone and redone once a use for the building was defined.

From the historic reserve fund, for restoration and renovation of the Melone Homestead: \$240,000. The Melone Homestead is a Town-owned old house located on a tract of conservation land known as the Sears land, which has been designated by the Historical Commission as historically significant. The Melone Homestead is rented by Land's Sake for use as office space and as housing for Land's Sake employees and is in need of renovation to bring it up to code.

To subsidize the expansion of the Brook School apartments to ensure that 13 of the 24 new units will be classified as affordable units in perpetuity: -- \$363,000, as the first payment in a 12 year plan. In order for CP funds to be eligible for this project, Town Meeting was asked to amend the vote taken at Special Town Meeting in November, 2002, that specified the funding sources for the addition to the Brook School Apartments to include CP funding.

In October, the third disbursement from the State's matching Trust Fund was received. Again, the match was 100%, which for Weston was \$1,122,336. Adding this to the total revenue received through FY04 yields revenues of \$6,260,733, over the course of three years into Weston's fund.

In the late months of 2004, the CPC's attention turned to the potential acquisition of approximately 5 acres of open space that would very nearly link the Town Green to the existing large tract of Sears conservation land, in a transaction that may also yield an affordable house lot on Church Street that would be gifted to the Weston Affordable Housing Foundation by the sellers.

The playing fields study that the CPC voted to subsidize with \$15,000 last year has not yet been done, so that amount was set aside again this year. Working together, the Recreation Department and the School Department prepared an RFP, (even though the project is not subject to the public bid laws.) Only one contractor responded, and the bid was high. The scope of work defined in the RFP is being revised and negotiations with the contractor are expected, with the hope that a lower and mutually agreeable price point can be identified.

The CPC is also working with Weston's Human Resource Director and the Town Manager to define a job description, necessary before the committee can advertise for and hire a staff person. The services of a paid staffer could be very useful on a part-time, project-based, or occasional basis.

In December, the director and several Board members of the Gifford School came to discuss the renovation of their administration building, a Federal-style house at 177 Boston Post Road. They expressed willingness to consider placing a preservation restriction on elements of the property. If they decide to follow the Historical Commission's advice on various aspects of renovation to the building's exterior, it is possible that the HC will recommend appropriation of monies from the historic reserve for some construction costs, as well as the value of the preservation restriction.

SUMMARY OF COMMUNITY PRESERVATION REVENUES AND FUND ALLOCATIONS

CPA FUNDS - REVENUE	FY02	FY03	FY04	FY 05 Est.
Property Surcharge	\$ 927,936	\$ 1,042,135	\$ 1,123,880	\$ 1,200,000
State Match	-	935,343	1,051,629	1,122,336
Investment Income	2,457	8,141	16,750	
Donations/Other	1,384	2,821	2,145	
Total Revenues	\$ 931,777	\$ 1,988,440	\$ 2,194,404	\$ 2,322,336
USE OF FUNDS				
Open Space				
Balance - beginning of fiscal year	\$ -	\$ 93,212	\$ 239,101	\$ 141,431
New allocation	93,212	180,000	220,000	220,000
Appropriation not used			18,330	
Less: Appropriations for				
Debt Service - Sunday Woods	-	34,111	336,000	329,250
Field Restoration	-	-	-	20,000
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
Less: Appropriations for				
787 Boston Post Road - Historic Preservation	-	155,000	-	-
Mill Dam 39 Crescent Street - Preservation Restriction	-	60,000	-	-
809-811 Boston Post Road - Preservation Restriction	-	-	225,000	-
Melone Homestead - Historic Preservation	-	-	-	240,000
Balance at end of fiscal year	\$ 93,212	\$ 58,212	\$ 53,212	\$ 33,212
Community Housing				
Balance - beginning of fiscal year	\$ -	\$ 93,212	\$ 273,212	\$ 333,212
New allocation	93,212	180,000	220,000	220,000
Less: Appropriations for				
809-811 Boston Post Road	-	-	160,000	-
Brook School Apartments	-	-	-	363,000
Balance at end of fiscal year	\$ 93,212	\$ 273,212	\$ 333,212	\$ 190,212
Administrative Funds				
Allocated	\$ -	\$ 59,500	\$ 44,000	\$ 60,000
Spent	-	8,134	20,870	60,000
Returned to unallocated funds	\$ -	\$ 51,366	\$ 23,130	\$ -
Unallocated Funds				
Balance - beginning of fiscal year	\$ -	\$ 652,141	\$ 1,262,447	\$ 2,775,981
Unallocated CPA Revenues account	652,141	1,388,940	1,490,404	1,602,336
Unexpended Administrative funds	-	51,366	23,130	-
Less: Appropriations for				
Open Space - Sunday Woods	-	800,000	-	-
Historic Preservation -- Josiah Smith Tavern	-	-	-	326,500
Historic Preservation -- Fiske Law Office	-	30,000	-	-
Balance at end of fiscal year	\$ 652,141	\$ 1,262,447	\$ 2,775,981	\$ 4,051,817

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 86 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 35,000 pounds of fresh produce was delivered at no cost to homeless shelters and food pantries. About 75 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 XXVIII of the Town 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.

On April 29, one regular meeting was held for the discussion of Commission business and to continue an Appropriateness Hearing to review the design for a new garage at 16 Crescent Street. At the end of the discussion, the owner and Commission jointly agreed to continue the hearing once more to enable the owner to refine the design, with the understanding that hearing will continue upon notification from the owner that the refinements are complete.

REPORT OF THE HISTORICAL COMMISSION

The Historical Commission is appointed by the Selectmen and charged with educating the Town about its history and preserving its historic resources, including both buildings and landscapes. The Commission administers the Demolition Delay By-Law, and co-ordinates historic preservation projects voted by the Town utilizing Community Preservation Act funds. Its subcommittee, the Josiah Smith Tavern Committee, is responsible for recommending and prioritizing restoration and maintenance activity for the Tavern.

Community Preservation Act Historic Preservation Projects:

Melone Homestead.

In 2004, Town Meeting approved \$240,000 for the restoration of this early 19th century building to serve as a resource center for town conservation groups and as a residence for an employee of these groups. A committee consisting of members from Land's Sake, the Historical Commission, the Community Preservation Committee and the Conservation Commission are in the process of developing the necessary documentation to put this project out to bid.

Josiah Smith Tavern.

At the May 2004 Town Meeting, the Josiah Smith Tavern Committee received an appropriation of \$350,000 from Community Preservation Act funds to restore the exterior of the Josiah Smith Tavern building and the heating system which failed during the winter of 2003. The planned exterior restoration will be historically accurate, in accordance with the preservation restriction held by Historic New England (previously known as the SPNEA), and includes: installing an historically appropriate wood shingle roof, restoring and repainting all exterior siding and trim, restoring the wooden gutters, repointing exposed stone foundation walls as necessary, restoring all exterior window sashes, jambs and trim, and appropriately refurbishing the chimneys to functional condition where advisable in order to preserve them and to ensure safe operation of the fireplaces. The appropriation also included design services and a contingency allowance for any additional minor structural work (e.g., sills) deemed necessary during the renovation.

For several months following Town Meeting, the Committee put considerable effort into planning this exterior restoration, including consideration of transferring the building to a non-profit entity similar to the Golden Ball Tavern Trust in order to ease the regulatory burdens associated with public building projects. In the end, this concept proved infeasible. While these discussions proceeded, the Committee arranged for repainting the barn portion of the building and planned the interim heating restorations. During the final months of the year, the Committee began drafting the RFP for the design services necessary for the exterior restorations and began serious discussions of the potential long term uses of this important town landmark, in association with several other public and private Weston organizations.

At the request of the Selectmen, the Committee also began considering whether and how to integrate the restoration and use of the Old Library building next door to the Tavern into its planning. It was agreed that because of the immediate proximity and many similar issues, that the Committee should consider uses for both buildings jointly during the research and concept phases. The Committee suggested that a separate subcommittee of the Historic Commission might later be established to work in parallel on the Library building. During the year, the JST Committee arranged to have the vines

covering the Old Library trimmed, so as to maintain the integrity of the masonry and slate roofing.

Post Road Green.

Town Meeting approved purchase of a preservation restriction on the house and barn on the property at 809-811 Boston Post Road in 2002 as part of a project to create affordable housing in town. Details of the preservation agreement have been finalized, construction documents approved, and work on rehabilitation of the house and barn for four residential units has commenced.

Community Education

In February, the Commission hosted Weston preservation architect David Fixler's fascinating lecture "Revisiting Modernism, Identifying and Revitalizing Our Mid-20th Century Heritage." He described features of the Modernist style and tips for updating and expanding mid-century houses for today's lifestyles.

On August 25, the Silver Hill historic area was listed on the National Register of Historic Places, in recognition of its importance as one of Weston's first real estate developments and of its charming turn-of-the-twentieth century architecture. Silver Hill is the sixth area in Weston to receive this distinction. An application to list the Glen Road Historic Area on the National Register was submitted, and a public hearing held to educate residents of the neighborhood about the meaning of the listing.

Preservation Restriction Committee

The Board of Selectmen created a Preservation Restriction Committee in 2004 to assist the Commission with drafting and administering preservation restrictions granted to the town or purchased with town funds. The Committee has been working on amendments to two of the four restrictions that the Commission administers for the Town and is drafting restrictions for several buildings for which historic preservation CPA funding has been approved.

Archiving Project

The Commission has an extensive collection of documents and materials relating to the history of the Town and its environs. During 2004, Commission member Diane Hubbard commenced what has developed into an extensive project to inventory these articles and to develop appropriate archiving and storage for them. Work to date has been ably assisted by volunteer Glynn Edwards, whose contributions have been invaluable.

Demolition Delay

The Town's Demolition Delay By-Law requires that the Commission review demolition applications for pre-1946 buildings to determine the building's historical significance and whether the proposed demolition activity would be detrimental to this significance. If both determinations are made, the Commission may delay demolition for up to six months while efforts are made to mitigate the problem. In 2004, the Commission reviewed 45 applications, held Initial Determination meetings on 18 of these, and voted 10 of the structures significant. One delay was imposed, on an application to demolish a late 19th century house and barn in the Boston Post Road National Register District. The status of two applications was pending at year end.



White Farm at the Cambridge School of Weston

The Cambridge School wanted to replace the 16th century clapboards on this house with vinyl siding to reduce maintenance costs. As a result of the demolition delay process, the Historical Commission convinced the school management to use a long lasting paint with a 25 year guarantee at a lower cost.

Historic Markers

The Commission awards historic markers to recognize buildings constructed before 1945 which retain their original historic characteristics following submission of an application and processing fee. During 2004, seven markers were awarded on Weston buildings, bringing the total number of markers awarded since the inception of the program to 144.

Recognition

The Commission voted to award Certificates of Appreciation to George Amadon for his efforts in researching Weston's history and to Betsy Friedberg of the Massachusetts Historical Commission for her friendly and expert assistance in obtaining listings on the National Register of Historic Places for several of Weston's historic neighborhoods.

We welcomed Robert Fronk as a new member of the Commission and Peter Caro, Tom Chalmers, and Alicia Primer as members of the new Preservation Restriction Committee. Keith Gross and Andy Marvel provided extremely helpful volunteer assistance during the year. As ever, Pam Fox contributed expert consulting, volunteer help, and advice.

REPORT OF THE WESTON/MWRA WORKING GROUP

There is no longer light at the end of the tunnels MetroWest or the Hultman nor can light be seen in the tanks at the Weston Reservoir or at the Norumbega, because (hurrah/hurray) construction is essentially complete and the water is flowing as designed.

Two milestones were achieved in 2004:

1. At the Weston Reservoir, we successfully completed a full year under the trial Memorandum of Agreement (MOA) with the Massachusetts Water Resources Authority (MWRA). At a meeting between MWRA executives and a group consisting of two town Selectmen plus two Working group members we presented the case for a longer term (5-year) extension of the MOA. As of this writing (Feb.2005) a version with slight wording modification, relating to terms of change, has just been received by the Town and has been signed by the Selectmen. The Working Group endorsed the signing.

Details of the public usage of the Weston Reservoir during 2004 will be found in the report of the Public Access Subgroup of the Working Group, chaired by Kay McCahan.

2. Construction of the tank at the Norumbega Reservoir was completed in 2004. Initial testing of the third tank cell indicated biological contamination requiring emptying the cell and disinfection. After disinfection, all tests were passed and the Norumbega Reservoir was taken off line and the tank put into service. The Hultman Aqueduct was taken out of service and awaits cleaning and rehabilitation. The tank is currently being supplied with water via the MetroWest Tunnel.

Landscaping of the tank was started in the Fall, with soil graded on to the top and sides of the tank. Grasses were seeded and planting of trees and shrubs was started. Planting was not completed due to the lateness of the start and the resultant inappropriate timing for the planting of some species. The remaining species will be planted in the Spring. The choice of species was made by the Town's Tree Committee (which at the time was a subcommittee of the Working Group) in consultation with Carol Johnson Associates. Trees, shrubs and meadow grasses were chosen that are native to the area.

The late landscaping start resulted in incomplete germination of all the grasses by the end of the growing season. This, in turn, led to some soil erosion and runoff into adjacent streams. Several citizen observations of silting and stream pollution were recorded. Efforts to correct the problem were initiated by MWRA personnel, but it appears that we will need to wait until Spring of '05 before more progress can be made on the erosion and silting problems.

This problem aside, the project is currently functioning as designed, and work on the Tank in Weston should soon draw to a close. The remaining effort will focus on issues of public access. The report activity of the Public Access Subcommittee, chaired by Kay McCahan, which was the major activity of Working Group during 2004, follows.

REPORT OF THE MWRA PUBLIC ACCESS GROUP

The Massachusetts Water Resources Authority (MWRA) and the Town of Weston are continuing to work cooperatively to provide public access to water supply lands in Weston. By the end of 2005, we expect to have significant portions of MWRA land available for passive recreation, fulfilling a commitment negotiated by the Town in the 1997 Memorandum of Agreement (MOA). Subsequent agreements and additional planning by the Weston Working Group have allowed for public access to MWRA sites at Loring Road, Weston Reservoir and in 2005 for the first time

in more than 50 years lands surrounding Norumbega Reservoir. These public access agreements are significant in light of the increased security concerns water suppliers have been faced with since the tragedy of 9/11.

Weston Reservoir

On January 25, 2005 the Selectmen signed a five-year MOA with MWRA specifically for the Weston Reservoir. This five-year agreement was an extension of a one-year trial contract for the maintenance and upkeep of the lands surrounding the reservoir. Under the conditions of the agreement, MWRA continues to manage the land, buildings and water within the fenced area. MWRA will continue to be responsible for water quality testing and maintaining certain water levels in the 200 million gallon emergency back-up distribution reservoir. Occasionally, the MWRA draws down the reservoir to drain/clean the Loring Road Tanks or to test the new water infrastructure upstream.

In addition, during the Spring and Summer of 2005 the MWRA plans to rehabilitate the Ash Street Bridge, spanning the open channel. The scope of work includes repairing and repointing the 1901 granite stonework and adding a sidewalk. The temporary fence that protects a wetlands replication area north of the Reservoir will be removed once the Weston Conservation Commission is assured that the vernal pool and wetland areas are stabilized.

The Town and a volunteer group known as "Friends of the Weston Reservoir" have undertaken land management tasks outside the reservoir fence. Private funds have been raised to help maintain the trails, repair storm damage and, support the Mutt Mitt program, which provides plastic gloves on site for dog owners to pick up after their pets. The program has worked well because of the sustained efforts of the town and the commitment of the volunteers who keep the supply boxes filled. In addition, the "Friends" group completed a successful "clean-up" day in May to clear the trails and remove invasive species like buckthorn. People who use the reservoir and help in volunteer efforts come from several towns in the area. *Everyone using the reservoir is urged to be mindful of the beauty of the place and remove all trash.*

Covered Storage Tank

The MWRA in cooperation with the Town and in consultation with the Weston Working Group is planning to open the land surrounding Norumbega Reservoir & Schenck's Pond for public access in 2005. All landscaping and security fencing need to be completed for the Norumbega Covered Storage Project (NCS) (a 28-foot tall, 17-acre, 115 million-gallon water storage tank) before public access can be allowed in the area. Unusually heavy rains through the summer and fall of 2004 hampered the NCS site restoration. *Planting and tank perimeter security fencing will commence in spring 2005.*

The Weston Working Group and the Weston Tree Advisory Committee reviewed the landscaping plans produced for the NCS project by Carol R. Johnson Associates. This \$1.5 million site restoration project includes complex drainage systems, appropriate soil mixtures using soil stock piled from the original site to use in customized soil mixtures required to plant native trees, shrubs and grasses. These plantings are expected to stabilize the top of the tank, the slopes and other disturbed areas of the site. Over 30 species of trees and 40 species of bushes have been selected (some 1,309 in all) in an effort to replicate the flora and fauna of the original site. The landscape architect noted that the newly installed plants would attract birds and small animals. As the tank site landscaping matures, through the spread of seeds and natural plant growth, a healthy system of great diversity is expected. Security fencing will be placed around the perimeter of the tank and MWRA staff will continue to have a strong presence in the area because the NCS facility is the largest in the MWRA system as well as for inspection, testing and maintenance.

Norumbega Reservoir and Schenck's Pond Area

The existing 205 million gallon open reservoir is now off line, but will remain part of MWRA's emergency back-up system. As with Weston Reservoir, the MWRA is responsible for maintaining the water quality and water levels. The inner chain link fence that currently surrounds the Norumbega Reservoir will remain for safety and water supply protection. However, the property perimeter fence will be removed. The town plans to reestablish hiking trails in the area which will be accessible from the east via the Oak Street main entrance or the Hubbard Trail, from the South using the Lombard easement trail, and from the West on the existing trail along the Hultman Aqueduct. The MWRA will continue to use the top of the aqueduct for access to future construction projects designed to rehabilitate the Hultman Aqueduct and add connections to the tank.

The Schenck's Pond area will remain in its natural condition, with no fencing around the water body. There are no plans to fence the area when it opens to the public. General public access rules and land management policies will be consistent with other conservation land in Weston and policies followed on other MWRA land in consultation with the Water Supply Citizens Advisory Committee to MWRA. Under these policies and because of the potential for severe erosion, no motorized vehicles, bikes or horseback riding will be allowed. However, unlike Weston Reservoir, no dogs will be allowed for several reasons: 1) water quality maintenance, 2) lack of a Mitt Mutt program; and 3) concern for safety of dogs due to the proximity of the trail to Glen Road. Activities that will be encouraged include walking, jogging, and cross-country skiing. The lands surrounding Norumbega Reservoir and Schenck's Pond represent approximately 50 acres that will soon become available for the public's use and enjoyment. _

The responsibility for ecologically sound management will be undertaken by the MWRA in partnership with the Town and its citizens. This joint endeavor makes it possible to protect the water supply and still provide passive recreational opportunities to some beautiful Commonwealth land located in Weston. The land has carried a significant and enduring legacy as part of the state's water supply system for many years. Now it will continue to provide Metro Boston with emergency back up capabilities, but with additional public benefits; a place for people to enjoy and a natural ecosystem for plants and wildlife to thrive.

REPORT OF THE TREE ADVISORY GROUP

The Weston Tree Advisory Group ("TAG") was established by the Selectmen in November 2002 and its members met monthly through 2004. The group's primary mission is to identify suitable locations for trees and shrubs to be planted in the south side of the town as partial mitigation for the loss of 30 acres of forest land due to construction of the MWRA tank. The trees are paid for through a special tree fund set up by the MWRA in its Memorandum of Agreement with the Town, and labor is supplied by volunteers and the Town's Department of Public Works. 2004 plantings included these native species: Sugar Maple, Red Maple, Sourwood and Shadbush- all planted at Case Park.

To raise awareness of the importance of trees in the community, TAG and Weston Scouts sponsored an Arbor Day celebration on the grounds of the Scout House on April 30, 2004. Members of the TAG, with help from Weston DPW crew, prepared a hole for a new Sugar Maple to replace one on Scout property, which had died recently. Selectman Doug Gillespie read the Arbor Day proclamation and the Girl Scout and Brownie troops did readings and songs, concluding with planting and thorough watering of the new 8' tree. As a result of these

plantings and educational efforts, the TAG will renew its "Tree City USA" designation from the National Arbor Day Foundation.

Other TAG functions included continuing review (for the Planning Board) of street tree removals proposed by NSTAR on scenic roads, and providing hoses and volunteer watering for the new trees in Case Park. In preparation for 2005 plantings, the group did walking inventories of planting needs at Weston Middle School, Wellington Historic District, Case Municipal Land, Oak Street and two sections of Glen Road.

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; and for tree and stone wall removals provided that they occur within the Town's right of way on a designated Scenic Road. In 2004, the Board held 37 formal meetings, numerous public hearings and 25 site walks.

In 2004 the Board:

- 1) reviewed and approved eighteen Site Plan Approval Applications for new residential construction under the Residential Gross Floor Area ("RGFA") provision to the Zoning By-Law. Of these 18 "RGFA" Applications, 14 were for new construction along the Town's designated Scenic Roads;
- 2) reviewed and approved nine 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 Approval Not Required Plans under the Subdivision Control Law ("ANR");
- 4) reviewed and gave Site Plan Approval for one day camp;
- 5) reviewed and gave Site Plan approval to three projects under the Town's General By-Law, the Scenic Road By-law, ;
- 6) reviewed and approved three Flexible Development Subdivision Plans;
- 7) reviewed and approved two Special Permits in the Personal Wireless Service Overlay District for improved telecommunications in the Town;
- 8) reviewed and gave recommendation to the Zoning Board of Appeals on a Comprehensive Permit Project under MGL Chapter 40B.

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 three "ANR" Plans under the Subdivision Control Law, for the following reconfigured lots:

- creation of a 0.31 acre non-buildable parcel from a building lot on Wellesley Street (Matton) to adjoin a building lot on Walker Street (Lanzillo) ;
- a reconfiguration of two building lots on Winsor Way and Wellesley Street, owned by Caldwell, into one building lot;

- subdivision of a 19.04 acre parcel of land owned by the Willis Family Trust on Concord Road where 17.61 acres was deeded to the Weston Forest and Trail Association , Inc, and 1.43 acres was carved out as an “excepted parcel”.

Site Plan Approval under the Residential Gross Floor Area

Eighteen 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.

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

360 Winter Street	425 Glen Road	235 Glen Road
118 Chestnut Street	541 North Avenue	118 Scotch Pine Road
125 Conant Road	9 Skating Pond Road	113 Merriam Street
63 Ash Street	448 Concord Road	85 Pine Street
10 Ripley Lane	51 Hallett Hill Road	

Vacant Parcels: Four Projects that involved construction on vacant land under the “RGFA” include: Lot 4 Highland St., Lot 2 Cutter’s Bluff Subdivision, 84 Love Lane, and 72 Love Lane.

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 previously issued Special Permits or Site Plan Approvals for the following properties: 299 Meadowbrook Road, 448 Concord Road, 1118 Scotch Pine Road, 44 Tamarack Road, 805 Boston Post Road, 60 Buckskin Drive, 174 Highland Street, 133 Boston Post Road.

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

Removals of stone walls and/or significant trees located in the public right of way of designated Scenic Roads require previous approval from the Planning Board. Approval was given for the removal and reconstruction of stone walls at 222 Merriam Street and 10 Ripley Lane. The Weston Department of Public Works requested removal of several trees and a portion of a stone wall in order to construct a sidewalk on a portion of Highland Street. A public site walk was held along with a public hearing.

Subdivision Approval

The Board approved three subdivisions under the Flexible Development provision to the Zoning By-Law and endorsed a previously approved subdivision. The Kovar parcel at 296 Merriam Street, divided into two buildable lots with a third 5.19 acre lot conveyed to Weston Forest and Trail Association, Inc, was endorsed by the Board this winter.

The Fallon property at No. 55 Hidden Road was divided into two buildable lots where one lot contains the existing house and is 1.96 acres and the other lot is vacant and contains 2.02 acres.

A two-lot subdivision on the west side of Love Lane, owned by the RJ Shillman Trust, was divided into two lots containing 2.35 acres and 4.4 acres. One lot has received Site Plan Approval for a barn like structure that will contain living and sport facilities, and automotive storage. The other lot will contain a greenhouse.

A three-lot subdivision containing 8.3 acres was submitted by the Ganson Nominee Trust, Carol G. Burnes and The Estate of Charles J. Paine. One of the lots contains an existing occupied home which formerly gained access from Chestnut Street, Number 140 Chestnut Street. After the subdivision Plan was approved, a common driveway was constructed and the house gained access from Highland Street. The other two lots contain no structures.

Non Residential

Meadowbrook Day Camp received Site Plan Approval from the Planning Board for a period of five years, contingent its compliance with specific conditions.

Telecommunications

The Planning Board issued a Special Permit to Southwestern Bell Mobile Systems, d/b/a Cingular for construction of a 100 foot monopole capable of supporting two providers. The monopole will be located in the rear of the Police Station parcel, south of the Linwood Cemetery, behind the Police Station. A Special Permit was issued to Bell Atlantic Mobile, d/b/a/ Verizon, for installation of twelve panel antennas attached to the Cingular Monopole. The Town will relocate its Police communication equipment at the top of the monopole. The Planning Board worked closely with the Weston Police Chief and Health Director on this project.

The Planning Board and Zoning Board of Appeals attended a workshop on legal issues related to the Telecommunications Act, given by Town Counsel.

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.

Discussions continued with Lee Barbieri, buyer of the 40 acre parcel formerly owned by the Paine Estate on Highland Street and Boston Post Road. The project, as envisioned by the owner, will be a residential development for people over 55 years of age that will include approximately 71 units of duplex and stand alone housing plus a clubhouse and tennis courts. The Board has requested that some affordable units be included in the housing mix. Plans include rehabilitation of a historic house on Boston Post Road which may include additional affordable housing units.

The project will require a zoning change since the Zoning By-Law does not currently allow this type of use and density. The Planning Board is drafting an amendment to the by-law which must be adopted at Town Meeting in order for this project to go ahead. The Active Adult Residential District or "AARD", will be a use allowed in a Single Family Residence "A" and Single Family Residence "B" District, provided that a parcel contains a minimum of 40 acres, has a Concept Plan approved by 2/3 vote of Town Meeting, contains a certain percentage of affordable housing, meets open space and design criteria and receives a Special Permit by the Planning Board. The Concept Plan will be specific enough for Town residents to get a fairly accurate picture of the appearance and impacts of a project.

The owner of the project intends to present this plan to the May 2005 Town Meeting.

The Planning Board provided recommendations to the Case Campus Traffic Improvements and Parking Committee on improved parking and traffic circulation at the site. Additional goals of the Board were preservation of the historic streetscape, preservation of green space and minimization of lighting effects on abutters.

The Planning Board provided recommendations requested by the Board of Selectmen on the disposition of the Willis Trust Land on Concord Road and the proposed alteration of Hilltop Road.

The Board assisted the Zoning Board of Appeals in a review of the Site Plan for a proposed project under Chapter 40B, affordable housing legislation, for the parcel at 680 South Avenue. The project includes construction of sixteen units of housing, with four units classified as "affordable" under State guidelines.

The Board continued its work with the Historical Commission on the implementation of the rehabilitation of the historic house and barn at 809-811 Boston Post Road that is part of a Chapter 40B affordable housing project.

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 provides research, studies, publications, facilitation and technical assistance in the areas of land use and the environment, housing, transportation, water resources management, economic development, demographic and socioeconomic data, legislative policy and interlocal partnerships that strengthen the operation of local governments.

The Council is governed by 101 municipal government representatives, 21 gubernatorial appointees, and 10 state and 3 city of Boston officials. An Executive Committee composed of 25 members oversees agency operations and appoints an executive director. The agency employs approximately 30 professional and administrative staff. Funding for Council activities is derived from 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:

- **Municipal planning:** working with more than 25 communities under the Executive Order 418 program. EO 418 provides communities with up to \$30,000 in state funding to undertake overall visioning on local planning issues, including housing, economic development, natural resources, and transportation.
- **Bringing advanced technology to cities and towns in the region:** a contract with Pictometry International will provide aerial photographic images that municipal departments, including police and fire, can utilize to improve service delivery.
- **Adoption of smart growth principles:** MAPC developed and adopted principles of good planning practice that will encourage sustainable patterns of growth to benefit people living throughout the metro Boston region. MAPC is also a founding member of the Massachusetts Smart Growth Alliance.
- **Metro Data Center:** The Center is an official US Census affiliate, helping to distribute demographic data throughout the region, including demographic, economic, and housing profiles for all 101 communities in metro Boston.
- **Transportation planning:** as vice chair of the Boston Metropolitan Planning Organization, 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. We also spearheaded development of transportation spending criteria, taking into account environmental, economic, and equity considerations.

- **Metropolitan Highway System Advisory Board:** MAPC staffs this board, established in 1997 by the Commonwealth to advise the Massachusetts Turnpike Authority on issues relative to land use, air rights, zoning, and environmental impacts associated with development of land owned by the authority.
- **Regional Services Consortia:** The four regional consortia established by MAPC collectively purchased \$18 million in office supplies and highway maintenance services for its 31 member municipalities. The project also facilitates collegial forums among members' chief administrative officers focused on collaborative problem solving and resource sharing. MAPC recently became the purchasing and administrative agent for the Greater Boston Police Council, which assists over 300 units of local government in the purchase of police vehicles and other public safety supplies.
- **Metro Mayors Coalition:** Working with the mayors and city managers of 10 municipalities in the urban core on issues such as group purchasing, employee health insurance, security and emergency coordination, and municipal relief legislation.
- **Homeland security:** addressing homeland security issues by facilitating cross-municipal partnerships between police, fire, and emergency management departments to acquire and share equipment, and more generally to plan for emergencies involving multiple municipalities; fiduciary agent for state/ federal grant funding through the Massachusetts Executive Office of Public Safety.
- **Hazard mitigation:** initiating a federally-funded partnership to produce a hazard mitigation plan to protect nine coastal communities in the event of natural disasters, including flood, winter storm, wind, fire, and geologic hazards.

Please visit our website, www.mapc.org, for more details about these and other activities.

Metrofuture: Making A Greater Boston Region

MAPC has launched a new civic process, called MetroFuture, to create an updated regional vision and growth strategy for metropolitan Boston. MetroFuture engages city and town governments, state agencies, non-profits, business, labor and academic groups in this planning process. The outcome will be a vision and growth strategy that puts the region on a sustainable path in terms of land use, economic, environmental and social issues. MAPC will need the support of a broad range of organizations in the region to help plan, fund and implement this new framework for addressing the challenges facing metropolitan Boston.

The effort to create this new strategy was launched on October 29, 2003 at a Boston College Citizens Seminar. More than 400 citizens from a wide range of local and regional groups attended the event, and expressed their opinions on the region's resources and challenges as well as their own visions for the future. This input will be critical as we move to the next phase of this exciting multi-year project. Please visit the project web site, www.metrofuture.org, for more information.

- Evaluation of the recently enacted 40R Smart Growth legislation;
- Presentation by EOEI on the Commonwealth Capital Plan and how it can assist MWGMC member communities in its efforts to obtain grants;
- MetroWest Transportation Taskforce focuses specifically on analyzing and advocating for MWGMC communities on transportation matters. In 2004 the Taskforce began preparation of a Suburban Mobility Grant application;
- Technical Assistance and Information Services to our member communities; and

- Submitted an application for a Smart Growth Technical Assistance Grant on behalf of Framingham and Southborough to develop Low Impact Development Bylaws, which will be used by other member communities.

REPORT OF THE METROWEST GROWTH MANAGEMENT COMMITTEE

MetroWest Growth Management Committee (MWGMC), which celebrates its 20th anniversary in January, includes leaders from Ashland, Framingham, Holliston, Marlborough, Natick, Southborough, Sudbury, Wayland, and Weston. Created by an act of the Legislature in 1963, it is the oldest subregion of the Metropolitan Area Planning Council (MAPC). The agency helps local leaders meet growth management challenges by facilitating inter-local collaborative planning and problem solving to enhance the quality of life and economic competitiveness of the MetroWest region and 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. Weston's assessment is \$3,960.

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. We regularly bring together elected officials and planning staff from neighboring communities to address regional growth management issues. Some of the topics addressed at our monthly meeting this past year included:

- FY04 Strategic Plan for MWGMC;
- Pay as you throw (PAYT) pricing of solid waste services - MetroWest experience and available state assistance;
- MetroFuture presentation to update members on the MAPC's recent initiative to update MetroPlan, the agency's 1990 regional plan. This large-scale participatory initiative will develop a vision for the Metro Boston region's future;
- Evaluation of the recently enacted 40R Smart Growth legislation.
- Presentation by EOEA on the Commonwealth Capital Plan and how it can assist MWGMC member communities in its efforts to obtain grants;
- Presentation by MAPC on the Suburban Mobility Grant Program
- Review of proposed developments under our Regional Impact Review program to assess regional impacts and to influence local and state permitting of development.
- Monthly Planners' Roundtable for local planners and planning board members. ;
- Annual Legislative Caucus, which in 2004 was attended by ten members from the Massachusetts Senate and House;

MWGMC also provides **Technical Assistance and Information Services** to our members. The Committee applied for a Smart Growth Technical Assistance Grant on behalf of Framingham and Southborough to develop Low Impact Development Bylaws. This grant, if awarded, will also enable the creation of generic LID bylaws for use by MetroWest member communities. Services also include maintaining the only regional database that tracks current development. We also maintain extensive files documenting the history of significant development through the MetroWest area.

The **MetroWest Transportation Taskforce** focuses specifically on analyzing and advocating for MWGMC communities on transportation matters. Chaired by former state legislator John Stasik, the Transportation Task Force advocates for improved transportation services to the region, and strategizes to influence transportation planning and decision-making done by the Boston MPO.