

2015 ANNUAL TOWN MEETING

Commonwealth of Massachusetts

Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet in the auditorium of the Town Hall at 11 Town House Road in said Town, on Saturday, the ninth day of May, 2015, at 8:00 o'clock A.M. to act on Article 1 of this warrant for which polls will be open from 8:00 o'clock A.M. until 6:00 o'clock P.M. in said auditorium; and to meet in the auditorium of the High School at 444 Wellesley Street in said Town, and also in the gymnasium of the High School if the number of voters in attendance shall exceed the capacity of the auditorium, on Monday, the eleventh day of May, 2015 at 7:00 o'clock P.M. to act upon the remaining articles of this warrant.

ARTICLE 1: TO BRING IN THEIR VOTES FOR THE FOLLOWING TOWN OFFICERS AND QUESTION TO BE VOTED ON ONE BALLOT

	<u>For a term of</u>
A Moderator	One Year
One Selectman	Three Years
Two Assessors	Three Years
Two Members of the School Committee	Three Years
Two Members of the Recreation Commission	Three Years
One Member of the Recreation Commission	Two Years
One Member of the Planning Board	Five Years
Two Library Trustees	Three Years
One Member of the Board of Health	Three Years
One Commissioner of Trust Funds	Three Years
Three Measurers of Lumber	One Year

And to give their vote, Yes or No, on the following questions:

BALLOT QUESTION NO. 1: PROPOSITION 2½ DEBT EXCLUSION

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) Field School; (2) DPW Drainage Improvement Projects; and (3) Case Campus Master Plan?

Yes _____ No _____

SUMMARY

State law provides for an exemption from the limits of Proposition two and one-half of those amounts required to pay for the debt service for bonds approved by the voters. Question 1 would exempt the debt service for the bonds issued for a project previously approved at the December 2013 Special Town Meeting and for bonds that will be issued for projects to be considered at the May 2015 Annual Town Meeting:

Project approved at December 2014 Special Town Meeting:

1. Field School (Article 3) \$430,000

Projects to be considered by May 2015 Annual Town Meeting:

1. DPW Drainage Improvement Projects (Article 17) 300,000

2. Case Campus Master Plan (Article 18) 1,350,000

Total **\$2,080,000**

Separate articles appear in the Annual Town Meeting Warrant to appropriate the funds and authorize borrowing for each purpose. A two-thirds vote of Town Meeting in favor is required for approval. This

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ballot question is only to exempt the debt service from the limits of Proposition 2½, should these items be approved by Town Meeting.

The debt service for these projects will be approximately \$22,262 in fiscal year 2016, \$244,500 in fiscal year 2017, then decreasing each year until the bond reaches maturity. This Proposition two and one-half debt exclusion shall be approved if a majority of the persons voting thereon vote "yes."

CURRENT FISCAL YEAR ARTICLE

ARTICLE 2: AMEND FISCAL YEAR 2015 OPERATING BUDGET

To amend the following line items in the Fiscal Year 2015 Operating Budget adopted under Article 5 of the 2014 Annual Town Meeting, by reducing line items and appropriating additional funds to other line items as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Public Works – Snow and Ice Control	252,900	1,052,900	800,000
Unemployment Compensation	100,000	130,000	30,000
Insurance, Workers' Compensation	210,000	180,000	(30,000)

And as funding therefor, that \$800,000 be transferred from available funds (free cash); or take any other action relative thereto.

Article 2 Explanation: This article provides funding for the costs of snow and ice removal in excess of what was budgeted. In addition, a small surplus in Workers' Compensation is transferred to Unemployment Compensation to handle claims that may exceed the budget.

The Finance Committee unanimously supports adoption of this Article.

FINANCE/BUDGET ARTICLES

ARTICLE 3: APPROPRIATE THE FISCAL YEAR 2016 OPERATING BUDGET

To raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the costs of government and other Town charges for the fiscal year beginning July 1, 2015; or take any other action relative thereto.

Article 3 Explanation: The recommended fiscal year 2016 operating budget can be found on pages 8-10. It is anticipated that the following available funds will be transferred to fund a portion of the operating budget:

1. Undesignated Fund Balance (free cash)	\$2,300,000
2. Overlay Surplus	600,000
3. Well Litigation Settlement Account (principal)	250,000
4. Accrued Income-Well Litigation Settlement	10,000
5. Cemetery Trust Fund	35,000
6. Josiah Smith Tavern Trust Fund	6,000
Total	\$3,201,000

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 4: APPROPRIATE FOR WESTON MEDIA CENTER, INC.

To raise and appropriate or transfer from available funds a sum of money as a grant to Weston Media Center, Inc., to provide continued support for PEG (Public Educational and Government) television programming on local cable channels; said sum to be expended by the Town Manager pursuant to a grant agreement between the Town Manager and the Weston Media Center, Inc., on such terms and conditions as the Town Manager deems appropriate; or take any other action relative thereto.

Article 4 Explanation: The Weston Media Center, Inc. (WMC) is an independent, non-profit corporation that provides public, education and government television programming in Weston. Funding is provided by a "pass through" charge of 3.25% from Comcast and Verizon revenues collected from Weston cable television subscribers. In addition, a small amount is raised through donations, grants and DVD sales for

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total revenues projected to be approximately \$178,500 in 2015. For the last two fiscal years, additional funding to increase and sustain operations of WMC has been provided by grants from the Town. With the benefit of the Town's grant to the WMC in fiscal 2015, WMC made improvements to its government operations and installed five new remote controlled cameras, enhanced wireless audio equipment and a live broadcast feed at Town Hall in the lower level conference room, and Sears Auditorium.

In order for WMC to sustain its operations at current levels in the next fiscal year, and on an ongoing basis, WMC is requesting funding from the Town in the amount of \$110,000. With this amount, it expects to continue operations at the current level, expand government meeting coverage to include Community Preservation Committee Meetings, and maintain the DVD archive, the website and video on-demand services.

The Finance Committee takes no position on this Article.

CONSENT AGENDA (ARTICLES 5-17)

ARTICLE 5: APPROPRIATE TO STABILIZATION FUND

To raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, as provided under M.G.L. Chapter 40, section 5B, as amended, to be used for any lawful purpose, capital budget program or purpose for which the Town may borrow; or take any other action relative thereto.

Article 5 Explanation: A stabilization fund is a type of reserve fund. This Stabilization Fund will be used for catastrophic or emergency events or when certain revenue sources are below prior year levels, which typically occurs during a recession. Currently the Town has approximately \$2.8 million in this Stabilization Fund. An appropriation of \$250,000 is anticipated. A two-thirds vote of Town Meeting is required to appropriate both to and from the Stabilization Fund.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 6: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

To raise and appropriate or transfer from available funds a sum of money to the Other Post Employment Benefits (OPEB) Trust Fund, to be used to pay the costs of post employment benefits; or take any other action relative thereto.

Article 6 Explanation: This article allows the Town to continue to fund its future liability for other post employment benefits (retiree health insurance) for Town of Weston retirees, which amounts to approximately \$46 million if pre-funded and \$76 million if funded on a pay-as-you-go basis. Currently, the Town has approximately \$9 million in this Trust Fund. An appropriation of \$1,606,925, the amount recommended by an actuarial study plus a small amount for newly created positions, is anticipated.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 7: CONTINUE DEPARTMENTAL REVOLVING FUNDS

To continue revolving funds for certain Town departments pursuant to the provisions of M.G.L. Chapter 44, section 53E½ for the fiscal year beginning July 1, 2015:

Revolving Fund	Authority to Spend	Revenue Source	Use of Fund	FY16 Budget
Recreation Skating Programs	Recreation Director	Program Fees	Program Costs	\$40,000
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers	\$1,500
Josiah Smith Tavern	Town Manager	Rental Fees from Women's Community League	Building Repairs and Maintenance (Improvements)	\$30,000
Council on Aging	Council on	Program Fees	Program Expenses	\$30,000

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Special Programs	Aging Director			
Town Building Rentals	Town Manager	Rental Fees Town Hall	Utilities, Cleaning, Building Monitor	\$6,000
Board of Health	Health Director	Insurance Reimbursement for Flu Clinics and Fees for Public Health Initiatives	Public Health Education, Outreach, Health Initiatives, Emergency Preparedness	\$20,000
Affordable Housing Monitoring	Town Manager	Fees from Original Sale and Resale of Affordable Homes	Monitoring Costs, including Salaries and Benefits	\$40,000
Fiske Law Office	Town Manager	Rental Fees	Building Repairs and Maintenance including Salaries and Benefits	\$55,000
Planning Board	Planning Board	Application Fees	Expenses Related to Action on Applications	\$75,000

Or take any other action relative thereto.

Article 7 Explanation: A Revolving Fund established under the provisions of M.G.L. Chapter 44, section 53E½ must be authorized annually by vote of the Town Meeting. Each Revolving Fund is credited with only the departmental receipts received in connection with the programs supported by such Revolving Fund, and expenditures may be made by the specified personnel from each Revolving Fund without further appropriation. Please see Appendix 4 for a report on these Revolving Funds.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 8: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

To authorize the Board of Selectmen to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and to authorize the expenditure of such sums of money as may be received for the fiscal year commencing July 1, 2015 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

Article 8 Explanation: MA General Law requires that Town Meeting approve the use of funds received from the Commonwealth for road construction purposes, including engineering or addressing traffic improvements. In fiscal year 2015, the Town was allotted \$717,860 from the Commonwealth for this purpose; in fiscal year 2016, the amount is expected to be \$479,968.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 9: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

To establish fiscal year 2016 income eligibility limits under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly; or take any other action relative thereto.

Article 9 Explanation: Several years ago, Weston obtained special legislation to change the eligibility criteria for the property tax deferral program, allowing the Board of Selectmen to set the interest rate for residents over 60 who defer their property taxes. For fiscal year 2016, the rate has been set at 4%. This legislation also allows the Board of Selectmen, with Town Meeting approval, to establish the income eligibility limit for this program each year. The Board of Selectmen is recommending that the income limit remain at \$70,000 for fiscal year 2016. Ratification of this amount is required by Town Meeting.

The Finance Committee unanimously supports adoption of this Article.

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ARTICLE 10: ACCEPT GENERAL LAWS CHAPTER 59, SECTION 5C½ : (INCREASE IN PROPERTY TAX EXEMPTION LIMITS)

To accept the provisions of Section 5C½ of the Massachusetts General Laws, inserted by Section 14 of Chapter 62 of the Acts of 2014, which provides for an additional real estate exemption for taxpayers who qualify for property tax exemptions under M.G.L. Chapter 59, §5, as provided by law, and further, to provide that the additional exemption amount shall be up to 100 percent for each eligible exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2015; or take any other action relative thereto.

Article 10 Explanation: Acceptance of this statute permits the Town to grant an additional property tax exemption to certain taxpayers who are surviving spouses, parents of veterans who died in wartime service, blind persons and those who qualify for an exemption under any one the following clauses of section 5 of Chapter 59 of the Massachusetts General Laws:

Clauses 17, 17C, 17D, 22, 22A, 22B, 22C, 22E, 37, 37A, 41, 41B, 41C, 42, or 43.

Application for the exemption by the taxpayer, must be made annually. The Board of Selectmen has recommended that the amount of the exemption be increased by 100%, the maximum amount over the standard amount provided by this State law. This increase in the exemption was first approved by Town Meeting in 2002.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 11: ACCEPT M.G.L. CHAPTER 200A, SECTION 9A REGARDING ABANDONED FUNDS

To accept the provisions of Section 9A of Chapter 200A of the Massachusetts General Laws allowing there to be an alternative simplified procedure for disposing of abandoned funds (often referred to as unclaimed checks or "tailings") held by the Town; or take any other action relative thereto.

Article 11 Explanation: Acceptance of this statute would provide an alternative procedure for the Town Treasurer to deal with funds abandoned as a result of Town checks not being cashed. The Treasurer still must post a notice of the names of the individuals with uncashed checks. In addition, the names of anyone with uncashed checks of over \$100 must be posted in the newspaper, after which one year is allowed for the funds to be claimed. Once the deadline has passed, the funds can be returned to the General Fund of the Town. There is an appeal process built into the law. Currently, the process requires that the unclaimed funds be turned over to the Commonwealth, which then takes responsibility for advertising the unclaimed funds, keeping them if they remain unclaimed.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 12: APPROPRIATE THE FISCAL YEAR 2016 WATER ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2016, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY13	Expended FY14	Appropriated FY15	Recommended FY16
Salaries	\$270,874	\$271,658	\$284,122	\$290,947
Expenses	205,988	227,890	229,280	234,280
MWRA Assessment/ Water Purchases	1,707,564	1,923,712	2,028,827	2,240,675
Debt Service (non-exempt)	437,492	454,368	454,299	516,232
Capital Outlay	<u>23,955</u>	<u>52,170</u>	<u>7,500</u>	<u>65,000</u>
Total	\$2,645,873	\$2,929,798	\$3,004,028	\$3,347,134

Or take any other action relative thereto.

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Article 12 Explanation: Debt service includes 20% of the cost of construction of the new DPW facility, and additional capital projects: Paine’s Hill water tank improvements, to be considered under Article 12; and water main rehabilitation, to be considered under Article 13. The operating expenses for the Water Division are entirely funded by water fee revenue.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 13: APPROPRIATE FOR PAINE’S HILL WATER TANK IMPROVEMENTS

To appropriate a sum of money to pay costs of improving the equipment at the Paine’s Hill water tank, located on Highland Street at Love Lane, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, section 8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 13 Explanation: This request is to make equipment improvements at the Paine’s Hill water tank as follows: relocate instrumentation and telemetry equipment into a protective enclosure, furnish and install fiber optic cable between the utility pole and the instrumentation, and provide back-up power for these systems. The amount to be requested under this article is \$105,000, to be funded from water rates. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 14: APPROPRIATE FOR WATER MAIN REHABILITATION

To appropriate a sum of money to pay costs of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, section 8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 14 Explanation: This request is part of an ongoing program to replace old cast iron and asbestos transite water mains. These mains are no longer used in water transmission service. This appropriation is to replace 1,060 linear feet of asbestos transite water main in Old Colony Road that was installed in 1950. The design for this project will be completed by the DPW’s engineering division. The amount to be requested under this article is \$212,000, to be funded from water rates. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 15: APPROPRIATE THE FISCAL YEAR 2016 RECREATION ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Recreation Department during fiscal year 2016, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY13	Expended FY14	Appropriated FY15	Recommended FY16
Salaries	\$960,140	\$1,065,702	\$1,052,746	\$1,093,018
Expenses	426,922	406,925	450,300	427,900
Community Center	62,726	75,450	74,200	76,250
Emergency Generator+	0	125,000	0	0
Total	\$1,449,787	\$1,673,077	\$1,577,246	\$1,597,168

Or take any other action relative thereto.

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Article 15 Explanation: Program fees cover approximately 70% of the salaries and expenses for this department; the remaining 30% is funded by property taxes. For fiscal year 2016, there will be a request for \$68,000 to be appropriated from retained earnings to support the operating budget.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 16: APPROPRIATE THE FISCAL YEAR 2016 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Brook School Apartments during fiscal year 2016, under the provisions of Chapter 76 of the Acts of 2009 and M.G.L. Chapter 44, section 53F½:

Table with 5 columns: Category, Expended FY13, Expended FY14, Appropriated FY15, Recommended FY16. Rows include Salaries, Expenses, Repairs and Replacements+, Payment in Lieu of Taxes, Capital Improvements+, Debt Service, and Total.

Or take any other action relative thereto.

Article 16 Explanation: Funding for the operation of the Brook School Apartments comes from rental income and the Community Preservation Fund, which is covering the cost of the debt service for construction of thirteen affordable units completed as part of the expansion project in 2004.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 17: APPROPRIATE FOR DEPARTMENT OF PUBLIC WORKS – DRAINAGE IMPROVEMENTS

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental costs related thereto, including the acquisition by gift, purchase and eminent domain of such temporary or permanent easements as may be necessary for this project, and to authorize appropriate Town officials to acquire such interests, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 17 Explanation: This request is part of the ongoing program to replace, upgrade or install new storm drainage lines and structures to improve substandard drainage systems in town. Important future projects include locations on Warren Place, Winter Street, Longmeadow Road and Loring Road. Public/private partnerships are funded from this program and help to resolve deficient drainage systems affecting runoff from public ways through private property. Drainage funds are also used for street drainage repairs for the road paving program. Future projects include Newton Street, Merriam Street, Viles Street, and Summer Street. The amount to be requested is \$300,000. A two-thirds vote of Town Meeting is required for approval of this article.

CAPITAL IMPROVEMENT BUDGET ARTICLES

ARTICLE 18: APPROPRIATE FOR CASE CAMPUS MASTER PLAN

To appropriate a sum of money to pay costs to design and reconstruct, resurface or alter the configuration of roadways, walkways and parking areas on the Case Campus, generally located on either side of Alphabet Lane and within the boundaries of School Street and Wellesley Street, and all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be raised by transferring an amount from the Unallocated allocation of the Community Preservation Fund; and

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by borrowing under the authority of M.G.L. Chapter 44, section 7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Board of Selectmen, to issue bonds or notes for this purpose; or take any other action relative thereto.

Article 18 Explanation: The Case Campus Master Plan (CCMP) addresses needs resulting from the transformation of the campus from exclusively school-related uses to a place that now also serves as one of the Town's most popular social, recreational, and cultural destinations. From its beginnings as the elementary school campus and school department administration, the use has expanded to include the Town Library, the Town Pool, and the Community Center, housing the Recreation Department and Council on Aging. This development was not accompanied by a campus-wide plan taking into account the aggregate needs for roadway access, parking and safe pedestrian access among these facilities.

This is the fourth request for funding to implement the CCMP; previous appropriations were \$709,000 in May 2013, \$835,000 in December 2013 and \$1,755,200 in May 2014.

This request would provide the construction funds for what is now being referred to as Package 4A. This package includes parking lot and campus driveway improvements to address the remaining parking and traffic flow issues that have been identified. Specifically the scope includes: the reconfiguration of the parking lots and circulation around the Case House and the Community Center; reconfiguring the driveway entrance to the Town Library; installing pervious paving on the new Case Estates parking lot adjacent to Alphabet Lane; and squaring off the intersection of Wellesley Street and School Street.

Package 4B, which will be improvements to be funded with Community Preservation Act (CPA) funds, including pedestrian walking trails, arboretum tree planting, site improvements and other amenities is not ready to be considered at this time but will be brought to the fall Special Town Meeting. Up to \$50,000 in CPA funds will be requested to continue the design of these improvements.

The total request for funds under this article is \$1,400,000: \$1,350,000 in borrowed general funds and up to \$50,000 in cash CPA funds. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee will report its position on this Article at Town Meeting.

ARTICLE 19: PROPOSAL FOR FUNDING THE COST OF DESIGN AND CONSTRUCTION OF A SPORTS PRACTICE WALL AT THE HIGH SCHOOL ADJACENT TO THE TURF FIELD AND BASEBALL FIELD (SUBMITTED BY CITIZENS' PETITION)

To see if the Town will vote to raise and appropriate, transfer, or borrow \$75,000, more or less, to design and construct a Sports Practice Wall at the High School adjacent to the Turf Field and Baseball Field, as shown on a sketch plan on file with the Town Clerk, and further to authorize the Board of Selectmen or School Committee to accept and expend any gift or gifts of funds for such purposes, or take any other action thereto.

Article 19 Explanation (provided by the petitioners): The citizens' petition for Town funding of the design and construction of a Sports Practice Wall at the High School adjacent to the Turf Field and Baseball field is sought to replace a similar facility which was located near the College Pond tennis courts which was removed as a part of the Burchard Base Ball Field Facility. A Sports Practice Wall is an essential skill development and training component used to practice ball throwing/catching in the sports of lacrosse, tennis, baseball, soccer and can be used as a backstop for shooting hockey pucks. Sports Practice Walls need to be located adjacent to the fields where sports involved in the training drills hold practices to allow rotation of groups of players through the facility. A similar Sports Practice Wall was constructed several years ago at Lincoln Sudbury Regional High School at a cost of \$60,000 plus design and project management.

The Finance Committee takes no position on this Article.

GENERAL BY-LAWS ARTICLES

ARTICLE 20: AMEND GENERAL BY-LAWS – ARTICLE XV – CONSERVATION LAND

To amend the By-Laws of the Town of Weston, by deleting the current Article XV and replacing it as follows:

**ARTICLE XV
CONSERVATION LAND**

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

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

- B. The following activities are prohibited on Conservation Land without a written Use Permit from the Weston Conservation Commission:
 - i) Conducting organized group events or activities;
 - ii) Starting fires;
 - iii) Camping overnight;
 - iv) Operating cars, trucks, motorbikes, snowmobiles, or power tools; and
 - v) Collecting or removing mushrooms, plants, or wood.

- C. The following activities are prohibited on Conservation Land except as expressly permitted in Weston’s Bow Hunting Regulations, promulgated by the Conservation Commission, as they may exist from time to time:
 - i) Hunting or trapping;
 - ii) Carrying firearms; and
 - iii) Willfully disturbing or endangering wildlife.

SECTION 2. The Conservation Commission shall hereby be authorized to adopt rules and regulations governing the use of land and waters under its control, which rules and regulations shall address matters including but not limited to the procedure for application and issuance of a Use Permit under Article XV, Section 1(B), which process shall ensure that Conservation Land can be appropriately protected and that such a permit shall not be unreasonably withheld. It is further recognized that dog walking on Conservation Land is regulated by the provisions of Article XX of the By-Laws of the Town of Weston. Notwithstanding any provision of this section to the contrary, however, the Conservation Commission shall continue to have and exercise all authority granted to said Conservation Commission in accordance with the provisions of G.L. c.40, §8C.

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

- A. First violation: warning
- B. Second violation: \$100

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- C. Third violation: \$200
- D. Fourth and subsequent violations: \$300

Or take any other action relative thereto.

Article 20 Explanation: The existing Town Forest By-law (Article XV) is outdated. With assistance from Town Counsel, the Conservation Commission has prepared a new version which clarifies the intent of the by-law, lists the prohibited and regulated uses, and will allow the Commission to utilize the non-criminal disposition by-law to enforce this by-law. (Similar to other Town by-laws)

The Finance Committee takes no position on this Article.

ARTICLE 21: AMEND GENERAL BY-LAWS, ARTICLE XXVI – DEMOLITION DELAY

To amend the By-Laws of the Town of Weston, Article XXVI, by replacing the words “six months” in the section entitled Procedure, numbers VII, VIII, IX. ii) and in the section entitled Responsibilities of the Owner, with the words “twelve months,” or take any other action relative thereto.

Article 21 Explanation: The Historical Commission proposes to extend the period of the Demolition Delay by-law from the current 6 months to 12 months. Alterations to or demolitions of historically significant buildings built before 1945 must be reviewed by the Commission. Under 10% of permit applications received since 2006 were subject to this review. Of those, almost half were approved without coming before the Commission. The remaining applications were reviewed to determine the architectural or historic significance of the structure and either approved or, in the case of major changes to significant structures, subject to a public hearing. A six month Delay of Demolition can be issued only if the changes are determined to be detrimental to the structure. The Demolition Delay is only infrequently imposed (24 times in 9 years), as it is a tool of last resort, but it provides important leverage. During the time of the delay, the Commission works as closely as possible with the homeowner and/or builder to reach compromise.

Weston's character is under siege, as homes of ever greater architectural and historical importance are bulldozed. Many post-war houses have been replaced, and there is great pressure to generate buildable lots, putting in danger many of Weston's characteristic old homes and historic streetscapes. The Demolition Delay is the only tool the Historical Commission has to preserve Weston's identity.

The current time frame is too short to allow meaningful negotiations with developers, when the Town's permit process generally takes even longer. Thirty-nine Massachusetts towns have Demolition Delay periods of 12 months or longer.

The Finance Committee takes no position on this Article.

ZONING BY-LAW ARTICLES

ARTICLE 22: AMEND ZONING BY-LAW – SECTION VI.A. – CLARIFY/LIMIT LOT CLEARING

To amend Section VI. DIMENSIONAL AND OTHER REQUIREMENTS, A. GENERAL, of the Zoning By-law of the Town of Weston by adding the following proposed subsection:

- "5. No site alteration work which requires or will require a storm water permit or any zoning or other land development permit or approval shall be performed on any property until such permit or approval is obtained, including any one of the following:
 - a. Approval by the Planning Board of a site plan where such approval is or will be required under the provisions of this Zoning By-law

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- b. Issuance of a permit by the Storm Water Permitting Authority where such permit is required by the Storm Water By-law, Article XXVII of the By-laws of the Town of Weston.
- c. Issuance of a permit for building, demolition, or any other permit required by the Massachusetts Building Code or this Zoning By-law.

Site alteration work can be performed and is permitted once any of the above permits or approvals has been obtained by the property owner or if any of the following exceptions apply:

Exceptions:

- 1. Site alteration work or clearing which does not require a storm water permit, or site plan approval by the Planning Board, or any building permits.
- 2. Soil testing.
- 3. Routine landscape maintenance including thinning of forest, trees and vegetation.
- 4. Removal of nuisance or invasive species vegetation such as bittersweet, poison ivy, etc.
- 5. Removal of any 'prohibited plantings' as identified by the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs, Department of Agricultural Resources.
- 6. Removal of trees or limbs which pose a threat of property damage or threat to public safety.
- 7. Removal of any dead or dying trees or vegetation.
- 8. Any utility work both underground and overhead, including work done in maintaining, testing, inspecting or repairing existing underground services, utilities, septic systems and other structures.
- 9. Any work to provide access onto a property for any existing by-right use of the property.
- 10. Any work done on recorded easements, the purpose of which is limited to vehicular access, pedestrian access, utility service, or viewscape maintenance, provided that previous vegetation clearing in such easements has occurred within the preceding five years, and that the proposed work shall be limited to that essential for the purpose intended.
- 11. Properties in Chapter 61 status such as agricultural or forestry.
- 12. Work done in conjunction with construction, alteration or repair of a septic system pursuant to a septic permit from the Board of Health.
- 13. Removal of or planting of trees or vegetation which dangerously obstructs the view of traffic by operators of vehicles at street or driveway curves or intersections or otherwise constitutes a hazard to public safety.

If any provision of this section is violated by a property owner, then no building permit may be issued for any new or replacement dwelling for up to 9 months following the violation. All other fines or remedies to which the Town is entitled may also be imposed at the Town's discretion."

Or take any other action relative thereto.

Article 22 Explanation: The purpose of this article is to advise permit applicants of the town's preference for preserving mature trees when possible as a reflection of the town's rural character, and of the potential regulatory consequences of indiscriminate clear cutting. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee takes no position on this Article.

ARTICLE 23: **AMEND ZONING BY-LAW – SECTION IV.B.7. ADD A PARCEL TO RENEWABLE ENERGY OVERLAY DISTRICT**

To amend the Zoning By-Law of the Town of Weston, Section IV.B.7. by adding a third parcel: Map #18, Parcel #28-10, or take any other action relative thereto:

Article 23 Explanation: When the Renewable Energy Overlay District was created in 2011, it was intended to include the entire closed landfill, located off Church Street. One parcel was inadvertently omitted and is important to include because of the current plan to place solar panels on the closed landfill. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee unanimously supports adoption of this Article.

STATE LAW ACCEPTANCE AND OTHER

ARTICLE 24: APPROVE TAX AGREEMENT FOR SOLAR PANELS ON LANDFILL

To vote in accordance with Massachusetts General Laws Chapter 59, Section 38H or any other enabling authority to authorize the Board of Selectmen to enter into a structured tax agreement with Church Street Solar LLC, its affiliate or assignee, for a term of 20 years, pursuant to which the Town will be paid a sum of money per year based on values representing the future full and fair cash value of the property upon such terms and conditions as the Board of Selectmen deems appropriate in connection with the construction and operation of a solar renewable energy generation facility installed or to be installed on property owned by the Town known as the closed landfill property, located off Church Street and shown as Assessors Map 23 Parcel 35, and to authorize the Town Manager and other Town officials as may be appropriate to take such other actions as are deemed necessary to implement such agreements and effectuate the purposes of this article, or take any other action relative thereto.

Article 24 Explanation: In May 2013, Town Meeting authorized the Town to enter into a 20 year lease and power/net metering purchase agreement to contract with a developer to place solar photovoltaic panels on the closed landfill. Both of those agreements are now in place, and the final action of Town Meeting needed is the approval of a structured tax agreement. The Town will pay for and receive electricity generated by this installation for use in its municipal and school buildings at a reduced cost, resulting in savings in the Town budget of approximately 40% or on average \$350,000 annually. In addition, the developer will make an annual tax payment to the Town.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 25: AUTHORIZE LONG TERM LEASE OF “40 ACRE FIELD”

To authorize the Board of Selectmen to enter into a lease agreement for a term not to exceed thirty (30) years, and upon such terms and conditions as it deems appropriate, in accordance with M.G.L. Ch. 30B, Section 16, on all or a portion of the land held for municipal purposes located at 90 Wellesley Street; shown as Assessors Map 33, Parcel 5; and described in a deed recorded with the Middlesex South Registry of Deeds as Book 16775, Page 411, comprising 35.66 acres; or take any other action relative thereto.

Article 25 Explanation: This article gives the Selectmen the authority to solicit proposals, negotiate, and enter into a long term lease for the use of the Town-owned field at 90 Wellesley Street, commonly known as the Land's Sake farm. The term and conditions of any lease would be designed to protect the interests of the Town while providing the tenant with the stability necessary to sustain a successful farm enterprise.

A long term lease of this field is essential to allow for long-term investment in soil health, water service, power, and safety improvements. The new federal Food Safety Modernization Act will require improvements to vegetable washing and handling processes, which will make current systems inadequate for sales to schools, restaurants, or other institutional buyers. Year-round water would allow extending the season with early or late-season greens, providing important additional revenue. Underground electricity would allow on-site refrigeration, which is currently impossible without the generosity of neighbors. Farm roads and access may need to be re-routed away from highly trafficked visitor areas. To be successful on this site over the long term, these improvements will be necessary, and their cost and planning depend on long-term certainty of tenancy on the site.

The Finance Committee takes no position on this Article.

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ARTICLE 26: AUTHORIZE TRANSFER OF MUNICIPAL PURPOSES LAND TO THE CONSERVATION COMMISSION

To authorize the transfer from the Board of Selectmen for general municipal purposes to the Conservation Commission for conservation purposes, the following parcels of land:

- One parcel known as 0 Deer Path Lane and shown as Assessors Map 43, Lot 42-90, and described in a deed recorded with the Middlesex South Registry of Deeds as Book 842, Page 76, comprising approximately 0.3 acres;
- Three parcels known as 0 Terrace Road and shown as Assessors Map 7, Lots 156, 155, and 154, and described in a deed recorded with the Middlesex South Registry of Deeds as Book 13879, Page 121, comprising approximately 1.1 acres, 0.94 acres, and 0.93 acres, respectively;
- One parcel known as 0 Church Street and shown as Assessors Map 18, lot 13 and described in a deed recorded with the Middlesex South Registry of Deeds as Book 5750, Page 23 and Book 6088, Page 507, comprising approximately 0.81 acres;

and to authorize the Conservation Commission to record notice of such action at the Middlesex South Registry of Deeds; or take any other action relative thereto.

Article 26 Explanation: The Conservation Commission has requested the transfer of these parcels from municipal purposes to conservation purposes in order to permanently protect them. 0 Terrace Road parcels and the 0 Church Street parcel are predominantly wetland. They abut Stony Brook and are part of Cambridge Water Supply Zone A area. Therefore, it is the Commission's opinion that these properties contribute to important public values (open space, wildlife habitat, groundwater protection, drinking water protection, storm damage prevention, and passive recreation opportunities). 0 Deer Path Lane provides vital access to Pine Street Conservation Land. An existing trail on 0 Deer Path Lane provides direct access to the extensive abutting trail system on conservation land. A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee takes no position on this Article.

COMMUNITY PRESERVATION ACT ARTICLES

**ARTICLE 27: APPROPRIATE FOR FISCAL YEAR 2016
COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET**

To hear and act on the report of the Community Preservation Committee on the fiscal year 2016 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for fiscal year 2016; and further, to reserve for future appropriation for purposes consistent with the Community Preservation Act the amounts as recommended by the Community Preservation Committee for open space, including land for recreational use, historic resources and affordable housing; and further, to appropriate from the Community Preservation Fund a sum of money for payment of debt service on Community Preservation projects previously approved by Town Meeting, all as recommended by the Community Preservation Committee, or take any other action relative thereto.

Article 27 Explanation: The Community Preservation property tax surcharge will raise nearly \$2,000,000 in fiscal year 2016, which is expected to be matched, in part, by the State. By law, a minimum of 10% of Community Preservation funds raised by the surcharge and as matching funds from the state must be spent or set aside for future spending in each of three categories: open space, which recent legislation has defined to include land for recreational use; historic resources; and community housing. The remaining 70% of available funds may be allocated to any one or a combination of the three categories, all as specified in G.L. c.44B, §5(b)(2), as most recently amended.

The administrative expense budget, limited by law to no more than 5% of annual Community Preservation Fund revenues, is estimated to be \$117,000 and is funded from the Community Preservation Fund. Any administrative funds remaining unused at the end of the fiscal year are returned to the Unallocated allocation of the Community Preservation Fund. The administrative expense budget covers the cost of a part-time staff person for the Committee and Committee expenses such as appraisal fees, legal fees, and advertising for public hearings.

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The appropriation for debt service includes \$235,017 for Brook School Apartments and \$432,675 for Case Estates.

The Finance Committee unanimously supports adoption of this Article.

ARTICLE 28: APPROPRIATE FOR OPEN SPACE – CHARLES RIVER INVASIVE SPECIES REMOVAL

To appropriate a sum of money for open space purposes under the Community Preservation Program to preserve a section of the Charles River in Weston by removing invasive weeds, including all related incidental costs; to be spent under the direction of the Town Manager, said sum to be transferred from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 28 Explanation: This project is part of a larger effort to rid the Lakes District of the Charles River of invasive water chestnut. The Massachusetts Department of Conservation and Recreation (DCR) in cooperation with the Cities of Waltham and Newton, the Town of Weston, the Charles River Watershed Association (CRWA), and local residents have begun a 3-5 year effort to harvest this weed. Removing the water chestnut along the Weston portion of the Charles River will greatly improve and preserve the health and ecological integrity of the Charles River in this stretch of the river. Numerous residents enjoy canoeing and kayaking this section and in recent years, sections of Weston's Kingsbury Cove have been nearly impassable. This article requests an appropriation of \$10,000 to support paid workers to assist CRWA volunteers so that their efforts are more productive and will pay for hand harvesting to clear isolated plants and shallow areas which cannot be reached by machine. This is the second of three anticipated requests for funding for this purpose.

The Finance Committee takes no position on this Article.

ARTICLE 29: APPROPRIATE FOR LAND FOR RECREATIONAL USE – COMMUNITY GARDENS REHABILITATION AND EXPANSION

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the rehabilitation and expansion of the Community Gardens, located at 0 Merriam Street, Assessors Map 17, Parcel 96, for recreational purposes, and all incidental costs related thereto; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 29 Explanation: The Community Gardens, located on municipal purposes land, was established in the 1970's. It currently contains 60 plots and is used predominantly by Weston residents. Over the years, trees around the garden have become overgrown and have reduced the amount of sunlight the garden receives. In addition, there is a high demand for community garden plots beyond the number the Town can currently provide. Therefore, the Conservation Commission is proposing to remove trees around the perimeter of the garden to improve sunlight to the garden area (\$4,500); and to create a new row of garden plots available to the community (\$10,500). The garden plot creation project will entail cutting trees, removing the stumps, tilling the soil, installing a water line, expanding the perimeter fence, and improving the access road and parking area. The amount to be requested under this article is \$15,000. This article has the support of the Recreation Commission.

The Finance Committee takes no position on this Article.

ARTICLE 30: APPROPRIATE FOR LAND FOR RECREATIONAL USE – DICKSON RIDING RINGS FENCE RESTORATION

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the restoration of the Ruth B. Dickson Memorial Riding Rings fences, located at 0 Concord Road, Assessors Map 16, Parcel 3, for recreational purposes, and all incidental costs related thereto; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

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Article 30 Explanation: The Ruth B. Dickson Memorial Riding Rings were acquired by the Town in 1958 for Conservation purposes. The purpose of the Dickson Riding Ring was to promote the education of young riders. It was the site of one of the first 4-H clubs in Massachusetts. Since the 1980's the 'Friends of Dickson Riding Ring,' now the Weston-Wayland Open Spring Horse Show, Inc., has been responsible for the care, maintenance, and use of the rings. There are two rings on the property with wooden fencing around their perimeter. The fencing is over 30 years old and has sustained significant deterioration over the years. The Conservation Commission proposes to rehabilitate this recreational area by removing the existing wooden fencing and replacing it with new fencing. This will ensure that users of the rings will have a safe and enjoyable recreational experience. The amount to be requested under this article is \$25,000. This article has the support of the Recreation Commission.

The Finance Committee takes no position on this Article.

ARTICLE 31: APPROPRIATE FOR HISTORIC RESOURCES – 20 YOUNG ROAD

To appropriate a sum of money and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise for historic resource purposes under the Community Preservation Program the fee or other interests in land and structures, which may be a historic preservation restriction, on all or a portion of the property previously known as 20 Young Road, as may have been modified pursuant to an Approval Not Required plan dated January 26, 2015, which contained 3.67 acres, more or less, in the Town of Weston, Massachusetts, and more fully described in a deed recorded in the Middlesex South Registry of Deeds in Book 64603, Page 47, dated December 3, 2014, said restriction to be held, managed and controlled by the Historical Commission and/or Board of Selectmen; said sum to be transferred from the Historic Resources allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 31 Explanation: The purpose of this article is to purchase a historic preservation restriction on the land and buildings located on all or a portion of the property previously known as 20 Young Road. The 1887 house was designed by William Ralph Emerson, a highly important American architect, known as the "father of the shingle style" and an early proponent of Colonial Revival architecture. The grounds were laid out by the Olmstead firm. The house was commissioned by Benjamin Loring Young and his wife Charlotte Hubbard Young. Benjamin Loring Young Jr, a speaker of the Massachusetts house, and a Weston Selectman for 36 years also lived there. This very significant house is endangered and currently under a 6 month demolition delay, which will expire in June. The Historical Commission had a preservation restriction appraised at \$250,000 (plus \$5,000 for administrative use), and we are hoping the funds will help us negotiate with the current owners to save the house. This house was recently voted onto Preservation Massachusetts' Most Endangered Historic Resources List for 2014. This is a state-wide competition for the most important endangered house or other historic structure. This house was chosen among many applicants as one of the most significant buildings, important throughout the whole state, and many in the architectural world would argue to the entire country, as a remarkably intact example from American Master Architect, William Ralph Emerson. The amount to be requested under this article is \$255,000.

The Finance Committee takes no position on this Article.

ARTICLE 32: APPROPRIATE FOR COMMUNITY HOUSING – REGIONAL HOUSING SERVICES OFFICE & HOUSING STAFF SUPPORT

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to provide funds needed to participate in a regional housing services office and for staff assistance for the creation, preservation, and support of community housing; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 32 Explanation: Weston collaborates with the Towns of Acton, Bedford, Burlington, Concord, Lexington, and Sudbury to provide a regional housing services office, which is currently housed in Concord. Professional staff with expertise in affordable housing offer a variety of services related to lottery, monitoring, administration of the subsidized housing inventory, and consultation on specific projects. The

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amount requested is Weston's share, which represents 6% of the total cost. This request will also fund hours worked by an existing employee on affordable housing-related issues in the amount of 2.5 hours/week. The amount to be requested under this article is \$16,347.

The Finance Committee unanimously supports adoption of this Article.

And you are to serve the warrant by posting four attested copies thereof at the Town Hall, at the Kendal Green Railroad Station, at the Town of Weston Transfer Station and on the kiosk at the front of the Weston High School on Wellesley Street by the gymnasium, seven days at least before the time appointed for said meeting.

Hereof fail not to make due return of this warrant with your doings thereon to the Selectmen at the time and place of said meeting.

Given under our hands April 13, 2015.

Edward H. Coburn
Douglas P. Gillespie
Michael H. Harrity
Selectmen of the Town of Weston