

**Minutes of Regular Meeting  
Select Board  
Tuesday, September 27, 2022  
Remote Online Meeting (Zoom 823 2059 8705)  
Called to Order at 6:30 p.m.**

Remotely participating were Board members, Chair Christopher Houston, Harvey Boshart and Laurie Bent. Also present were Town Manager Leon A. Gaumont, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Assistant to Town Manager, Michelle LeBlanc, Legal Counsel Laura Goldberg, Town Planner Imaikalani Aiu Engineer, Chair Planning Board Member Leslie Glynn, Town Clerk Deb Davenport, Chair of the Tree Advisory Group Lori Hess, Zoning Board of Appeals Member Winifred Li, Zoning Board of Appeals Candidates Silas Chen and Evan Slater,

Mr. Houston called the remote meeting to order and read the following:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Weston will be conducted via remote participation to the greatest extent possible. We will strive to provide access to such meetings via a link to call in, or other similar option. In the event we are unable to accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as possible following the same. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.*

**Resident Comments:**

Barbara Fullerton stated that the Town of Weston does not have any marked bike lanes on the roads. She said Weston has a lot of large roads that would accommodate bike lanes. Mr. Houston stated the roads are narrow, not large enough for bike lanes, and would not meet the requirements for safe travels. Mr. Houston suggested bringing this to the attention of the DPW and the Traffic and Sidewalk Committee. Ms. Bent stated that she believes there needs to be two lanes for cyclists, one on each side, but still should be pursued. Mr. Boshart stated that a shared use path or buffered bike lane was being considered as part of the Route 30 Project that the State and Town are working on.

Susan Zacharias was wondering on the status of Warrant Article 24, passed May 9<sup>th</sup> at Town Meeting. Mr. Houston stated that it was going to be discussed during the projects and priorities at the next meeting. He said they have been told by Town Council and the Legislature of Representatives since this is an election year nothing would be done until next year anyways.

**Meet with Planning Board to Discuss Strategic Master Plan.**

The Select Board was joined by Planning Board Chair, Glynn and Town Planner Aiu. Ms. Glynn presented a slide show viewing of the Master Plan of 1965, which was the last time a Master Plan was created for Weston. Mr. Aiu wanted to point out that a Master Plan is a future vision and policy guide for the Town. Aiu said that it's a public policy document that could lead to possible zoning bylaw changes or other policy initiatives such as capital improvements. He stated that Weston would benefit from the Master Plan. His main points were because managing growth and change, provide for managed and thoughtful development, strengthen local identity, and create an adaptable framework for future policy decisions. He pointed out there are other outside influences that will happen that is out of our control. He said we must be able to move and adapt to those influences in order to accomplish our goal. He referenced the new MBTA Zoning Law that requires multi family homes to be built near transit stations as an example. He feels we need to prepare, ask questions, see what reactions are and have discussions on it.

Mr. Aiu said a Master Plan has a Community Vision Statement, Data Analysis, Existing Conditions, Trends/Estimates/and Future Projections, Goals/Policies and Actions. The sections required to plan for if this plan is approved, are Statement of Goals and Policies, Land Use, Housing, Economic Development, Natural & Cultural Resources, Open Space & Recreation, Services & Facilities, Circulation/Traffic and Implementation.

Ms. Glynn said that a list of topics of local additions to a Master Plan help elevate it create a Unified Plan/Comprehensive Plan. This allows for a Town Discussion about how each one can fit into the plan. Depending on the issues, some are larger than others. Ms. Glynn stated that Weston has already addressed a few topics from this list such as Diversity, Sustainability and Climate Action.

Mr. Aiu said that it will take about two years to plan. There are factors that could impact that timeline such as age and relevance of existing master plan, public process. Mr. Aiu stated he feels the public should be heavily involved in the process. The cost for the plan is about \$75,000 to \$150,000, sometimes more, depending on factors that can make it more complex.

Ms. Glynn stated that the next step, with support, would be to go to Town Hall Meeting May 2023 to ask for funds to bring on Consulting Services. She said if the Town wanted to move forward with the Master Plan, they would start to look at other outside funding to help with the cost. Her timeline with approval, have the Consultant chosen so work could begin July/August 2023.

Mr. Boshart asked is part of the RFP and selection of the Consultant will there be a special committee that will be formed that pulls in different members from the town to oversee the process, or only Planning Board. Ms. Glynn replied that she hopes everyone will be involved. She wants transparency and cross reference with this plan. She envisions that it would be another committee.

Mr. Houston asked Ms. Glynn if this a Planning Board driven plan or a Select Board substance. Ms. Glynn said the new way a lot of towns are proposing these types of plans, is to have an elevated level of discussion, including members from various Committees. She said a town wide conversation needs to take place. She noted that with today's technologies, the community will be well informed and committees and different departments will have the ability to communicate the process. She noted that other departments/committees that have come up with Master Plans, they can even take information from them to apply it the Town Master Plan. Mr. Houston stated that he would like to add this Master Plan to the Select Board Meeting where Projects and Priorities are discussed. He would like a more detailed discussion to see if this plan to make sure we are not over committing, or if we really want this plan what can we remove or defer from the current project and priorities list.

Ms. Hess said the Master Plan is a blueprint for the future. It shows where Weston is today, and where will it be in the future. She stated issues are more complex now than previous years, and resources are scarcer. There is no simple solution to the issues, which is why a Master Plan is a good idea.

Mr. Lanier feels that public input for this Master Plan should be open to everyone so a good plan can be put in place. He feels it's an effort to be responsible. He stated that opening a dialogue to be collaborative on something important for this great plan would benefit the community.

Mr. Houston said to put this under the discussion of projects and priorities for Town Meeting.

**Interviews for vacancy on the Zoning Board of Appeals.**

Mr. Gaumont stated there were two candidates for the open position on the Zoning Board of Appeals; Silas Chen and Evan Slater.

Mr. Chen grew up in Weston, He graduated from Weston High in 2009. He moved back to Weston. He is interested in being more involved in the town since he has seen how much it has changed in the past decade. That is his primary reason for volunteering for this.

Ms. Bent asked someone from ZBA to provide insight as to what the job entails for this vacant position.

Ms. Li stated that what they are looking for is someone with either a Legal background or construction; building/engineering or architectural background. Ms. Li asked Chen if he has ever watched a ZBA Hearing, or does he know about the ZBA rules, Land Use Rules, Construction or Architecture. Mr. Chen stated that he is not a lawyer, but a scientist. He said it might be different than what they are looking for. He never has watched a ZBA meeting. He stated that he has worked in in construction with his father who is a licensed Master Plumber. He stated that he is not sure if he is qualified for this position, there is more involved to this than what he can bring to the table.

Mr. Gaumont stated that Mr. Slater messaged him to relay that if Mr. Chen is interested than he will advocate for his appointment.

Mr. Houston asked if there were anymore questions for Mr. Chen, and there were none. Mr. Houston advised Mr. Chen to watch some ZBA Meetings and reach out to the ZBA members for more information about the position to see if this was something he still was interested in in pursuing.

#### **Further Discussions on the Celebrations Committee**

Ms. Bent stated that she, Mr. Gaumont, Ms. Yanakakis had a conversation about whether the Celebrations Committee would become a standing committee. That conversation turned into the idea of having a single committee to coordinate special holiday events such as Veteran Day and Memorial Day. They proposed language for a larger scope so the committee can cover Veterans Day, Memorial Day and special Weston Celebration Day. The benefit of this would be to coordinate all the calendar events to make sure there is institutional knowledge of the events, and they are all working together for the events.

Mr. Houston asked Ms. Bent what she envisioned for this group in terms of size and constraint. Ms. Bent stated that she would like to have 3 people, but still might be too small. She would like to have some flexibility with the numbers, but not exceed 7. She stated that when groups want to put on events, there will be this group that will be ready to help and support them.

Mr. Boshart stated that he feels this is a good idea. He gave the example of how he's been on the Memorial Day Committee and understands all that goes into these events which can be a lot. There is a big burden put on the people. He feels a committee like this can help, lend support, and make the events a bit more organized, popular and get more people to come.

Mr. Houston asked if this was an action item. Mr. Gaumont stated that it was not. He said if this is the direction they want to move forward in, they would seek a Town Meeting Warrant Article to amend the By-Law Article accordingly.

#### **Discussion on the Fire Station Working Group**

Mr. Gaumont stated the Permanent Building Committee have started interviews for the Fire Station Feasibility Study. The PBC is putting together a working group to meet and discuss the items that will

come up during this process. Currently the group consists of; James Polando- PBC Member, Gary Jarobski- Director of Facilities, Justin Woodside- Fire Chief, Chris Davenport- Deputy Fire Chief, Robert Jarobski- Fire Department Union Representative, and Lisa Yanakakis- Assistant Town Manager. This group also is inviting any member of the Select Board to sit on the working group.

Mr. Houston asked if this working group was assembled to figure out if we need a new fire station and then figure out how that it is. Mr. Gaumond said for a while there has been a need to critically look at the Fire Services and Stations to see if the needs were being met, and if the current facilities were efficient enough. Mr. Gaumond noted that the buildings were built many years ago, and the Fire Department has a different make up since then, especially now that females are on the department. This means they must look at shower facilities and sleeping quarters to ensure they are adequate for them. Mr. Gaumond said this will help them determine what needs to be done.

Mr. Levitt said a report was prepared of the existing Fire Department. It indicated its short in a number of aspects. This includes not only facilities for female firefighter, but other space needs. An example he provided, there are problems with fighting fires that are toxic, returning to the Station to clean their gear, and there is no space to do that. There are two working Fire Stations. They interviewed candidates for producing a report with plans and estimated costs for what had to be done. They sent a recommendation off to the Town. The Permanent Building Committee creates a working group when there is a project that needs to be done.

Mr. Houston asked if this report also took into consideration if the Fire Stations are in a good location, or if an additional Fire Station is needed. Mr. Levitt said this information would be in the report. Mr. Houston said he is not opposed to have this; he wants to make sure all aspects are reviewed. Mr. Houston would like a better understanding of this report.

Mr. Houston said he would like to add this for discussion to the Projects and Projections list for the next meeting.

### **Discussion on JST licenses for non -profit**

Mr. Gaumond said there are interests in getting nonprofits moved in with license rental agreements while they complete the finishing touches on the JST. There are maintenance issues that need to be considered. The Town is not set up to be property managers for this site. The lessees would be responsible for their own trash, custodial services the Town doesn't have the capacity to offer deep cleaning services, may have to be contracted out. Any supplies such as toilet paper, paper towels etc. would have to be the responsibility of the lessee. The Town has been dealing with landscaping due to the previous growing season. For snow removal, he spoke to DPW about handling it for now, but possibly contracting it out in the future. Mr. Gaumond noted that the estimated yearly costs for utilities for the Tavern side of the building would be approximately \$27,000 (\$25,000 electricity \$2,000 in case they must cover any additional). This includes heating, cooling, and lighting which the building was designed based off electricity. This means the Town is responsible for \$2,300 per month to keep the building operating. The restaurant side will also have to be heated during vacancy. Mr. Gaumond said that the projected price for the non-profit groups would be around \$5-\$6 dollars per sq. foot. The three spaces to be licensed would be occupied by The Historical Society (1000 sq ft), The Women's Community League (230 sq ft) and The Weston Forest & Trails (230 sq ft). The license agreement would be for a year, and possibly longer.

Mr. Houston said there are advantages to having the non-profits lease the community spaces. He acknowledged the rents the non-profits pay would not necessarily cover the complete costs of what it takes to operate the building. He would like to have them renting the place so its not vacant.

Ms. Fox of the Historical Society stated that she was overwhelmed by the price. She had never considered the additional costs of the utilities. She said she was not sure how they were going to pay this. She said she may have to consider fundraising.

Ms. Barbieri of Weston Forest & Trails said their group would very much like to get in there. She likes the idea that people will be able to easily find them.

**MOTION:** Ms. Bent moved to authorize the Town Manger to finalize these licenses with the three non-profits; said licenses to expire after 1 year or when the Master Lease is finalized, whichever is first. 2<sup>nd</sup> by Mr. Boshart.

**Roll call vote:** Mr. Boshart, Mr. Houston and Ms. Bent voted in the affirmative. **Approved unanimously.**

### **Release Deed Rider for 25 Livermore Rd.**

Atty. Goldberg, Town Counsel, said this property is one of a few properties that has a deed rider like this. She asked that the Board approach this circumstance in a consistent manner. She noted there is difficulty selling this at an affordable rate for various reasons, resulting in the Town not being able to preserve the affordability on this unit. Under the agreement, it will be able to be purchased at market price until 135 days after the date of the notice. To ensure that the property gets sold at market price, the Select Board would have to agree to advance the date so it can be sold earlier. In addition, the property owners have done various upkeep on the property and other obligations they have incurred as homeowners with respect to the property. Atty. Goldberg said there is no ability to vary the terms of the deed rider and to reimburse the property owners at sale. She noted in 2017 there was a memo from the Weston Affordable Housing Trust that sets forth the formula for any subsequent resale and said the Town does not have the discretion to vary from that. She said the Town should enter into an agreement with the property owners that would allow the advancement of the marketing of the property. It would recognize both the Town and the property owners have an interest in getting the property sold as soon as possible. It would allow the Town to address the way the proceeds would be paid over the Town pursuant to a release agreement that recognizes the Town's and property owner's investment by allowing all of the brokerage fees to be paid for from the proceeds prior to the remainder being paid to the Town. The Town did not have an investment in the property, nor put money out. This should allow it to move forward at a fast pace. She recommended the Board adopt a policy when dealing with these types of Deed Riders that they should be handled in this manner.

Mt. Houston said the Deed Rider allows the maximum sale price; it's the lesser of the amount computed by a formula about moderate incomes or if less, in this case 38% of the appraised value. That formula price is where the flexibility lies, which was discussed back in 2017. No matter how you apply that flexibility, that price is always way higher than the 38% of the appraised value. That flexibility is irrelevant. The question is if you have the maximum resale price that is 38% of the appraised value, there is no discretion to tell the homeowners you can have more than the maximum resale price. To do that it would be improper since there is no discretion.

Atty. Goldberg stated that is correct. She stated that there is flexibility written into the law, however this agreement is between private parties. At this point there is no ability to go back and renegotiate the agreement. It exists and nothing in State Law that says we have the ability to pay any amount higher and so you can't exercise flexibility or discretion for a higher pay off at the time of sale. The payoff amount: the amount of the proceeds, you can't pay more than we are specifically allowed to by law. That affordability restriction limits the amount of proceeds that can go to the homeowner and requires the remainder to be turned over to the Town of Weston. The Board is looking for a way to properly allocate

some of that responsibility for cost and if the property is sold at a higher cost, there will higher brokerage fees associated with that. The proposal set forth, would ensure the homeowners would not be negatively impacted by the higher costs.

Ms. Davenport asked if the CPA Funds could be used to offset some of the costs. She has a moderate deed restriction but has paid market condo fees in addition to assessments. Can CPA Funds be used to appropriate it so it is kept in line, so they can keep the unit but it stays in a fair moderate condo fee? The issue is that you pay the moderate rate for the unit, but then you must pay the current rate of condo fees. She feels that the condo fees should be adjusted to reflect moderate income. She feels that the formula never worked. She noted that another moderate unit is in foreclosure, so note they will be losing two.

Atty Goldberg said that would not work as a solution to the current issue. One of the things they are required to do, and the CPA allows for as an exception; using public funds to continue to meet the 3 purposes of the act.; historic resources, open space, and community housing, The way the statute is written, is it has to make housing affordable. It can't be used to primarily benefit an individual. She said there is a binding agreement between WAHFI and the property owners. You can't go back and undo the condo fee situation.

Mr. Houston said the condo fees are like utility bills. He stated that CPA Funds could not be used to help the current occupant in this situation. In an ideal world, the original agreement would've said 38% of value and purchase price, the condo fees would've been based off those figures. At this point, there is no legal option. He feels this has been a consistent approach, regardless of anyone in particular.

**MOTION:** Mr. Houston moved to allow the market rate sale to go forward at an earlier date, which then it would otherwise, in the event they are able to enter into an agreeable agreement with the property owners. 2<sup>nd</sup> by Ms. Bent.

**Roll call vote:** Ms. Bent, Mr. Boshart and Mr. Houston voted in the affirmative. **Approved unanimously.**

Ms. Davenport requested the minutes to reflect that she provided documentation on two previous unauthorized transfers on an affordable deed restriction; one sale was for \$1, the other \$100. She said they did not go through the same application process. She said the Town had knowledge of this. Atty. Goldberg stated that documents that would constitute the minutes would be those present and used at this meeting. It could be referenced they were provided, but not as part of the meeting minutes. Mr. Houston stated he does not know how those transfers were done, even if they were improperly, does not mean they can do something new. He went on to say he believed the people that received those transfers received them as gifts and were still under subject to the same restrictions on what proceeds they could receive once it sold. Atty. Goldberg suggested the documents be made available upon request in accordance with the Open Meeting Law. She said she would review those documents mentioned by Ms. Davenport under the direction of the Mr. Gaumond and Mr. Houston. Ms. Davenport said her reasoning for making sure the unauthorized transfers were noted in the minutes would be so there are more checks and balances with respect to the transfers. Mr. Houston agreed with that.

### **Further Discussion on the Water Tank Project**

Ms. Bent stated that she wanted to make sure this project is ready for the May Town Meeting. She said it was barely voted down at last Town Meeting. She said this is a number one priority under priorities and projects. She feels this is an urgent need of the Town to provide a fundamental service. Mr. Houston stated he feels they don't need a full committee, since they have a lot of information already done. Mr.

Boshart stated that he does not want this to drag on. Mr. Houston stated that a detailed presentation would be beneficial at the next Town Meeting.

Mr. Polando brought up some concern with respect to the water tanks. He feels there needs to be a more in depth look at these new proposed water tanks. He is concerned with making a larger tank, and then the other tanks not working properly until they are all made the same. He feels there will be a buildup of extra pressure. Ms. Bent said she would like to have a discussion in an open forum to the public with the engineer so questions can be answered. Mr. Boshart said he would like to get answers from the engineers on what Mr. Polando had brought up and keep the public informed.

Mr. Aydelott said there were two areas of concern. One being a systemic issue, people felt there was not much information presented on this. Many people had concerns over this. The second area of concern, the detail level, what are the impacts of what's being proposed for the initial water tank. The existing tank needs to remain in place while space is cleared and prepared for a larger tank. There needs to be an access road to get to that site, and some plan in place on what it needs. He said this was missing in the plan presented last meeting.

Mr. Houston said to keep this on the projects and priorities list so it can get done. This is a much-needed project, but he wants the public to be well informed, and a detailed presentation provided so questions can be answered.

### **Consider Request to Waive Cemetery Rules and Regulations**

Ms. Pettitanto- 26 Columbine Rd. She stated that her friends Julie & Mark Norton tragically lost their 10-year-old daughter, Eliza, last Wednesday. She is asking for an exception to the Linwood Cemetery regulations and allow the Norton's to purchase a plot so Eliza can be laid to rest. She understands this is a case-by-case scenario and hopes to get it approved. Mr. Houston stated it's an extreme tragedy and is sympathetic to the situation. Mr. Houston stated that generally, to purchase a plot in Linwood, you must be a resident or have some ties to it. He noted that the Norton's do not. The reasoning for having regulations in place is because the cemetery is subsidized by the Town, and if restrictions were not in place, it would already be full by now. It's a desirable location. Mr. Boshart raised the question as to how many non-Weston residents call the cemetery looking for a plot. Mr. Houston countered that with there are many surrounding towns, and if it's allowed then it opens up the same for the other towns. Ms. Bent stated that it's very tragic, but if it's allowed, then why have a limitation at all. She is concerned that if it's allowed, then it allows for others to do it which would be hard to put a cap on it. Ms. Bent commented that the Linwood Cemetery will fill up in the next decade or two. She said they will need to consider other burial options for Weston Residents. The Select Board took no action on this request.

### **Consent Agenda**

**MOTION:** Ms. Bent moved the Consent Agenda as follows:

Vote to approve Select Board minutes: September 13, 2022

Approval of candidates for reappointment due 2022

Approve request to amend the Traffic Rules & Orders for installation of Stop Sign at Burchard Par & Concord Road

Approval request from the Historical Commission to replace cemetery signs at Central Cemetery as approved by DPW.

Approve request from 44 Hubbard Road for tree removal & replacement in the public way

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Laurie Bent  
Clerk

*Note: A copy of all documents, explanatory material, and exhibits presented to and used by the Select Board as part of this meeting are attached to the approved minutes*