

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 10 years old.

Variations: 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 Bylaw 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 Bylaw.

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. Two such developments have been approved: in 1995, "Winter Gardens" (a 24 house project, with six permanently designated as "affordable" for buyers satisfying limited income and asset requirements under state regulations); and in 1999, "Dickson Meadow" (an 18 house project, six "affordable"). Ownership is by condominium law. A new application for eight units of home ownership mixed income housing at 809-811 Boston Post Road 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.

At Annual Town Meeting in May, 2003, the CPC presented its plan and recommendations for FY04. Prior to the several articles initiated by the CPC, the Finance Committee initiated a "sense of Town Meeting" article to determine the degree of support for maintaining the Community Preservation surcharge at 3%. The CPC was relieved that Town Meeting voted overwhelmingly

to continue the CP program at the 3% level. Had Town Meeting voted against retaining the surtax at 3%, a lower percentage would have been proposed, and voters at the next local election (May, 2004) would have been asked to ratify the amendment.

The articles sponsored by the CPC at May, 2003 Town Meeting were as follows:

- ~ Uniform allocation of \$220,000 to each of the three dedicated sub-accounts: open space and recreation, affordable housing, and historic preservation. Once funds are thusly 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.
- ~ Appropriation of \$44,000 to the use of the Committee for administrative expenses. The committee arrived at that amount in anticipation of the following expenses:

\$ 10,000	Housing survey
\$ 10,000	Josiah Smith Tavern capital needs study
\$ 6,000	Needs study of Melone Homestead
\$ 10,000	Appraisals and legal services
\$ 8,000	Printing/ mailing/ staffing
- ~ Appropriation of \$336,000 to service the debt on the Sunday Woods bond -- attributed to open space preservation.
- ~ Appropriation of \$225,000 for the purchase a preservation restriction on the property located at 809-811 Boston Post Road, an eight-unit 40B project. The cost of a preservation restriction is the difference between the property's market value with and without the restriction, which is a deed restriction that runs with the property in perpetuity. This sum was attributed to historic preservation.
- ~ Appropriation of \$160,000 to subsidize the two proposed affordable units on the property located at 809-811 Boston Post Road. The sum, attributed to community housing, represents half of the projected purchase price of the affordable units.

By the end of the year, the housing survey was complete, action on the Melone Homestead was in the planning stages, and the Josiah Smith Tavern was receiving considerable attention.

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

Study of the Josiah Smith Tavern, physically adjacent to the Old Library and sharing highest priority status along with the Old Library for public funding to establish and restore to a viable use, is well underway.

In the late months of 2003, the CPC's attention was turned to these and other potential projects for FY05.

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 83 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.



"Sugaring Off" - Selling Weston Maple Syrup at the Middle School Sugar Shack.

This project is administered by the Conservation Commission and managed for the Commission by Land's Sake. About 14,000 pounds of fresh produce was delivered at no cost to homeless shelters and food pantries. About 71 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

The Greenpower Farm project continues to be a vital part of the Town's activities. 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 HISTORICAL COMMISSION

Weston's Historical Commission is a seven-member panel appointed by the Selectmen and charged with preserving the Town's architectural and historical heritage. Among its activities are the review of demolition delay applications, recommendations for use of Community Preservation Act funds, identification of and application for eligible neighborhoods to be listed on the National Register of Historic Places, drafting and administration of Preservation Restrictions, and awarding Historic Markers.

Community Preservation Act Projects

In accordance with state law, a minimum of 10% of the Town's Community Preservation Act Fund must be devoted to historic preservation. In 2003, Town Meeting voted \$225,000 to purchase a Preservation Restriction on a mid-nineteenth century house and barn at 809-811 Boston Post Road. The house and barn are to be converted to condominiums with two affordable units as part of a larger development. The restriction preserves the historic exteriors of the house and barn and gives the Town design review over new buildings in the project. Since spring, the Commission has worked with the developer, abutters, and Planning Board to achieve a design compatible with the rest of the Boston Post Road National Register District.

As the first stage of rehabilitation of the 1757 Josiah Smith Tavern (358 Boston Post Road), architectural drawings of the current state of the exterior and interior were obtained with funds approved at Town Meeting from both the Historical Commission and the Community Preservation Act Fund. These drawings document the historic structure and provide a resource for architects and craftsmen working on the Tavern.



Josiah Smith Tavern. Photo taken ca. 1842 when house was owned by the Jones family.

Josiah Smith Tavern Committee

This five-member sub-committee chaired by John Sallay was appointed in the spring by the Historical Commission to oversee the maintenance and future use of the Tavern. In its first year the Tavern was surveyed and a detailed list of immediate repairs necessary to secure the exterior shell was generated. In addition, some repairs were implemented including the installation of temporary heating in some rooms following the collapse of the heating system last winter. Measured drawings of the interior floor plan and exterior elevations were prepared. The building was audited to provide advice on accessibility to disabled persons. Funding for future restoration and maintenance was analyzed, as were some aspects of the legal and regulatory constraints surrounding the restoration.

To date, funding for this significant project draws principally on a bequest from the Society for the Preservation of New England Antiquities that resides in the Weston Town Trust Fund, the CPA Administration Fund, and the Historical Commission General Fund.

Demolition Delay Activity

Under provisions of the Town's Demolition Delay Bylaw, any proposal for demolition of all or part of a structure built before 1945 must be reviewed by the Commission to determine if the building is historically significant. If the proposed demolition is determined to be detrimental to the building's significance the Commission may delay demolition for up to six months in order to examine ways to preserve the historic elements of the structure. In 2003 the Commission reviewed 44 demolition applications and deemed 15 of the structures historically significant. Only two, a bungalow at 13 Pigeon Hill and a 19th century house and forge on Orchard Ave. (part of the Hubbard estate) were voted Preferably Preserved and the six-month delay on demolition imposed. Neighbors attending Public Hearings for both of these properties were strongly supportive of efforts to preserve the historic elements of the buildings.

One property under threat of demolition since 2000 has been saved through the demolition delay process. It is the classic, international-style house at 74 Sudbury Rd. built in 1932 by architect Edwin B. Goodell (1893-1973). In 2001 after the Weston Historical Commission placed a six-month demolition delay on the house, the publication, *Historic Massachusetts*, listed the property as one of the "10 Most Endangered Historic Resources for 2001." During the six-month demolition delay period both national and international exponents of modern-style houses joined in the effort to save this important property. In 2002 repairs were made to the house, and in 2003 a buyer was found.

Historic Marker Program

The Historical Commission approved eight applications for historic plaques in 2003 bringing the total number of such plaques to 139. In addition, three plaques were awarded to the following Town buildings: North Avenue Fire Station, Cambridge Reservoir Intake Station, and the Cambridge Reservoir Barn.

Special Recognition

It is with sincere gratitude that we recognize Sam Payson's 25 years of service to the Weston Historical Commission. Throughout his extended tenure, Sam brought his wisdom and continuity of perspective to the table. His resignation marks the end of an era. We also wish to thank Ned Rossiter who resigned this year after more than ten years on the Commission. Ned's encouragement and positive contributions both as Secretary and as representative to the Community Preservation Committee were greatly valued. We will miss him.

Fires may now burn in the 1805 Fiske Law Office at 626 Boston Post Rd. thanks to the Cambridge firm of Charlie Allen Restorations. Charlie Allen's *pro bono* work last February - relining the

chimney and repointing the fireplaces and hearths - made this possible and deserves a special vote of appreciation.

Community Outreach

To broaden public awareness about our Town's historical heritage, the Commission sponsored a lecture by preservationist, Pamela Fox, highlighting the residences at Kendal Common and Spruce Hill. *"Building Toward a Better Future"* outlined the origins of the modern-style architecture prevalent in these two neighborhoods. A tape of this lecture is available at the library. The Commission also distributed copies of National Register certificates and National Register listing applications to property owners in the recently listed Cases' Corner and Kendal Green National Register districts.

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 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. Last year, two regular meetings were held to discuss business and to review the following changes in the district:

1. Restoration of porches at one of the houses in the district, the work consisting of replacement handrails, insect screens, framing members, and other existing or former features. The owner intends that the replacement materials will reproduce or closely match the original fabric. The Commission issued Certificates of Non-Applicability and Appropriateness for the proposed work, provided that detailed drawings and a comprehensive list of materials are approved by the Commission prior to commencement of construction work.
2. Rectification of improperly installed windows and trim that contradicted conditions previously stipulated by the Commission. The Commission reached an agreement the property owner with respect to the nonconforming features.

REPORT OF THE WESTON/MWRA WORKING GROUP

As stated in the Memorandum of Agreement between the MWRA and the Selectmen of the Town of Weston, "The Weston/MWRA Working Group (WG) serves as the primary forum for public participation during environmental review, design construction and operation of MWRA projects in Weston." The WG is composed of Town residents who are appointed by the Selectmen and who represent pertinent Town Boards and Committees (Planning Board, Conservation Commission, and Forest & Trail Association) as well as concerned neighbors and abutters. The WG serves as a conduit between the MWRA, the Town and the Selectmen.

The MWRA projects in Weston are construction of the MetroWest Water Supply Tunnel and the Tunnel's various vertical shafts, two water tanks on MWRA land off of Loring Road, and the water tank at the Norumbega Reservoir. During 2003 a number of construction milestones were reached.

Loring Road Tanks and Weston Reservoir

Construction of the two Loring Road tanks was completed, the tanks successfully tested and put into operation, substituting for the Weston Reservoir. As per plan the Weston Reservoir was then taken off-line and put into "emergency use" status. The last leg of the MetroWest Water Supply Tunnel was completed and put into operation. This allowed shutting down of the Weston Aqueduct, which the MWRA plans to repair and rehabilitate.

Landscaping at the Loring Road Site

A subcommittee was formed of WG members and other interested and knowledgeable persons to advise and consult on landscaping and tree planting. A landscaping plan was proposed and approved by the Working Group. Planting at the Loring Road site was started this past fall and is planned to continue in the spring of 2004.

The success of the Landscaping Subcommittee has led to the Selectmen's appointment of the group as a permanent Town Tree Advisory Group.

Public Access to the Weston Reservoir

The 1997 Memorandum of Agreement (MOA) between the Town and the MWRA provided for public access to the reservoirs upon completion of tank construction. A Public Access Committee, a sub-committee of the WG was formed to negotiate maintenance responsibilities and access rules at the Weston Reservoir and environs. The sub-committee, headed by Kathleen McCahan, consists of the Chair of the Conservation Committee, the President of the Forest and Trail Association, some other members of the WG plus other interested citizens. Upon completion of deliberations, a one year Public Access MOA, with five year renewal extensions was negotiated and signed between the MWRA and the Town Selectmen. Details are discussed in the MWRA Public Access Committee Report which follows this report.

Norumbega Reservoir Replacement Tank

Most of the MWRA construction activity in Town this past year was in connection with the Norumbega Reservoir Replacement Tank. As of this writing (early January, '04) two of the three cells of the tank are complete. Completion of the third and final cell is scheduled for 2004. The completed cells have been leak tested, and were put into service upon the recent completion of the MetroWest Water Supply Tunnel. Both the Hultman Aqueduct and the MetroWest Tunnel are currently supplying the Tank. After completion of the new water supply disinfection plant, now under construction in Marlborough, the Hultman will be taken out of service temporarily for repairs and rehabilitation.

Public Complaints and Remedies

During the summer and fall of 2003, attempts were made by the construction contractor to make up time lost caused by weather delays etc. by requesting permission to work on a number of Saturdays. Similar requests at the Weston Reservoir Tanks construction site were successfully dealt with by negotiation of temporary rules between the contractor, the Town Manager and the Working Group. However, at the Norumbega site, proximity to neighbors led to complaints of disturbing noise. The problem was solved by negotiating the disabling of equipment back-up alarms and substituting human traffic coordinators during the weekend work.

Landscaping at the Norumbega Site

The recently appointed Tree Advisory Group, in conjunction with the MWRA's landscaping contractor; the Public Access Subcommittee (*see following report*) and the Working Group, created a plan for the Norumbega landscaping. As of this writing, soil is being banked against the side walls of the Tank as well as on the top. Planting of grasses, trees and shrubs will start in the spring as will changes in fencing etc. negotiated by the Access Subcommittee.

If all continues according to schedule, the role of the Weston/MWRA Working Group should end in 2004 after functioning for over 10 years.

REPORT OF THE MWRA PUBLIC ACCESS GROUP

As noted in the Weston/MWRA Working Group report, most of the Massachusetts Water Resources Authority (MWRA) construction projects located in Weston will be completed by the end of 2004. As part of the original agreements with the MWRA, a committee made up of Weston residents and MWRA staff is developing arrangements for public access for all MWRA land in Weston.

The MWRA has custody and control of some of the most scenic land in Weston:

Weston Aqueduct including Loring Road site	75 acres
Weston Reservoir	215 acres
Norumbega Reservoir and Schenck's Pond	160 acres
Hultman Aqueduct	205 acres
Shaft 5, 5A area (on the Charles River)	3 acres

Loring Road

This is the first property where construction of storage tanks has been completed. There has been public access since 2001. The landscaping reflects the original character of a New England forest with ledge outcrops and with meadow grasses and native wildflowers growing on top of the tanks. Trails that had been disrupted during construction were re-established in consultation with the Weston Forest and Trail Association.

Weston Reservoir

The Weston Reservoir area has always been open to the public. The change at this location consisted of a re-allocation of management roles, with a goal of protecting the watershed, while allowing public access, while minimizing MWRA staff and expenses. A one-year renewable Memorandum of Agreement (MOA) outlines the responsibilities of the Town and the Authority. The MWRA continues to be responsible for water levels, water quality and for maintenance inside the protective fence.

The town and volunteer groups have undertaken management tasks outside the fence, including mowing, trail maintenance and trash management. A new Friends of the Reservoir group has raised funds to provide a successful Mutt Mitt program (pick up pet waste) and other amenities. Volunteers have also designed new signage and educational pamphlets for the area.

Norumbega Reservoir

The Weston Selectmen and the MWRA are now negotiating a public access plan for the Norumbega Reservoir site, which is expected to result in an MOA similar to the one in effect for the Weston Reservoir. Full implementation of this agreement will not be possible until the completion of renovation work still to be done on the Hultman Aqueduct, which will take several more years.

Guiding Principles

In thinking about public access to the Norumbega site, the Public Access Committee has adopted several guidelines:

1. Protection of the primary water supply in the tank and tunnel, of the water quality in the back-up reservoir, and of the watershed and underlying aquifer;

2. Creation of a recreation plan that provides healthy, safe, passive recreational opportunities for people while protecting the wildlife habitat and the environment;
3. Restoration of the site and its entrances consistent with the character of the scenic roads that surround the site;
4. Reestablishment of trail linkages with existing conservation easements and conservation land and restoration of the site as an area of natural open space. It is anticipated that there will be access from Oak Street, Wellesley Street and Glen Road when all work is completed.

It is hoped the formal MOA with details of public access will be finalized during the year and signed by the end of construction in 2004.

REPORT OF THE TREE ADVISORY GROUP

The Weston Tree Advisory Group ("TAG") was established by the Selectmen in November 2002 and its five members met monthly through 2003. 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 mitigation 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. 2003 plantings included Donald Wyman crab apples at the intersection of Newton and Wellesley Streets, as well as specimen trees at the Field School: Weeping Beech and Ginkgo.

To raise awareness of the importance of trees in the community, TAG sponsored an Arbor Day celebration at the Field School on April 25th. Members of the TAG set up stations in front of the school where small groups of students got hands-on experience in soil amendments, planting and watering. Selectman Doug Gillespie read the Arbor Day proclamation in the gym at an all-school assembly. As a result of these planting and educational efforts, the TAG applied for and received Weston's first declaration of "Tree City USA" from the National Arbor Day Foundation. Weston will be specially honored as a First Tree City at a statewide forum on April 16th, 2004.

Other functions included a review (for the Planning Board) of the 1,000-plus street trees proposed for removal by NSTAR, and work on site with NSTAR's arborists and tree crews to save healthy canopy trees whenever possible. Thirty hardwood logs were kept from the chipper, and instead split for firewood by Land's Sake. In addition, TAG was asked to review and make recommendations on two public planting plans: 1) the MWRA tank surfaces and 2) two intersections along South Avenue re-constructed by Liberty Mutual Insurance Company. In preparation for 2004 plantings, the group did inventories of planting needs at Case Park, Weston High School 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 remov-

als provided that they occur within the Town's right of way on a designated Scenic Road. In 2003, the Board held 32 formal meetings, numerous public hearings and 23 site walks.

In 2003 the Board:

- 1) reviewed and approved one Site Plan Approval Application for new residential construction under the Scenic Road provision to the Zoning Bylaw;
- 2) reviewed and approved 16 Site Plan Approval Applications for new residential construction under the Residential Gross Floor Area ("RGFA") provision to the Zoning Bylaw. Of these 16 "RGFA" applications, 12 were for new construction along the Town's Scenic Roads;
- 3) reviewed and approved seven amendments to previously issued Approvals for new construction along Scenic Roads and/or proposed under the "RGFA" provision to the Zoning Bylaw;
- 4) endorsed five Approval Not Required Plans under the Subdivision Control Law;
- 5) reviewed and gave Site Plan Approval for one day camp;
- 6) reviewed and gave Site Plan approval to six projects under the Town's General Bylaw, the Scenic Road Bylaw, including several large proposals for tree removal by NSTAR;
- 7) reviewed and approved two Flexible Development Subdivision Plans;
- 8) reviewed and approved one Special Permit in the Personal Wireless Service Overlay District for improved telecommunications in the Town;
- 9) proposed one amendment to the Zoning Bylaw

Zoning Amendments

The Planning Board proposed and held a public hearing on a "housekeeping" zoning amendment which provided internal consistency within the Zoning Bylaw by making the description of the Personal Wireless Service Overlay District I boundary conform to the District Boundary changes voted on at the 2001 Annual Town Meeting.

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 Bylaw. The Planning Board endorsed 5 "ANR" Plans under the Subdivision Control Law, for the following new or reconfigured lots:

- a reconfiguration of three lots on Highland Street into two lots;
- a reconfiguration of two lots on Meadowbrook Road and Loring Road into two lots;
- subdivision of an existing building lot at 479 North Avenue for a total of three buildable lots;

Site Plan Approval under the Residential Gross Floor Area

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

80 Loring Road	78 Merriam Street
805 Boston Post Road	370 Concord Road
320 Conant Road	78 Oak Street

One proposed teardown, 25 October Lane, is still in the review stage, based upon changes requested by the owner.

Vacant Parcels: Projects that involved construction on vacant land under the “RGFA” include: Lot 6 Coburn’s Barn Subdivision, 314 Glen Road, 3 Round Hill Road, Lot 2 Amanda Lane, 36 Love Lane, Lots 2 & 3 of 479 North Avenue), and 64 Highland Street.

The parcel at 479 North Avenue was divided into three house lots. The historic house located on this parcel will be moved from its present location to Lot 2, abutting North Avenue. The house will be rehabilitated and expanded. A Preservation Restriction has been placed on the historic barn on Lot 1 (No. 3) Round Hill Road

Other: the large red barn at 154 Church Street was approved for renovation as a residential structure, with storage for equipment underneath. The Planning Board worked with the Applicant to ensure that the front elevation will look like a barn.

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, 148 Highland Street, 81 Chestnut Street, 56 Westland Road, 5 Newton Street, 455 Concord Road, 245 Winter Street and 8 Saddle Hill Road.

Site Plan Approval Under the Scenic Road Bylaw

Lot A-2 Summer Street received Site Plan Approval for construction of a new house on a Scenic Road.

Subdivision Approval

The Board approved two subdivisions under the Flexible Development provision to the Zoning Bylaw. The Kovar parcel at 296 Merriam Street was divided into two buildable lots with a third 5.19 acre lot conveyed to Weston Forest and Trail Association, Inc.

The Teller property at 787 Boston Post Road was divided into two buildable lots. One of the parcels contains a house dating from the 1770’s. The Town, using Community Preservation Act funding, voted to purchase a Preservation Restriction on this house. The Weston Historical Commission is currently working with the owner on a Preservation Restriction.

Scenic Road Bylaw

The Board reviewed and approved removal of trees or stone walls within the public right of way on Scenic Roads under Article XXVI of the Town’s General Bylaws at 118 Newton Street, 168 Conant Road and the reconstruction of a stone wall at the corner of South Avenue and Wellesley Street. A proposed relocation of a driveway and removal of trees is under review for 10 Ripley Lane.

As part of its newly created vegetation management program, NSTAR proposed removal of several hundred trees along the Town’s Scenic Roads. Roads affected by this program include Glen Road, Summer Street, Winter Street, Wellesley Street, Ridgeway Road, Merriam Street, Concord Road, Crescent Street, and Highland Street. According to NSTAR, tree limbs have interfered with the power lines, causing outages. Board members, with the assistance of the Town’s Tree Advisory Group, spent many hours identifying those trees proposed for removal, and those that could remain with limbing. Public Hearings on this project were attended by many concerned residents.

Non Residential

Below the Rim Camp, a Summer Day Camp to be held at Regis College was reviewed and approved by the Board.

Telecommunications

The Town issued a Request for Proposal for construction of two structures capable of supporting antenna for cellular use at the Weston Police Station Parcel at 180 Boston Post Road. This parcel is within the Personal Wireless Service Overlay District voted by Town Meeting. AT&T Wireless PCS, LLC was awarded the bid and a contract was signed between the Town and AT&T for use of the land for construction of a tower. The Planning Board issued a Special Permit to AT&T Wireless PCS, LLC and Sprint Spectrum for construction of a monopole and associated antenna concealed within a 120 foot flagpole. The flagpole will be located in the eastern portion of the Police Station parcel and screened by existing and proposed vegetation. The Planning Board worked closely with the Town of Weston Police Chief and Department of Public Works Director on this project.

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 Bylaw. During the past year, most Public Hearings were closed after one night and the review period reduced, on average, to 3 months, from time of submission of an application. In the Site Plan Approval process, the Board has tried diligently to balance the needs of an Applicant while protecting a neighborhood. The process has become more collaborative and efficient.

Pre-conference meetings were held with Applicants to discuss a proposed four lot subdivision on Highland Street.

Preliminary discussions are underway with a potential buyer of the 40 acre parcel owned by the Paine Estate on Highland Street and Boston Post Road. While an earlier concept plan presented by the Paine trustees showed 23 single family homes, the present concept under consideration by this developer is for age restricted housing in the center of the parcel and may include a small clubhouse, tennis courts and swimming pool. This use will require a zoning change.

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 809-811 Boston Post Road. The project includes construction of four town houses, rehabilitation and conversion of the existing historic barn into two dwelling units, and rehabilitation of the existing historic house into two affordable housing units. Planning Board members worked with the Applicant on redesign of the site, building elevations and drainage and landscape issues and provided a memo to the Zoning Board of Appeals recommending conditions for the Comprehensive Permit. Town Meeting approved use of Community Preservation Funds for this project for both the preservation of the existing historic barn and house and the provision of the affordable housing units.

Board Members reviewed an Environmental Notification Form for a proposal in the City of Waltham by Sam Parks Associates that will have a potential impact on the Town of Weston. The developer is proposing 650,000 SF of additional office space off Green Street that currently supports an automobile junkyard. A major component to this proposal is a reconfiguration of the traffic flow so that traffic from Route 117 can directly access the Route 20 rotary with the construction of additional ramps and new traffic signals controlling access to the rotary. Board members and the Board of Selectmen have expressed their concern to various State Agencies involved in the project and to the City of Waltham.

Finally, the Planning Board lost one of its members this spring. Kate Detwiler died unexpectedly. She is missed as a valued colleague and friend.

REGIONAL PLANNING AGENCIES

REPORT OF THE METROPOLITAN AREA PLANNING COUNCIL

The Metropolitan Area Planning Council (MAPC or the Council) is the regional planning and economic development district representing 101 cities and towns in metropolitan Boston. The Council is made up of 101 municipal government representatives, 21 gubernatorial appointees, and ten state and three city of Boston officials. An executive committee oversees agency operations and appoints an executive director. The agency employs approximately 30 professional and administrative staff. Funding comes 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, including:

- **Municipal planning:** A program under Executive Order 418 provides which provides communities with up to \$30,000 in state funding to obtain an overview of 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 can be used by municipal departments including, police and fire departments, assessors, planners, engineers, conservation commissions, first-responders and other local decision-makers.
- **Adoption of smart growth principles:** principles of good planning practice to encourage sustainable patterns of growth throughout the metro Boston region.
- **MetroFuture: Making a Greater Boston Region:** In October 2003, MAPC launched a new civic process, called MetroFuture, to create an updated regional vision and growth strategy for metropolitan Boston. To learn more about MetroFuture visit www.metrofuture.org.
- **Metro Data Center:** An official US Census affiliate which helps to distribute demographic and economic data and housing profile information throughout the region.
- **Transportation planning:** a 25-year Regional Transportation Plan, an annual Transportation Improvement Program, and a plan of transportation spending priorities for the region, including transportation spending criteria, which take 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 land use, air rights, zoning, and environmental impact issues associated with development of land owned by the authority.
- **Regional Services Consortia:** Four regional consortia collectively purchased \$18 million of 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.

For more details about these and other activities please visit www.mapc.org.

REPORT OF THE METROWEST GROWTH MANAGEMENT COMMITTEE

Established in 1985, the MetroWest Growth Management Committee (MWGMC) is an advisory coalition of the Towns of Ashland, Framingham, Holliston, Natick, Southborough, Sudbury, Wayland, Wellesley, Weston, the City of Marlborough, and the Metropolitan Area Planning Council (MAPC). The Committee facilitates inter-local collaborative planning and problem solving to enhance the quality of life and economic competitiveness of the MetroWest region.

One selectman/mayor or city council member and one planning board member represent each member community. The executive director of MAPC is an *ex officio* member of the Committee. 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, which includes membership in the MetroWest Regional Services Consortium, was \$7,462 in Fiscal Year 2003 and will be \$3,960 in Fiscal 2004

Over the past year the MWGMC provided a variety of services for the ten communities that comprise the Metro West sub-region of MAPC:

- **Regional Impact Review Program** reviews proposed developments to assess regional impacts and to influence local and state permitting of development.
- **Technical Assistance and Information Services** provided to our members. In addition to the information briefings that are the focus of some Monthly Leadership Forums, our services 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.
- **Monthly Planners' Roundtable** for local planners and planning board members. The Roundtable provides staff and officials with technical information and training on planning and growth issues. Similar to the community exchange portion of the Monthly Leadership Forum, Roundtables also provide planners with the opportunity to share expertise, experience, and questions with their colleague. Weston's planner, Susan Haber, is a regular Roundtable participant.
- **Monthly Leadership Forum and Community Exchange**, held 11 times per year, bring together locally elected officials from MetroWest region on a regular basis to discuss regional concerns. The Forum and Community Exchange also offers local officials an opportunity to brief each other and to exchange thoughts and ideas about local issues with their colleagues.
- **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.

MWGMC regular meetings and forums have provided communities with insights and lessons from each other through discussion of ongoing activities, issues, and strategies.

Our meetings and forums included discussions on a variety of topics including: zoning reform legislation; demographic and employment projections and analyses for the region; a Transportation and Community and Systems Preservation project that features a Geographic Information System (GIS) based analytical tool to show the relationship between land use and transportation; and Pictometry Imagery and Software Tools discussed in the MAPC Report above.

In addition, MWGMC hosted a transportation investment exercise in which participants developed a list of transportation priorities for the sub-region as input to the State funding organization, and provided Metro West's input to the Boston MPO's regional transportation planning processes.

Our ties with the MetroWest legislative delegation are strong. The Annual Legislative Breakfast provided MetroWest with an opportunity to discuss and make recommendations to legislators regarding the FY2004 budget, local aid, Chapter 70 and Chapter 90 funding. Other **Legislative Activities** included our Legislative Caucus, which was attended by ten members from the Massachusetts Senate and House. This annual event provides MetroWest local officials with a forum to exchange ideas directly with state legislators, and has proven to be a valuable event for both state and local officials. Our engagement with state officials expanded over the past year to include a special forum focused on state aid, at which Lieutenant Governor Healey discussed the prospective budget with MWGMC members. This work was continued at a "Budget Strategy Roundtable" held in Sudbury.