



WARRANT FOR SPECIAL TOWN MEETING December 1, 2014

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 Senior High School in said Town on Monday, the first day of December 2014, at 7:30 o'clock p.m., to act upon the following articles:

ARTICLE 1: AMEND FISCAL YEAR 2015 OPERATING BUDGET

To amend the following line item in the Fiscal Year 2015 Operating Budget adopted under Article 5 of the 2014 Annual Town Meeting, by raising and appropriating additional sums as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Facilities Improvements-Town-Wide+	\$461,893	\$821,893	\$360,000
School Department – Salaries	30,720,687	30,906,887	186,200
School Department – Expenses	5,636,897	\$5,733,697	96,800

or take any other action relative thereto.

Article 1 Explanation: This article provides funding for the School Department to address enrollment increases in Kindergarten, reduce class size for Grade 8 and meet additional demands for special education services. In addition, funding is provided for the Town-Wide Facilities Improvements account to replace the existing septic system leaching field that was determined to be in failure in the spring of 2014 by the Town’s engineer and the Massachusetts of Environmental Protection (DEP). The septic system supports the Council of Aging, Recreation, Field School and Case House.

ARTICLE 2: AMEND FISCAL YEAR 2015 RECREATION ENTERPRISE BUDGET

To amend the following line item in the Fiscal Year 2015 Recreation Enterprise Budget adopted under Article 16 of the 2014 Annual Town Meeting, by appropriating additional funds as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Expenses	\$429,300	\$450,300	\$21,000

And as funding therefor, that \$21,000 be transferred from Recreation Enterprise Fund retained earnings; or take any other action relative thereto.

Article 2 Explanation: This article transfers additional funds to the Expenses appropriation to cover costs for replacement of a lawn mower and preparation of a boundary survey in order to address an encroachment on Recreation land. Retained earnings in the Recreation Enterprise Fund as of June 30, 2014 were certified at \$286,474.

ARTICLE 3: APPROPRIATE ADDITIONAL FUNDS FOR FIELD SCHOOL – DEMOLITION OF OLD SCHOOL

To appropriate a sum of money to pay additional costs of constructing the Field School, including demolition and all incidental costs related to such project, to be spent under the direction of the Town Manager, the money so appropriated to be borrowed pursuant to 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 3 Explanation: This article provides additional funding for the completion of the new Field School project, specifically: unanticipated, extraordinary costs of the remediation of asbestos and interior demolition of the old Field School building. Asbestos mastic was found under concrete and drywall interior walls that were added to

the building after its original construction. The work involves the selective demolition of the interior concrete block and sheetrock walls, then remediating the mastic that was underneath those walls in a fully contained manner in compliance with new state and federal regulations. While extensive testing was performed to quantify the hazardous material in the building during the design phase, it was not anticipated that walls had been installed over the existing flooring adhesive. Regulatory changes made during the project require a more costly abatement procedure than would otherwise have been required.

The amount expected to be requested is \$430,000. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 4: APPROPRIATE FOR COMMUNITY HOUSING –WARREN AVENUE AFFORDABLE HOUSING CONSTRUCTION FUNDS

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to pay costs of constructing affordable housing on an approximately 9 acre parcel of Town-owned land located at 66-68, 71 and 74 Warren Avenue, Weston, including all related incidental costs, as a grant to the Weston Affordable Housing Trust, pursuant to a grant agreement between the Town Manager and the Weston Affordable Housing Trust, on such terms and conditions as the Town Manager, in consultation with the Community Preservation Committee, deems appropriate, and as funding therefor, to transfer said sum from the Community Housing allocation and the Unallocated allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 4 Explanation: There are three buildings on this Town-owned parcel: 66-68 Warren Avenue is a two-family house, with one unit currently occupied; 71 Warren Avenue is a single family house no longer occupied; and 74 Warren Avenue is the recently vacated Water Division garage. The project will create a total of seven units of below-market rate housing within the existing buildings. It will convert the single-family home into two units (a two-bedroom and a three-bedroom unit), the Water Division garage into three units (one two-bedroom and two three-bedroom units), and update 66-68 Warren Ave. (two two-bedroom units). The units will be permanently deed restricted to occupancy by tenants who meet income levels ranging from 80% of the Area Median Income (“AMI”) to 100% of the AMI, as defined by Massachusetts Department of Housing and Community Development and the U.S. Department of Housing and Urban Development.

The Permanent Building Committee will oversee construction of the Warren Avenue project, which will be owned by the Trust and managed by the Brook School Apartments Management Office. This request will provide the funds needed to construct and complete the project. The amount to be requested under this article is up to \$2,688,500.

ARTICLE 5: APPROPRIATE FOR LAND FOR RECREATIONAL USE – WALKWAY ON WARREN AVENUE

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the design and creation of a walkway or foot path on Warren Avenue for recreational purposes, including all related incidental costs; 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; and, further, to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, fee or easement interests as may be required to create said walkway or foot path, or take any other action relative thereto.

Article 5 Explanation: The primary access to the Town Forest is by way of Warren Avenue, a narrow and winding roadway with truck traffic generated by Ogilvie’s hardware store and a commercially used parcel behind the house at 71 Warren Avenue. Neighbors have expressed concern about the safety of children and others walking along the road. With the development of affordable family housing on the Town-owned parcel at 66-68, 74 and 71 Warren Avenue, it is becoming clear that construction of a walkway or foot path along that road would be beneficial, both for the residents of the neighborhood and for townspeople wishing to access the Town Forest for recreational purposes. The amount to be requested under this article is \$340,000.

ARTICLE 6: APPROPRIATE FOR COMMUNITY HOUSING – PURCHASE AND REHABILITATION OF 126-128 VILES STREET BY WESTON AFFORDABLE HOUSING FOUNDATION FOR AFFORDABLE HOUSING

To appropriate a sum of money for community housing purposes under the Community Preservation Program as a grant to the Weston Affordable Housing Foundation, Inc. (“WAHFI”) in order to pay costs of acquisition of the parcel of land located at 126-128 Viles Street, as shown on Assessors Map 13, Block 18, containing 0.23 acres, more or less, for community housing purposes, and for creation and rehabilitation of community housing at such location, including all related incidental costs, pursuant to a grant agreement between the Town of Weston and

WAHFI, and to authorize the Town Manager to enter into such grant agreement upon such terms and conditions as she deems appropriate; provided, however, that such grant agreement shall contain a condition that WAHFI convey to the Town of Weston an affordable housing deed restriction in said property complying with the requirements of M.G.L. Chapter 184, and to authorize the Board of Selectmen to accept said restriction, and further that such deed restriction may also run to the benefit of a non-profit, charitable corporation or foundation with the right to enforce the restriction; 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 6 Explanation: Weston Affordable Housing Foundation, Inc. (WAHFI), a 501(c)(3) charitable organization promoting affordable housing in Weston, is requesting \$1,188,100 to purchase and renovate an existing two-family home built in 1890 as housing for employees of the Hook & Hastings Organ Factory. Rehabilitation of this structure will preserve the historical appearance of the area, while providing critical affordable housing units for the Town. The site is within walking distance of the commuter train and the creation of affordable housing at this location will result in distribution of affordable housing throughout Weston. This proposal will create two, 3 bedroom rental units that will be deed restricted as affordable housing in perpetuity.

ARTICLE 7: APPROPRIATE FOR LAND FOR RECREATIONAL USE – CONCEPTUAL DESIGN FEES FOR WALKWAYS ON MERRIAM STREET AND HIGHLAND STREET

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the design and creation of walkways on Merriam Street and Highland Street for recreational purposes, including all related incidental costs; 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 7 Explanation: Walkways and sidewalks provide safe recreational opportunities and connections to open space, land for recreational use and recreational facilities. Studies have shown that there exists a positive relationship between the existence of walkways and the use of the same for recreational activities as well as the general health benefits of activities such as walking and running. Funds requested under this article would be spent on the conceptual design of walkways on Merriam and Highland St., both of which are priorities identified in the Traffic and Sidewalk Committee’s 2010 Master Plan.

This is a multiyear project with CPA funding requests for other priorities identified in the Master Plan expected in subsequent years. Funding for the first phase of this project, \$250,000 for the construction of approximately one mile of walkway/sidewalk along portions of Brown Street and Winter Street, was approved at the May 2013 Annual Town Meeting. The amount to be requested under this article is \$48,000.

ARTICLE 8: 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 8 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 \$5,000 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, and it would be the first of three requests for multi-year funding for this purpose.

ARTICLE 9: AMEND ZONING BY-LAW TO CLARIFY EARTH REMOVAL AND MOVEMENT FOR PROJECTS SUBJECT TO LIMITED SITE PLAN APPROVAL

To amend the Zoning By-law, SECTION XI. K. LIMITED SITE PLAN APPROVAL EXCEPTION FOR RELIGIOUS, EDUCATIONAL, AND CHILD CARE FACILITY USES IN ACCORDANCE WITH G.L. C. 40A, SECTION 3, by inserting, in section 3, a new subsection “h”, to follow “g”, and which will read as follows:

“h. All site improvements shall be designed to limit the amount of earth movement on and earth removal from the site. In the event that the amount of earth removal and/or earth movement associated with the proposed site modifications triggers the provisions of Section V. I. 3 of the Weston Zoning Bylaw (Earth Removal and Movement), additional zoning relief shall be required under Section V.I. 3.”

Or take any other action relative thereto.

Article 9 Explanation: There are a number of uses, such as religious, educational and non-profit organizations, that are protected under Mass General Laws, Chapter 40A, Section 3. No special permit or other approval may be used to regulate those protected uses.

The proposed language is intended to clarify that the act of earth movement on a site where a 40A, Section 3 use is being proposed, is subject to earth removal and earth movement bylaws of the Town of Weston. Those earth movement/removal bylaws, which require special permits, do not control the use on the site. Town Counsel has confirmed that uses protected under 40A, Section 3 may be subject to the earth removal and earth movement bylaws to serve the very limited purpose of overseeing the physical and environmental effects of large-scale earth movement on a property. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 10: AMEND ZONING BY-LAW TO SUPPLEMENT LANGUAGE IN PARKING BY-LAW FOR REQUIRED PARKING SPACES FOR SCHOOLS AND ALL OTHER USES NOT SPECIFICALLY MENTIONED ELSEWHERE IN THE BY-LAW

To amend the Zoning By-law, SECTION VIII.A.1 by:

Replacing paragraph k as follows:

“k. Schools and other educational uses subject to Massachusetts General Laws, Chapter 40A, Section 3: sufficient spaces, in the judgment of the Inspector of Buildings, to ensure that no parking for vehicles for employees or regular attendants will take place on a public or off-site private way, except that in cases where Limited Site Plan Approval or Special Permit issued by the Planning Board is required, the Planning Board shall make such determination.”

and

Adding a new paragraph l as follows:

“l. All other non-residential uses not specifically mentioned above: sufficient spaces, in the judgment of the Inspector of Buildings, to ensure that no parking for vehicles for employees or regular attendants will take place on a public or private way.”

Or take any other action relative thereto.

Article 10 Explanation: At present there is no parking requirement for schools, day care centers or similar uses within the Town of Weston. The existing zoning requires that, if a new school, day care center or similar use is being proposed or expanded, the Inspector of Buildings is tasked with judging what the parking requirements should be. This determination is made on a case by case basis.

There are a number of factors involved in making the determination of what is sufficient parking for these uses. Schools, day care centers and similar uses have drop off and pick up peak hours, queuing of automobiles, need for short term and long term parking spaces. The proposed change would allow the Planning Board to make the determination of what constitutes “sufficient spaces” when Planning Board site plan review or a special permit is required. A two-thirds vote of Town Meeting is required for approval of this article.

ARTICLE 11: AMEND GENERAL BY-LAWS - ARTICLE XXIII - SCENIC ROADS BYLAW

To amend the General By-laws, Article XXIII, Section.8, by adding “North Avenue (Route 117)” and “South Avenue (Route 30)” to the list of Scenic Roads set forth therein.

Or take any other action relative thereto.

Article 11 Explanation: There are 32 roadways within the Town of Weston that have been designated as “scenic roads.” Under Massachusetts General Laws, Chapter 40, Section 15C, the Town, via Town Meeting vote, is authorized to designate roadways “scenic roads” to protect the stone/rock walls and trees within the designated road rights-of-way. If North and South Avenues are designated as scenic roads, any property owner who wishes to take down a tree or remove a wall within the town right of way is required to have a public hearing with the Planning Board and the Tree Warden. The Board and Tree Warden would review the request of the property owner and make a decision (usually within two weeks) as to the removal of the tree(s) or relocation of the stone wall. This would mainly apply to new houses being proposed on the streets, as new driveways would need to be established. The Board anticipates perhaps one hearing a year generated from the designation of these two roads as scenic roads.

ARTICLE 12: AMEND GENERAL BY-LAWS - ARTICLE I – ALLOW ANNUAL TOWN MEETING TO START AS EARLY AS 7:00 P.M.

To amend Article 1, Section 2 of the General By-laws of the Town of Weston to authorize the Selectmen to fix the time for Annual Town Meeting at an hour not earlier than 7:00 P.M by inserting the bold text and deleting the strike-through text as follows:

Subject to law, the Selectmen shall fix and state in the warrant for the annual town meeting the hour at which the meeting shall be called and the polls opened, and the hour at which they may be closed, on the Saturday fixed under Section 1 for the election of officers and the determination of matters by ballot; and an hour, not earlier than ~~7:30~~**7:00** P.M., on the next Monday after such Saturday for the holding of the meeting for the transaction of all other business.

Or take any other action relative thereto.

Article 12 Explanation: Currently, the By-laws provide for the Annual Town Meeting to begin not earlier than 7:30 p.m. A recent survey conducted by the Selectmen’s Town Meeting Advisory Committee indicated that respondents have no significant preference between starting at 7:30 p.m. and 7:00 p.m. Allowing for an earlier starting time provides additional flexibility in scheduling the Town Meeting, and, if Town Meeting were to start at 7:00, may allow more business to be conducted earlier in the evening.

ARTICLE 13: AMEND GENERAL BY-LAWS - ARTICLE XXIV – CRESCENT STREET HISTORIC DISTRICT

To amend Article XXIV, Section 3 of the General By-laws of the Town of Weston by deleting the reference to parcel “23-58-01” and inserting in place thereof, the following “ 23-58-30.”

Or take any other action relative thereto.

Article 13 Explanation: There is an inaccurate parcel number in this bylaw that must be corrected.

ARTICLE 14: AUTHORIZE THE TAKING OF EASEMENTS FOR CONSTRUCTION OF A WALKWAY ON BROWN AND WINTER STREET

To authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise the fee and/or permanent and temporary easements in certain parcels of land, adjacent to the proposed sidewalks on Brown Street and Winter Street.as depicted on certain plans titled “Brown and Winter Street proposed Sidewalk” on file with the Town of Weston, for public way purposes including, without limitation, drainage, utility, slope, grading and construction of improvements and structures, and other related purposes, which will enable the Town to undertake the project,

Or take any other action relative thereto.

Article 14 Explanation: At the May 2013 Annual Town Meeting, CPA funds were appropriated to construct a walkway on Brown Street. In the process of designing the walkway, it has been determined that temporary construction easements and/or permanent easements on private property will be needed.

**BOARD OF SELECTMEN
Town Hall
Weston, MA 02493**

**Presort Standard
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Permit No. 55193**

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**Special Town Meeting
Monday, December 1, 2014
7:30 p.m., High School Auditorium
444 Wellesley Street**

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 High School by the gymnasium*, fourteen 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 October 28, 2014.

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

7:00 to 7:15 p.m. – Ask the Moderator: Town Meeting Orientation

Come meet with the Moderator in the High School Auditorium to get answers to any questions you have about Town Meeting and procedures.

Have questions on Town Meeting procedure or what Town Meeting is?

Visit tinyurl.com/WestonTM for details

Last day to register to vote is November 21st