

2021 ANNUAL TOWN MEETING

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet at the Town Hall at 11 Town House Road in said Town, on Saturday, the eighth day of May, 2021, to act on Article 1 of this warrant for which polls will be open from 8:00 a.m. until 6:00 p.m.; and to meet at the High School on Proctor Field, on Saturday, the fifteenth day of May, 2021 at 2:00 p.m. (with a rain date of May 16, 2021 and furthermore May 22, 2021 at 2:00 p.m.) to act upon the remaining articles of this warrant.

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

Table with 2 columns: Position and Term. Includes roles like Moderator, Select Board Member, Assessors, School Committee, Recreation Commission, Planning Board, Library Trustees, Board of Health, Trust Funds, and Measurers of Lumber.

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

BALLOT QUESTION NO. 1: PROPOSITION 2 1/2 DEBT EXCLUSION

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) DPW-Drainage Improvements; (2) High School F-Wing Roof Replacement; and (3) Engine (pumper)?

Yes _____ No _____

SUMMARY

State law provides for an exemption from the limits of Proposition two and one-half of those amounts required to pay for the debt service for bonds approved by the voters. Question 1 would exempt the debt service for the bonds that will be issued in part for projects to be considered at the 2022 Annual Town Meeting:

Projects to be considered by 2022 Annual Town Meeting:

Table listing projects and costs: 1. DPW-Drainage Improvements (\$450,000), 2. High School F-Wing Roof Replacement (\$951,600), 3. Engine (pumper) (\$750,000), Total (\$2,151,600).

Separate articles appear in the Annual Town Meeting Warrant to appropriate the funds and authorize borrowing for each purpose. A two-thirds vote of Town Meeting in favor is required for approval. This ballot question is only to exempt the debt service from the limits of Proposition 2 1/2, should these items be approved by Town Meeting.

The debt service for the projects to be considered at 2021 Annual Town Meeting is estimated to be \$53,790 in fiscal year 2023, \$224,240 in fiscal year 2024, then decreasing each year until the bond reaches maturity. This Proposition two and one-half debt exclusion shall be approved if a majority of the persons voting thereon vote "yes."

ANNUAL OPERATING BUDGET

ARTICLE 2: APPROPRIATE THE FISCAL YEAR 2022 OPERATING BUDGET

To raise and appropriate and transfer from available funds such sums of money as may be necessary to defray the costs of government and other Town charges for the fiscal year beginning July 1, 2021; or take any other action relative thereto.

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Article 2 Explanation: The recommended fiscal year 2022 operating budget can be found in the Warrant Book. The following available funds will be transferred to fund a portion of the operating budget:

1. Undesignated Fund Balance (free cash)	\$3,150,000
2. Overlay Surplus	463,593
3. Cemetery Trust Fund	20,000
4. Josiah Smith Tavern Trust Fund	6,000
5. Debt Exclusion Premium Reserve	120,977
Total	\$3,754,570

The Finance Committee voted by majority vote to support this article.

CONSENT AGENDA (Articles 3 - 21)

ARTICLE 3: AMEND FISCAL YEAR 2021 OPERATING BUDGET

To amend the following line items in the Fiscal Year 2021 Operating Budget adopted under Article 2 of the 2020 Annual Town Meeting, by reducing line items and appropriating additional funds to other line items as follows:

	<u>Changing From</u>	<u>Changing To</u>	<u>Difference</u>
Public Works – Snow and Ice Control	\$252,900	\$598,000	\$346,000

And as funding therefor, that \$346,000 be transferred from available funds and/or free cash; or take any other action relative thereto.

Article 3 Explanation: This article provides funding for the unanticipated additional costs of snow and ice removal.

The Finance Committee voted by unanimous vote to support this article.

ARTICLE 4: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

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

Article 4 Explanation: This article allows the Town to continue to fund its future liability for other post employment benefits (retiree health insurance) for Town of Weston retirees, which amounts to approximately \$50 million. Currently, the Town has an approximate market value of \$27.6 million in this Trust Fund as of 2/28/2021. The amount expected under this vote is \$2,225,491.

The Finance Committee voted by majority vote to support this article.

ARTICLE 5: ACCEPT CHAPTER 90 ROAD IMPROVEMENT FUNDS

To authorize the Select Board to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and to authorize the expenditure of such sums of money as may be received for the fiscal year commencing July 1, 2021 provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation; or take any other action relative thereto.

Article 5 Explanation: Massachusetts law requires that Town Meeting approve the use of funds received from the Commonwealth for road construction purposes, including engineering or addressing traffic improvements. In fiscal year 2022, the Town is expected to receive \$470,596.

The Finance Committee voted unanimously to support this article.

ARTICLE 6: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

To establish Fiscal Year 2022 income eligibility limits under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly; or take any other action relative thereto.

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Article 6 Explanation: Several years ago, Weston obtained special legislation to change the eligibility criteria for the property tax deferral program, allowing the Select Board to set the interest rate for residents over 60 who defer their property taxes. For fiscal year 2022, the rate remains set at 4%. This legislation also allows the Select Board, with Town Meeting approval, to establish the income eligibility limit for this program each year. The Select Board is recommending that the income limit be increased to \$90,650 for fiscal year 2022, which is the limit for a two-person household at 100% of the area median income and is also the limit for moderate income housing funded by the Community Preservation Act. Ratification of this amount is required by Town Meeting.

The Finance Committee voted unanimously to support this article.

ARTICLE 7: APPROPRIATE FISCAL YEAR 2022 WATER ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Water Division of the Department of Public Works during fiscal year 2022, under the provisions of M.G.L. Chapter 44, section 53F½:

	<u>Expended FY19</u>	<u>Expended FY20</u>	<u>Appropriated FY21</u>	<u>Recommended FY22</u>
Salaries	\$292,098	\$311,086	\$308,570	\$322,019
Expenses	170,480	190,083	260,850	255,850
MWRA Assessment/Water Purchases	2,499,852	2,419,299	2,406,000	2,856,200
Debt Service (non-exempt)	518,125	522,406	617,068	671,442
Capital Outlay+	106,196	95,134	67,500	65,000
Total	\$3,586,751	\$3,568,008	\$3,659,988	\$4,170,511

Or take any other action relative thereto.

Article 7 Explanation: Debt service includes amounts for previously approved projects and the water main rehabilitation project to be considered under Article 8. The operating expenses for the Water Division are entirely funded by water fee revenue.

The Finance Committee voted unanimously to support this article.

ARTICLE 8: APPROPRIATE FOR WATER MAIN REHABILITATION

To appropriate a sum of money to pay costs of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. C.44, §8, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 8 Explanation: This request is part of an ongoing program to replace old cast iron and asbestos transite cement water mains. This material is no longer used to construct water mains. This appropriation is to replace roughly 1,336 linear feet of transite water main on Brook Road and 501 linear feet on Valley View Rd. that was installed in 1948. The design for this project will be completed by the DPW's engineering division. The amount to be requested under this article is \$401,000, to be funded by borrowing.

A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 9: APPROPRIATE FISCAL YEAR 2022 RECREATION ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Recreation Department during Fiscal Year 2022, under the provisions of M.G.L. Chapter 44, section 53F½:

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	Expended FY19	Expended FY20	Appropriated FY21	Recommended FY22
Salaries	\$1,192,809	\$1,056,273	\$1,323,239	\$1,239,097
Expenses	467,798	371,339	535,255	482,405
Community Center	78,789	41,024	78,550	76,550
Capital Outlay+	-	-	32,000	-
Total	\$1,739,395	\$1,468,636	\$1,969,044	\$1,798,052

Or take any other action relative thereto.

Article 9 Explanation: Program fees cover approximately 60% of the salaries and expenses for this department; the remaining 40% is funded by property taxes. This is a change from previous years as the previous portion funded by property taxes had been 30%. This change is requested only for FY22 due to concerns about the COVID-19 pandemic and its effect on recreation revenues. In addition, there will be a contribution of \$45,889 from the Council on Aging budget to the Recreation Enterprise fund to support the cost of operating the Community Center, in which the Council on Aging is housed.

The Finance Committee voted by majority vote to take no position on this article.

ARTICLE 10: APPROPRIATE FISCAL YEAR 2022 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Brook School Apartments during Fiscal Year 2022, under the provisions of Chapter 76 of the Acts of 2009 and M.G.L. Chapter 44, section 53F½:

	Expended FY19	Expended FY20	Appropriated FY21	Recommended FY22
Salaries	\$169,598	\$184,725	\$199,320	\$197,755
Expenses	372,848	313,383	401,600	392,250
Payments in Lieu of Taxes	23,949	24,548	25,162	25,791
Debt Service	265,133	256,568	247,874	239,354
Repairs & Replacements+	160,835	69,408	174,802	185,290
Capital Improvements+	24,134	73,096	100,000	100,000
Total	\$1,016,496	\$921,727	\$1,148,758	\$1,140,440

Or take any other action relative thereto.

Article 10 Explanation: Funding for the operation of the Brook School Apartments comes from rental income and the Community Preservation Fund, which is covering the cost of the debt service for construction of thirteen affordable units completed as part of the expansion project in 2004.

The Finance Committee voted unanimously to support this article.

ARTICLE 11: APPROPRIATE FISCAL YEAR 2022 PUBLIC ACCESS OPERATIONS

To see if the Town will transfer from the PEG and Cable Related Fund a sum of money as a grant to Weston Media, Inc. for Cable Access and PEG purposes for FY2022, and to authorize the Town Manager to enter into a grant agreement with Weston Media, Inc. upon such terms and conditions as the Town Manager deems appropriate, or take any other action relative thereto.

Article 11 Explanation: Recently the Commonwealth established rules governing the method by which cable franchise fees are used to support public access operations in the state. This article follows guidance from the Commonwealth by accepting a provision of the law designed for this purpose and transfers to the account franchise fees collected by the Town and intended for public access operations.

The Finance Committee voted unanimously to support this article.

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ARTICLE 12: DEPARTMENTAL REVOLVING FUNDS – AMEND GENERAL BY-LAWS AND AUTHORIZE SPENDING LIMITS

To, consistent with the provisions of G.L. c.44, §53E ½, amend Article XXXIV of the By-laws of the Town of Weston, Departmental Revolving Funds, by creating a new revolving fund for “Medical Testing” and, for such purposes to insert the following new row, as shown in bold italic text:

Program or Purpose	Representative or Board Authorized to Spend	Revenue Source	Use of Fund
<i>Health Services</i>	<i>Fire Department</i>	<i>Fees for providing medical services through the Fire Department, insurance reimbursements and federal/state grants or awards.</i>	<i>Program Costs and Operations Including Staffing</i>

And, further, to set the Fiscal Year 2022 spending limit for the Board of Health revolving fund at \$80,000 and the Medical Testing at \$175,000, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to revise the same; provided, however, that in accordance with state law, the Select Board, with the approval of the Finance Committee, may increase the limit for that fiscal year only; or take any other action relative thereto.

Article 12 Explanation: This article amends the Departmental Revolving Fund bylaw to add a Medical Testing Revolving Fund to allow the Fire Department to provide COVID-19 and other similar medical tests. The article also sets the Board of Health Revolving Fund expenditure limit at \$80,000 instead of \$40,000 to provide for additional resources for the Board of Health to address costs associated with the Town’s COVID-19 response.

The Finance Committee voted unanimously to support this article.

ARTICLE 13: SPECIAL ACT AMENDING AUTHORITY OF THE COMMISSIONERS OF TRUST

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation, as set forth below, to allow trust funds held under the custody of the Commissioners of Trust Funds, to invest and reinvest the same, working with the Town Treasurer, in accord with the so-called Prudent Investor Rule, see G.L. c.203C,; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition: or take any other action relative thereto.

An Act Relative to Investment of Certain Trust Funds in the Town of Weston

SECTION 1. Notwithstanding section 54 of chapter 44 of the general laws, or of any other general or special law to the contrary, the town of Weston may invest trust funds in the custody of the treasurer in accordance with the prudent investment rule consistent with, and subject to, chapter 203C of the general laws.

SECTION 2. At the discretion of the commissioners and the finance director, said commissioners may employ a qualified bank, trust company, corporation, firm or person to advise it on the investment of trust funds under its control. Said commissioners may use trust monies, to the extent consistent with the intent of the donors of such funds, to pay for the advice and other services required to properly invest and reinvest such funds. Should the amount of such services exceed \$50,000, said commissioners, by and through the manager of said town of Weston, shall procure the same in accordance with section 6 of chapter 30B of the general laws.

SECTION 3. This act shall take effect upon its passage.

Article 13 Explanation: The Commissioners of Trust Funds is looking to clarify its investment objectives and modernize the investment process. Over the past few decades there have been many new investment products introduced that many of the towns people probably use themselves. Due to the legal list of investments from the state the commissioners are not currently able to take advantage of these products such as ETF’s (exchange traded funds) and mutual funds. These investments give instant and broad-based diversification to a portfolio. By obligating the commissioners to the prudent investor rule they would have access to these very necessary products for the investing they do.

The Finance Committee voted unanimously to take no position on this article.

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ARTICLE 14: APPROPRIATE FOR OPERATING CAPITAL ITEMS

To appropriate a sum of money to pay for the costs of purchasing and equipping the following items, including all incidental and related expenses:

1) Cherry Brook Culverts Improvement	\$124,000
2) Sherburn Circle over Bogle Brook Culvert Improvement	80,000
3) Middle School RTU-3 Replacement	350,000
4) Shift Commander Vehicle Replacement for Fire Department	<u>80,000</u>
	\$634,000

to be spent under the direction of the Town Manager, the money so appropriated to be transferred from available funds; or take any other action relative thereto.

Article 14 Explanation: The DPW is requesting \$124,000 for the upgrade of the culvert as part of the Cherry Brook project and \$80,000 for the replacement of the existing box culvert on Bogle Brook at Sherburn Circle. The Weston Middle School Roof Top Heating and Cooling Unit #3 (1996) has come to end of life and needs replacement. The amount requested for this replacement is \$350,000. The Fire Shift Commander vehicle was due to be replaced last year but was deferred to FY22. The amount to be requested under this article is \$80,000. The Town plans to utilize Free Cash and/or any surplus bond proceeds for previously approved projects to fund this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 15: APPROPRIATE FOR DRAINAGE IMPROVEMENTS

To appropriate a sum of money for the construction or reconstruction of surface drains and all incidental and related costs, including the acquisition by gift, purchase and eminent domain of such temporary or permanent easements as may be necessary for this project, and to authorize appropriate Town officials to acquire such interests, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c. 44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 15 Explanation: This request is part of the ongoing program to replace, upgrade or install new storm drainage lines and structures to improve substandard drainage systems in town. Important future projects include, but are not limited to locations on Pinecroft Road, Hallett Hill Road, and Ash Street. Public/private partnerships are funded from this program and help to resolve deficient drainage systems affecting runoff from public ways through private property. Drainage funds are also used for street drainage repairs for the road paving program. The amount to be requested under this article is \$450,000.

A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 16: APPROPRIATE FOR HIGH SCHOOL F-WING ROOF REPLACEMENT/REPAIR

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of School Committee to pay costs of replacing or reconstructing the F-Wing Roof at Weston High School, located at 444 Wellesley Street, Weston, Massachusetts, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; or to take any other action relative thereto.

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Article 16 Explanation: *The Weston High School F-Wing Roof was installed in 1986 and has exceeded its 30-year life expectancy. The roof is experiencing leaking at the membrane and brick façade flashing. The amount to be requested under this article is \$951,600.*

A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 17: APPROPRIATE FOR FIRE ENGINE (PUMPER)

To appropriate a sum of money for the purchase and equipping of a Fire Engine (pumper), including all incidental and related expenses, to be spent under the direction of the Town Manager, the money so appropriated to be raised by borrowing under the authority of G.L. c. 44, §7, or any other enabling authority, and to authorize the Town Treasurer, with the approval of the Select Board, to issue bonds or notes for this purpose; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; or take any other action relative thereto.

Article 17 Explanation: *The Fire Department seeks replacement of a 20-year-old fire pumper which has reached its end of life. The amount to be requested under this article is \$750,000.*

A two-thirds vote of Town Meeting is required for approval of this article.

The Finance Committee voted unanimously to support this article.

ARTICLE 18: APPROPRIATE FOR FISCAL YEAR 2022 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET

To hear and act on the report of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for fiscal year 2022; and further, to reserve for future appropriation for purposes consistent with the Community Preservation Act the amounts as recommended by the Community Preservation Committee for open space, including land for recreational use, historic resources and community housing; and further, to appropriate from the Community Preservation Fund a sum of money for payment of debt service on Community Preservation projects previously approved by Town Meeting, all as recommended by the Community Preservation Committee, or take any other action relative thereto.

Article 18 Explanation: *The Community Preservation property tax surcharge will raise more than \$2,300,000 in fiscal year 2022, which is expected to be matched, in part, by the State. By law, a minimum of 10% of Community Preservation funds raised by the surcharge and as matching funds from the state must be spent or set aside for future spending in each of three categories: open space, including land for recreational use; historic resources; and community housing. The remaining 70% of available funds may be allocated to any one or a combination of the three categories, all as specified in G.L. c.44B, §5(b)(2), as most recently amended.*

The administrative expense budget, limited by law to no more than 5% of annual Community Preservation Fund revenues, is estimated to be \$132,000 and is funded from the Community Preservation Fund. Any administrative funds remaining unused at the end of the fiscal year are returned to the Unallocated allocation of the Community Preservation Fund. The administrative expense budget covers the cost of a part-time staff person for the Committee and Committee expenses such as appraisal fees, legal fees, and advertising for public hearings.

The appropriation for debt service includes \$5,280 for Brook School Apartments, \$361,988 for the Weston Art and Innovation Center, \$331,096 for Case Estates, \$192,775 for 500 Wellesley St., and \$580,093 for the Josiah Smith Tavern.

The Finance Committee voted unanimously to support this article.

ARTICLE 19: APPROPRIATE FOR COMMUNITY HOUSING

To transfer from the Community Preservation Fund to reserve for future appropriation additional sums of money for the acquisition, creation, preservation and support of community housing, as recommended by the Community Preservation

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Committee, and as funding therefor, to appropriate said sums from Community Preservation Fund Fiscal Year 2021 annual revenues, or take any other action relative thereto.

Article 19 Explanation: The Community Preservation Act requires that 10% of revenues be set aside annually for Community Housing. At the time of the 2021 Annual Town Meeting, for purposes of annual allocations, we projected a state match of 29%. We actually received a state match of nearly 32%. The amount that was set aside at Annual Town Meeting for Community Housing is insufficient and must be increased to comply with the Community Preservation Act. An additional amount of \$7,000 for community housing will be requested.

The Finance Committee voted unanimously to support this article.

ARTICLE 20: APPROPRIATE FOR COMMUNITY HOUSING – REGIONAL HOUSING SERVICES OFFICE & HOUSING TRUST STAFF SUPPORT

To appropriate a sum of money for community housing purposes under the Community Preservation Program in order to provide funds needed to participate in a regional housing services office and for staff assistance for all community housing activities authorized by G.L. c.44B, §5(b)(2), as most recently amended; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund; or take any other action relative thereto.

Article 20 Explanation: Weston collaborates with the Towns of Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, and Wayland to provide a regional housing services office (“RHSO”). Professional staff with expertise in affordable housing offer a variety of services related to lottery, monitoring, administration of the subsidized housing inventory, and consultation on specific projects. In addition, staff support is provided through the RHSO for the Weston Affordable Housing Trust. The amount to be requested under this article is \$38,000.

The Finance Committee voted unanimously to support this article.

ARTICLE 21: APPROPRIATE FOR OPEN SPACE – CASE ESTATES TREE PRESERVATION

To appropriate a sum of money for open space purposes under the Community Preservation Program for the preservation of 2 trees located on Case Estates, 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 21 Explanation: In 2016, the Town acquired Case Estates with a combination of CPA and General Funds. Case Estates is a 62.5-acre property located in the geographic center of Weston adjacent to Case Campus whose landscape features forests, fields, wetlands, and remnants of horticultural gardens. A newly established accessible trail system promotes enjoyment of these natural resources.

The Butternut Tree and the Persimmon Tree are located in the Hillcrest Corridor of Case Estates and are legacy orchard trees descended from the time when Case Estates was a functioning orchard. The Town’s Tree Advisory Group is requesting funding to conduct structural pruning, invasive species removal, and cabling of these two trees in order to improve their health and longevity, thereby preserving examples of Weston’s agricultural history. The amount to be requested under this article is \$3,215.

The Finance Committee voted unanimously to support this article.

ARTICLE 22: APPROPRIATE FOR HIGH SCHOOL/MIDDLE SCHOOL CAMPUS MASTER PLAN STUDY

To appropriate a sum of money to pay costs for a series of feasibility studies at the High School and Middle School Campuses, as well as all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be transferred from available funds or free cash; or take any other action relative thereto.

Article 22 Explanation: This article proposes funding for a series of interconnected feasibility studies for properties under the control of the Weston School Department. These studies will include a clear distinction between basic infrastructure requirements that are “level service” in nature and improvements that are “discretionary” and go beyond level service. The results of each of these studies will be provided to the town so that residents can have sufficient information to make clear choices.

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The High School and Middle School campus is served by a wastewater treatment plant and has wetlands on several parts of the property. Any renovations, changes or proposed additions need to take these limiting factors into account. The School Committee and School Administration believe that these feasibility studies are the most responsible way for the Town and Facilities Department to plan for the maintenance and potential improvement of this important town asset. In the past, residents and the Finance Committee have asked for more visibility on what major projects may be coming down the pike. These studies will help provide this transparency.

These studies are a result of several factors: the need to plan for long term renovations of the High School and the Middle School, unsafe traffic and parking conditions at both schools, and other ideas and concepts that were generated by the Recreation Master Plan Steering Committee's new 10-year Master Plan. This Committee is a standing committee charged by the Select Board with updating and publishing a new Master Plan every ten years. This committee includes elected representatives from the Recreation Commission and the School Committee, as well as youth sports representatives, town and school staff and At-Large members appointed by the Select Board. These are feasibility studies – they are not formal proposals nor are they requests for design or construction funds. Weston residents will have multiple opportunities to evaluate the design and potential costs of any projects that result from these studies. The new Master Plan can be found here: www.westonma.gov/RecMasterPlan

Projects include but are not limited to:

“Level Service” items that would include:

A - Renovations of the High School gym, locker rooms, auditorium, music practice rooms, offices and cafeteria. The auditorium is due for renovation at some point in the next several years. The high school gym locker rooms do not meet current needs and standards. Coordinated planning for this wing of the High School is prudent.

B - Renovations of the current Middle School pool, gym and locker rooms. The pool was constructed in in the late 1960's with a major renovation in 1990 and other minor repairs over its lifetime. The Recreation Master Plan Steering Committee engaged Weston & Sampson to conduct a facility assessment of the pool as part of the Recreation Master Plan. They concluded that the pool is reaching its life expectancy and will most likely require approximately \$100,000 to \$300,000 in reinvestment within the next several years to keep it in compliance with code requirements and to meet the needs of the Town.

C – Adjusting traffic patterns to resolve congestion and safety issues. Increasing parking capacity and pedestrian safety for school and town usage. Supporting handicap parking needs. Evaluating the feasibility of solar canopies over certain parking lots. Evaluating the possibility for electric vehicle charging (including school buses.)

D - Creating a driveway loop behind the Middle School with handicap access and parking to improve access and increase the utilization of four natural grass fields - 7, 8, 9 and 10 on this map: <http://bit.ly/WPSFields>

“Discretionary enhancements” which could include:

E – Location, sizing and massing of a new, larger pool with a separate diving well. The Recreation Master Plan Steering Committee identified a need for a larger facility to handle current demands from the high school and recreation (Red Waves) teams. The high school team is large and is forced to practice in two shifts after school. The diving team regularly practices in other facilities due to crowding. The Recreation program also practices in multiple evening shifts. The later start time at the high school and the middle school have pushed these Red Waves practices even later into the evening for these elementary-aged children.

The feasibility of utilizing the existing wastewater treatment plant in conjunction with these renovations, changes and potential improvements will be considered. Each of these feasibility studies will be considered within the overall long-term maintenance and renovation plans for the High School and Middle School.

This article has been recommended by the School Committee and the amount to be requested under this article is \$80,000.

The Finance Committee voted by majority vote to oppose this article.

COMMUNITY PRESERVATION ACT (ARTICLES 23 - 26)

ARTICLE 23: APPROPRIATE FOR COMMUNITY HOUSING – CREATION OF AFFORDABLE HOUSING AT 8-10 BIRCH LANE BY WESTON AFFORDABLE HOUSING FOUNDATION, INC.

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. in order to pay costs of creation of community housing at 8-10 Birch

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Lane, as shown on Assessors Map 028, Parcel 033, containing 0.92 acres, more or less, including all incidental and related costs, and to authorize a grant agreement between the Town of Weston and the Weston Affordable Housing Foundation, Inc. and to authorize the Town Manager to enter into such grant agreement upon such terms and conditions as he deems appropriate; provided, however, that such grant agreement shall contain a condition that the Weston Affordable Housing Foundation, Inc. convey to the Town of Weston an affordable housing deed restriction complying with the requirements of M.G.L. Chapter 184, Sections 31 to 33 and to authorize the Select Board 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 Community Housing and Unallocated allocations of the Community Preservation Fund; or take any other action relative thereto.

Article 23 Explanation: The Weston Affordable Housing Foundation, Inc. ("WAHFI"), a 501(c)(3) charitable organization promoting affordable housing in Weston, is requesting funding to construct a duplex on property acquired by gift for the purpose of creating housing in keeping with WAHFI's mission. The project will provide critical affordable housing units for Weston and promote scattered distribution of these units throughout the Town.

This proposal will create two, 3-bedroom units which will be deed restricted in perpetuity to households earning no more than 80% of the area median income as defined by the U.S. Department of Housing and Urban Development. The amount to be requested under this article is \$1,020,000.

The Finance Committee voted unanimously to oppose this article.

ARTICLE 24: APPROPRIATE FOR LAND FOR RECREATIONAL USE – WALKWAY ON ASH STREET

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the construction of a walkway on Ash Street to connect the Case Estates, property owned by the Town and purchased with Community Preservation Act funds, and the Legacy Trail to the Ash Street Reservoir, including all related incidental costs; to be spent under the direction of the Town Manager, provided that healthy tree removals as part of this project are documented by photographs and other identifying factors such as species, height and diameter, 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 24 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 to construct a walkway on Ash Street which will connect Case Estates and the Legacy Trail to the Ash Street Reservoir and, via an existing walkway, to Route 30.

CPA funds in the amount of \$30,000 for the conceptual design and \$75,000 for the final design of the Ash St. walkway, a priority identified in the Traffic & Sidewalk Committee's 2010 Master Plan, were appropriated at the November 2016 and May 2018 Town Meetings, respectively. Additionally, a portion of the \$359,200 appropriated at May 2019 Town Meeting for walkways across Case Estates and on Ash St. was used for final design of the Ash St. walkway. The amount to be requested under this article is \$400,000.

The Finance Committee voted unanimously to oppose this article.

ARTICLE 25: APPROPRIATE FOR LAND FOR RECREATIONAL USE – BURCHARD PARK REHABILITATION

To appropriate a sum of money for land for recreational use under the Community Preservation Program for the rehabilitation and restoration of 5 fields at Burchard Park, located at 269 Concord Rd., 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 25 Explanation: Burchard Park, with multiple baseball and softball fields and tennis and basketball courts, provides an abundance of recreational opportunities for townspeople and hosts such diverse events as high school cross country meets and baseball games for disabled youth. Many Weston residents use Burchard Park daily for walking, running, or biking.

Burchard Park was completed in 2008 with private funding. After more than a dozen years of heavy use, the park's 5 baseball/softball fields, which have been largely maintained by Weston Little League, drain poorly, have degraded pitching

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mounds, and are plagued by dangerous grade changes. Weston's Recreation Master Plan Steering Committee proposes to rehabilitate these fields to improve their functionality and to extend their useful lives. The amount to be requested under this article is up to \$75,000.

The Finance Committee voted unanimously to support this article.

ARTICLE 26: APPROPRIATE FOR LAND FOR RECREATIONAL USE – MEMORIAL POOL REHABILITATION DESIGN FEES

To appropriate a sum of money for land for recreational use under the Community Preservation Program to design the rehabilitation of Memorial Pool 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 26 Explanation: Memorial Pool (the "Pool"), maintained by the Town of Weston Recreation Department, has been a popular swimming pool since the 1970's. The Town's recently completed Recreation Master Plan ("RMP") identified Pool improvements as a priority; the Pool's filtration system, installed in 1993, has reached the end of its useful life, and as part of the RMP, residents recommended adding amenities to the Pool. A study exploring the feasibility of rehabilitating the Pool was completed in FY20 using \$2,800 in CPA administrative funds. Weston's Recreation Commission is proposing a renovation project which is expected to include: 1) replacing filters, 2) adding amenities to improve the Pool's recreational value, 3) improving accessibility, and 4) expanding the Pool's concession area.

Funds requested under this article will pay for design fees and other related expenses to enable a construction funding request (currently estimated at \$2.1 million) at a subsequent Town Meeting. The amount to be requested under this article is \$250,000.

The Finance Committee voted by majority vote to support this article.

LAND AND ZONING (ARTICLES 27 – 33)

ARTICLE 27: ESTABLISH PARCEL BOUNDARIES FOR CASE ESTATES

To authorize the Select Board to establish the boundaries of certain parcels of land within Case Estates, located off Wellesley Street and Ash Streets, said boundaries being substantially in conformance with the vote taken under Article 1 of the November 8, 2006 Special Town Meeting, said boundaries being shown on plans entitled "Subdivision Plan Case Estates Wellesley Street & Alphabet Lane Weston, Massachusetts," dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc. (Sheet 1 of 2); "Easement Plan Case Estates Wellesley Street & Alphabet Lane Weston, Massachusetts," dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc. (Sheet 2 of 2) and "Subdivision Plan Case Estates South Lot Wellesley St., Newton St. & Ash St.," dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc., said plans on file with the Town Clerk, as follows:

Parcel 1: Establish the boundaries of Parcel 1 as shown on the plans, subject to an "Access Road Easement – 35 Ft. Wide," which access road shall be appurtenant to Parcel 7 as shown on the plans, said Parcel 1 to be held by the Conservation Commission, pursuant to G.L. c. 40, §8C, for conservation, open space and passive reservation purposes, and which shall be subject to Article 97 of the Amendments to the Constitution of the Commonwealth;

Parcel 2: Establish the boundaries of Parcel 2 as shown on the plans, said Parcel 2 to be held by the Conservation Commission, pursuant to G.L. c. 40, §8C, for conservation, open space and passive recreation purposes, and which shall be subject to Article 97 of the Amendments to the Constitution of the Commonwealth;

Parcels 7 and 8: Establish the boundaries of Parcels 7 and 8 as shown on the plans, reserving thereon a trail, which trail is shown on the plans as "Legacy Trail Easement – 35 Ft. Wide," which trail shall be appurtenant to Parcel 1, said Parcels 7 and 8 to be held by the Select Board for general municipal purposes;

Parcels 3, 4, 5, 6 and 9: Establish the boundaries of Parcels 3, 4, 5, 6 and 9 as shown on the plans, said Parcels 3, 4, 5, 6 and 9 to be held by the Select Board for general municipal purposes and for the purposes of conveyance;

or take any other action relative thereto.

Article 27 Explanation: The parcel plan for the Case Estates approved at the November 2006 Special Town Meeting, which authorized the purchase and appropriated the necessary funds, described 9 different parcels. Parcels 1 and 2 were acquired with CPA funds for open space and passive recreation purposes and comprise 31 acres or about half of the

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overall acreage. The other 7 parcels are municipal land and of these, Parcels 3, 4, 5, 6, and 9, were designated for potential future conveyance. Sorting through the implications of contamination from pesticide residuals on the property took ten years, with Harvard eventually agreeing to remediate the property to State DEP standards. Weston ultimately acquired the property in 2016. This proposed subdivision is substantially similar to that envisioned in 2006. The most noticeable difference is at the anticipated panhandle connector between Parcel 1 and the Case Campus. This panhandle goes over terrain that is too steep for a straight trail. Instead, the Legacy Trail has been completed with gentler slopes, requiring a switchback over portions of municipal Parcels 7 and 8 to accommodate wheelchair accessibility. The original open-space land in the panhandle has been exchanged with a 35-foot wide easement that follows the Legacy Trail over municipal land and thereby insures perpetual open-space access from the Case Campus to the "Hillcrest Corridor."

A two-thirds vote is required to approve this article.

ARTICLE 28: CONVEYANCE OF LOUISA'S WALL PARCEL AT CASE ESTATES (101 WELLESLEY STREET)

To authorize the Select Board to convey a parcel of land, containing approximately 1652 S.F. ± of land and containing the tall, large-boulder wall known as "Louisa's Wall," said parcel of land as approximately shown on a plan entitled "Subdivision Plan Case Estates Wellesley Street & Alphabet Lane Weston, Massachusetts," dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc. (Sheet 1 of 2), on file with the Town Clerk, being a portion of the property conveyed to the Town by a deed dated June 6, 2016, recorded with the Middlesex South District Registry of Deeds in Book 67393, Page 247, such conveyance to be made subject to a restriction obligating the new owner to maintain the wall in accordance with its historic nature; and, further, to appropriate a sum of money for the restoration of Louisa's Wall to be paid on such terms and conditions as the Select Board shall deem appropriate, and to enter into such agreements and execute such instruments to effectuate the transaction subject of this vote; or take any other action relative thereto.

Article 28 Explanation: The buyer of this small parcel is the owner of the abutting property, 101 Wellesley Street. This individual notified the Town in September 2020 that a portion of Louisa's Wall had collapsed and was in immediate need of repair or further damage would occur. The only viable access to complete the repairs was via 101 Wellesley Street so, believing the lot line bisected the wall, the Town agreed to share equally in the cost of the repairs, subject to Town Meeting approval. A licensed contractor completed the repairs and was paid by the abutter. A subsequent, detailed survey revealed that the entire wall was owned by the Town. This article proposes to sell the land and wall to the abutter, who shall have an on-going obligation to maintain the wall. Because the abutter fully paid for the repairs, the transaction will involve a \$10,000 payment to the abutter to reimburse him for one-half of the cost of those repairs.

A two-thirds vote is required to approve this article.

ARTICLE 29: CONVEYANCE OF TWO PARCELS AT CASE ESTATES (226 ASH STREET)

To authorize the Select Board to convey two (2) parcels of land, containing 4,074 S.F.± and 6,352 S.F.±, as approximately shown on a plan entitled "Subdivision Worksheet Case Estates South Lot Wellesley St., Newton St. & Ash St. Weston, Massachusetts," dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc., on file with the Town Clerk, being a portion of the property conveyed to the Town by a deed dated June 6, 2016, recorded with the Middlesex South District Registry of Deeds in Book 67393, Page 247, for a price of \$30,000 and on such other terms and conditions as the Select Board shall deem appropriate, and to enter into such agreements and execute such instruments to effectuate the transaction subject of this vote; or take any other action relative thereto.

Article 29 Explanation: When the Town acquired the Case Estates from Harvard in 2016 there were two small but long-standing encroachments by the current and former owners at the 226 Ash Street property. A retaining wall on the south side of the property encroaches on land owned by the town and on the north side, a portion of the rear-yard lawn is also Town land. The sale of these two small, municipal-land parcels to the abutter resolves these longstanding encroachments. The sale price is a 40% premium to the value as estimated by the Town Assessor.

A two-thirds vote is required to approve this article.

ARTICLE 30: ZONING BYLAW – RESIDENTIAL AT RIVERSIDE ROAD

To see if the Town will vote to amend the Zoning By-law, Section IV., "Establishment of Districts and Boundaries" to create a new overlay district "Transit Oriented Multiple Dwelling" and to amend Section IV "Establishment of Districts and Boundaries;" Section V., "Use Regulations;" Section VI., "Dimensional and Other Requirements;" Section VIII., "Vehicular Requirements;" Section X "Special Permits;" and Section XI "Site Plan Approval" to establish the allowed uses in and

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dimensional and other requirements for the Transit Oriented Multiple Dwelling Overlay District, the text of which change is set forth below, with language to be inserted shown in bold italic (and any inconsistent existing language deleted) and all existing numbering and lettering adjusted accordingly, or take any other action relative thereto.

SECTION IV. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

D. DISTRICT DESIGNATIONS

For the purpose of this Zoning By-Law the Town is hereby divided into the following classes of districts to be known as:

1. Single Family Residence Districts (A)
2. Single Family Residence Districts (B)
3. Single Family Residence Districts (C)
4. Single Family Residence Districts (D)
5. Multiple Dwelling Districts (A)
6. Multiple Dwelling Districts (B)
7. Business Districts (A)
8. Business Districts (B)
9. Office & Research and Development Districts
10. Commercial Districts
11. Wetlands and Flood Plain Protection District (A)
12. Wetlands and Flood Plain Protection District (B)
13. Aquifer Protection Overlay Districts
14. Personal Wireless Service Overlay Districts
15. ***Transit Oriented Multiple Dwelling Overlay District***

E. DISTRICT BOUNDARIES

1. Zoning Map.

The location and boundaries of all districts except the Wetlands and Flood Plain Protection Districts, as amended, and the Aquifer Protection Overlay District are shown on a map on file in the office of the Town Clerk entitled "Zoning Map Town of Weston, Massachusetts, November, 2007. [**Update as required for bylaw adoption**] The location and boundaries of all Wetlands and Flood Plain Protection Districts are shown, as amended, on a map on file in the office of the Town Clerk entitled "Wetlands and Flood Plain Protection District, Weston, Mass.- 1980". The location and boundaries of all Aquifer Protection Overlay Districts are shown on a map on file in the office of the Town Clerk entitled "Aquifer Protection Overlay District, Town of Weston, 1988" all of which, together with all explanatory matter, boundary lines and designations, are hereby made a part of this Zoning By-Law.

SECTION V. USE REGULATIONS

M. Transit Oriented Multiple Dwelling Overlay District

The following uses are allowed within the Transit Oriented Multiple Dwelling Overlay District in addition to those uses allowed by the underlying zoning

1. ***By-Right Uses***
 - a. ***Any use allowed as By Right in the Multiple Dwelling A and B districts.***
2. ***By-Right Uses Allowed with Site Plan Approval***
 - a. ***Multiple dwellings which***
 - i. ***Are at a maximum density of 20 units per acre and***
 - ii. ***Are built in accordance with the dimensional standards of Section VI.E and***
 - iii. ***Have no age restrictions and***
 - iv. ***Include a minimum of 10% of the units as affordable qualifying for inclusion on the State Subsidized Housing Inventory.***
3. ***Uses Allowed with Site Plan Approval and By Special Permit***
 - a. ***Multiple dwellings which***
 - i. ***Are at a density greater than 20 but no greater than 50 units per acre and***
 - ii. ***Are Built in accordance with the dimensional standards of Section VI.E***
 - iii. ***Have no age restrictions and***
 - iv. ***Include a minimum of 10% of the units as affordable qualifying for inclusion on the State Subsidized Housing Inventory***
 - b. ***Multiple dwellings at a density no greater than 50 units per acre which either***
 - i. ***Are not built in accordance with the dimensional standards of Section VI.E or***

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- ii. ***Do not meet the requirements of M.2.a or M.3.a of this section***

SECTION VI. DIMENSIONAL AND OTHER REQUIREMENTS

N. MULTIPLE DWELLING DISTRICTS (A,B and TRANSIT ORIENTED OVERLAY)

1. Minimum Requirements.

Lots and structures used for multiple dwellings shall conform to the following requirements as to square footage, frontage, set-backs, square feet of land per unit, number of units per building, buffers, number of bedrooms per unit, and area of living space. **For uses allowed by the Transit Oriented Multiple Dwelling Overlay District the dimensional standards below shall override those of the underlying district.**

2. Table of Dimensional Requirements.

	District		
	A	B	<i>Transit Oriented</i>
Minimum lot area in square feet	240,000	600,000	43,560
Minimum street frontage on existing public way	200 ft.	100 ft.	350'
Minimum setback from street side line of existing public way	100 ft.	65 ft.	45 ft.
Minimum setback from street centerline of existing public way	125 ft.	N/A	70 ft.
Minimum setback from lot line	100 ft.(a)	65 ft.	25 ft.(a)
Square feet of land per unit (b)	30,000	10,000	Per Section V.D.
Number of units per building	2 to 8	4 to 8	N/A
Buffer maintained in natural state, or landscaped, around perimeter of lot.	50 ft	25 ft.	N/A
Minimum garage distance from lot line	65 ft.	45 ft	45 ft.
Minimum setback from side line of road located within the lot	20 ft.	20 ft.	N/A
Minimum setback from center line of road located within the lot	45 ft.	45 ft	N/A
Maximum average number of bedrooms per unit	2	N/A	N/A
Minimum floor area of living space in square feet	750	750	N/A

Notes

(a) In cases where a lot line is adjacent to permanent conservation land, a railroad, or certain other types of municipal open land which in themselves serve as buffers, the minimum setback from lot line may be 65 feet ***in Multiple Dwelling A and B and 0 feet in the Transit Oriented Multiple Dwelling Overlay District, providing other life safety and access requirements are met.***

(b) The number of square feet of land per unit shall consist entirely of land outside the Wetlands and Flood Plain Protection District.

3. The aggregate of all dwelling structures in Multiple Dwelling Districts **A and B** shall not cover more than 20% of the lot upon which they are built. The aggregate of all structures and off-street parking areas, whether or not covered, in Multiple Dwelling Districts **A and B** shall not cover more than 30% of the lot upon which they are built or located.
4. ***The aggregate of all dwelling structures in the Transit Oriented Multiple Dwelling Overlay District shall not cover more than 40% of the lot upon which they are built. The aggregate of all structures and off-street parking areas, whether or not covered, in the Transit Oriented Multiple Dwelling Overlay District shall not cover more than 50% of the lot upon which they are built or located.***
5. No garage structure shall measure more than 100 feet in length and no other building shall measure more than 250 feet in length. No garage structure shall exceed a height from the ground of one story. All buildings shall be separated from other buildings by a distance of at least 25 feet, and a garage shall be considered as part of such building if attached.
6. Utility space and other space not used for living purposes, roofs, balconies and porches shall not be used in determining living space but balconies and porches shall be used in determining building coverage.
7. Each multiple dwelling unit shall contain cooking and bathroom facilities.
8. Roads, Driveways and Access.

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- a. All roads (as opposed to driveways serving multiple dwellings) providing access to or constructed in a Multiple Dwelling District shall be at least 50 feet in width of which at least 24 feet shall be paved, shall provide for a sidewalk at least 5 feet wide within such width on one side of such road and shall be constructed in such a manner as will permit its acceptance as a public way.
 - b. The grading, surfacing and drainage of such roads shall be approved by the Weston Planning Board. All such roads, or their exterior lines, shall be entered on the official Town of Weston Map, duly certified to by the Town Clerk and filed at Middlesex Registry of Deeds, before any multiple dwellings may be permitted to be built having access to such roads.
 - c. The location of the access roads servicing the multiple dwelling units shall, upon approval by the Special Permit Granting Authority, be entered upon the Official Town Map as if for a subdivision approved by the Planning Board in accordance with M.G.L. Chapter 41, "Municipal Planning", Section 81-E "Official Map".
 - d. The main access road or roads to a Multiple Dwelling District shall enter and exit from a public way and shall be at least 25 feet from the property lines of any adjacent lot or lots of a district other than a Multiple Dwelling District. Each such buffer strip shall be either landscaped or left in its natural state. **Where the property has multiple vehicle access points (excluding dedicated and gated emergency access) such access points shall be 250' apart at their centerlines.**
9. Utilities and Services.
- a. All utilities to be utilized in connection with the multiple units shall be installed under the surface of the ground.
 - b. The lot upon which multiple dwellings are constructed shall be supplied with a septic or sewage system or systems acceptable to the Board of Health and with Town water and adequate street lighting. Suitable fire alarms and police call boxes in sufficient numbers to afford health, fire, and police protection for the residents of the multiple dwelling units shall be provided.
10. Long Term Care Facility.
- Where a Long Term Care Facility is allowed with Site Plan Approval and by Special Permit, the Dimensional Requirements for Multiple Dwelling Districts shall be modified in the following respects:
- a. Buffer to be maintained in natural state a minimum of 100 feet from street side lines and lot lines. Driveways and underground utility lines may cross the buffer area.
 - b. Number of units per Building: Not Applicable.
 - c. Minimum floor area of living space in square feet: Not Applicable.
 - d. Section VI.C.4.: Not Applicable.

O. HEIGHT REGULATIONS

- 1. On all land located within the Town of Weston, no building shall exceed the height limitations set forth in the table below. In all cases, height shall be determined by measuring the vertical distance from the Grade Plane to the highest point of a building.
- 2. Table of Height Limitations

DISTRICT		HEIGHT LIMITATION	NOTES
Business A	Lots of less than thirty-five acres	35 Feet or 2 ½ Stories whichever is less	(a),
	Lots of thirty-five acres or more	52 Feet or 4 Stories whichever is less	
Business B	Lots of less than five acres	35 Feet or 2 ½ stories whichever is less	(a)
	Lots having at least five acres but less than thirty-five acres	45 Feet or 3 Stories whichever is less	
Office & Research and Development		40 Feet	(b)
Commercial, Single Family Residential (A, B, C, D), and Multiple Dwelling Districts (A & B)	Pitched Roofs	37 feet or 2-1/2 stories whichever is less	(a)
	Flat Roofs	32 Feet or 3 Stories	(a)
Transit Oriented Multiple Dwelling Overlay	Pitched Roofs	45 Feet	(a)
	Flat Roofs	35 Feet	(a)

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SECTION VIII. VEHICULAR REQUIREMENTS

A. OFF-STREET PARKING REGULATIONS

1. Parking Requirement by Usage:

In order to provide sufficient off-street vehicular parking in the Town, no Building Permit for the new construction, erection or alteration (as defined in Section III, Subsection A) of a building or structure shall be issued and no use or change of use of any building, structure or premises shall be made unless off-street parking facilities have been provided in accordance with the applicable requirements of this Subsection. The minimum number of off-street parking spaces shall be as follows:

- i. Multiple dwelling units:
 - i. Two spaces for each dwelling unit in Multiple Dwelling Districts A & B, which requirement may be reduced by the Special Permit Granting Authority where not required (as elderly persons without automobiles) as part of the Site Plan Approval procedure.
 - ii. ***One space for each dwelling unit in the Transit Oriented Multiple Dwelling Overlay District and no more than 1.5 spaces for each dwelling unit.***

2. Location and Size of Parking Area:

Required parking areas shall be located on the same lot as the building, structure or premises with respect to which such areas are provided or may be on adjoining or nearby land when all of the required parking area lies within 200 feet of the principal premises; All parking areas shall be entirely located within a district where the activity carried on in the principal premises is permitted under Section V "Use Regulations". Each parking space shall include space for maneuvering and for access to and from the parking area, shall be continually available and shall be not less than 350 square feet in area. The percentage of the lot utilized for such parking area shall not exceed the percentage specified in Section VI "Dimensional and Other Requirements", Subsection D.

Within the Transit Oriented Multiple Dwelling Overlay District the distance from the parking to the principal premise may be increased to 1500' provided that

- a. ***Appropriate drop off and delivery space is provided on site***
- b. ***An ADA accessible pedestrian path between the parking and structure is provided.***
- c. ***The accessible path and parking area are subject to the same Site Plan Approval or Special Permit approvals required under VI.E***

Section X Special Permits

A. SPECIAL PERMIT FOR USES

The Zoning Board of Appeals and the Planning Board may, as the appropriate designated Special Permit Granting Authorities, grant Special Permits for the construction, structural alteration or extension of buildings, structures and premises, establishment of a use or a change of use as set forth in the Zoning By-Law, and may revoke and amend the same for appropriate causes. No Special Permit shall be granted by the Special Permit Granting Authority unless it determines, in addition to factors specified in Section V "Use Regulations", to be determined by it, that driveways with two curb cuts are permitted in Weston and may be prohibited or denied by the special permit granting authority when a project is otherwise before the special permit granting authority only if the SPGA determines that either curb cut will be injurious to the community or neighborhood safety or that either curb cut fails to satisfy factors specified in Section V "Use Regulations."

1. The proposed use will not be injurious, obnoxious, offensive, dangerous, or a nuisance to the community or the neighborhood through noise, vibration, concussion, odors, fumes, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion or other objectionable feature detrimental to the community or neighborhood health, safety, convenience, morals or welfare;
2. If required under Section V, the Planning Board has approved the Site Plan as provided in Section XI "Site Plan Approval."
3. ***For Special Permits within the Multiple Dwelling Transit Oriented Overlay District the Special Permit Granting Authority may require a certain number of units to be affordable in addition to those required under Section V.M.***

Section XI. Site Plan Approval

F. STANDARDS AND CRITERIA

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The Planning Board shall review and evaluate the Application and make a determination as to whether it is consistent with the Standards and Criteria listed below. If the Planning Board finds that these Standards and Criteria have been met and the Planning Board does not make any of the findings set forth in Subsection E, it shall approve the Application with or without conditions. The Standards and Criteria are as follows:

1. The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible:
 - a. Minimize use of wetlands, steep slopes, flood plains, hilltops;
 - b. Preserve natural or historic features;
 - c. Maximize retention of open space;
 - d. Preserve scenic views from publicly accessible locations;
 - e. Minimize tree, vegetation and soil removal, blasting and grade changes;
 - f. Screen objectionable features from neighboring properties and roadways.
2. The development shall be served with adequate water supply and sewage disposal systems. For structures to be served by sewage disposal systems, the applicant shall submit a complete design prepared and stamped by a registered professional engineer and containing all information required by the Board of Health to approve sewage disposal systems.
3. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and at the project boundaries the rate of runoff shall not be increased.
4. To the extent feasible, development shall minimize demands placed on Town services and infrastructure. ***For uses allowed in and by the Transit Oriented Multiple Dwelling Overlay District this shall include use of Transit Demand Management strategies to reduce vehicle traffic.***
5. The development shall provide for safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.
6. Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town including the use of appropriate building materials, screening, and other architectural techniques.
7. Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally infeasible, in which case such utilities shall be screened.
8. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors from objectionable features.
9. To the extent feasible, proposed projects shall be designed in such a way as to minimize shadows on neighboring properties.
10. There shall be no unreasonable glare onto public roads and other public ways, into the night sky, or onto neighboring properties from lighting or reflection.
11. The site plan shall comply with all zoning requirements.
12. Driveways with two curb cuts are permitted in Weston. A development may have a driveway with two curb cuts. A second curb cut may be prohibited or denied by the Planning Board when a project is otherwise before the Planning Board for site plan approval only if the Planning Board finds curb cut fails to satisfy the standards set forth in paragraphs 3 or 5 directly above.

Articles 30, 31, 32, and 33 Explanation: Articles 28 and 30 were submitted by the new landowner, Greatland Realty Partners, to allow life science uses, such as research labs and light medical manufacturing, at 9, 11, 13, and 20 Riverside Road (the former Liberty Mutual Campus). Article 28 creates the zoning district and Article 30 rezones the parcels. Articles 27 and 29 were submitted by the Town to allow the creation of multifamily housing in conjunction with the proposed rezoning and redevelopment of the office campus by Greatland Realty. Article 27 creates a multifamily overlay zoning district. Article 29 applies that overlay district to portions of the 9, 11, and 13 Riverside Road lot and two town-owned parcels at the east and west end of the Riverside lot. The multiple dwelling overlay zoning district and zoning map change is intended to allow the Town maximum flexibility in determining the needed housing density and subsidy levels dependent on the recommendations of the upcoming Housing Production Plan and the outcome of several pending multifamily 40B projects.

A two thirds vote is required to approve articles 31 and 33, a simple majority vote is required to approve Articles 30 and 32.

The Finance Committee voted to take no position on this article.

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ARTICLE 31: ZONING BYLAW – SCIENCE LIFE CENTER AT RIVERSIDE ROAD

To see if the Town will vote to amend the Zoning By-law, Section IV., “Establishment of Districts and Boundaries” to create a new Office & Research and Development Districts (B), and to amend Section V., Use Regulations, Section VI., Dimensional and Other Requirements, and Section VIII., Vehicular Requirements to establish the allowed uses in and dimensional and other requirements for the Office & Research and Development Districts (B), the text of which change is set forth below, with language to be inserted shown in bold italic (and any inconsistent existing language deleted) and all existing numbering and lettering adjusted accordingly, or take any other action relative thereto.

SECTION IV. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

A. DISTRICT DESIGNATIONS

For the purpose of this Zoning By-Law the Town is hereby divided into the following classes of districts to be known as:

1. Single Family Residence Districts (A)
2. Single Family Residence Districts (B)
3. Single Family Residence Districts (C)
4. Single Family Residence Districts (D)
5. Multiple Dwelling Districts (A)
6. Multiple Dwelling Districts (B)
7. Business Districts (A)
8. Business Districts (B)
9. Office & Research and Development Districts (**A**)
10. **Office & Research and Development Districts (B)**
11. Commercial Districts
12. Wetlands and Flood Plain Protection District (A)
13. Wetlands and Flood Plain Protection District (B)
14. Aquifer Protection Overlay Districts
15. Personal Wireless Service Overlay Districts

SECTION V. USE REGULATIONS

E. OFFICE AND RESEARCH AND DEVELOPMENT DISTRICTS *A and B*

1. By-Right Uses
 - a. Open space;
 - b. Public park and playground;
 - c. Wildlife and plant management by nonprofit organization;
2. By-Right Uses Allowed With Site Plan Approval
 - a. Office or office buildings of 5,000 square feet or less gross floor area;
 - b. Professional and management training facility of 5,000 square feet or less gross floor area
 - c. Personal service facility, such as cafeterias and banks, for the occupants of a development but not for the general public;
3. Uses Allowed With Site Plan Approval and By Special Permit
 - a. Office or office building of greater than 5,000 square feet gross floor area;
 - b. Professional and management training facility of greater than 5,000 square feet gross floor area;
 - c. Research and/or laboratory facility not involving manufacturing of product for sale in the normal course of business, and not creating a hazard to health, safety, or welfare.
 - d. ***In Office & Research and Development District B only, (i) light manufacturing, and manufacturing in the fields of medical, pharmaceutical and biological sciences and technology, including fabrication, manufacturing, assembly or processing of materials that does not create smoke, odor, noise or vibration to a degree that is offensive when measured at the property line and (ii) all other lawful accessory uses consistent with a first class office and/or research and/or laboratory building are permitted, including, but not limited to, vivariums and proper storage and disposal of lab chemical and biological waste in accordance with state and federal laws and regulations as incidental to the primary use.***
 - e. Private cemetery.
4. Prohibited Uses
 - a. ***In the Office and Research and Development District B only, drive-in auto claim centers, walk-in retail investment centers, walk-in treatment centers, or other walk-in uses similar to the foregoing; a***

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hospital, a health clinic, or an ambulatory care facility; principally and primarily 24 hour call centers; or principally warehouse and distribution facilities shall be prohibited.

5. Pre-Existing Allowed Uses

- a. In the Office and Research and Development District B only, notwithstanding Section III.B, the use of buildings in existence, but vacant, on the date of the adoption of the Office and Research and Development District B may continue without a special permit required pursuant to Sections V.E.3.a or V.F.3.b provided the vacant building(s) are being marketed for re-tenanting.**

SECTION VI. DIMENSIONAL AND OTHER REQUIREMENTS

A. BUSINESS, OFFICE & RESEARCH AND DEVELOPMENT, AND COMMERCIAL DISTRICTS

1. Minimum Requirements.

Every lot in the Business, Office and Research and Development and Commercial Districts shall have the lot size, frontage and access on a street of at least the distance, and the width at the street setback line as specified in the following table. Every building or structure in such districts shall be so situated as to have at least the buffer setback from the street sideline and from all lot lines specified in such table. The ratio of the total area of the floor space of all buildings on any lot to the total area of such lot shall not exceed the ratio specified in such table. The total portion of a lot in such district covered by parking areas shall not exceed the percentage specified in such table.

2. Table of Dimensional Requirements.

	District				
	Business A	Business B	Office & Research and Development District (A)	Office & Research and Development District (B)	Commercial
Min. Street Frontage	50 ft.	50 ft.	400 ft. (a)	50 ft.	50 ft.
Min. Street Setback	15 ft.	25 ft.	150 ft.	25 ft.	25 ft.
Min. Lot line Setback	10 ft.	10 ft.	200 ft. (b)	10 ft.	20 ft.
Max. Bldg. Coverage	25%	25%	15%	25% (d)	25%
Max. Floor to Lot Ratio	1:2	1:2	1:2.5	1:2(e)	1:2
Max. Parking Coverage	50%	50%	25%	50%	50%
Min. Lot Size	-	-	600,00 SF (a)	-	-
Natural or Landscaped Buffer	-	-	65 ft. (c)	-	-

Notes for Office & R & D Districts Only

- (a) In reference only to applications for a Site Plan Approval for an Office and Research and Development District involving sites partly within the Town of Weston and partly in an abutting municipality the Special Permit Granting Authority for Site Plan Approval may vary the requirements for such projects in the following particulars only:
- (i) Frontage and access requirements may be satisfied in another abutting municipality in accordance with the requirements and standards of that municipality for Office and Research and Development districts when the area in the Town to be used for the project is with without frontage in the Town of Weston.
 - (ii) The requirement of a minimum lot area of 600,000 square feet may be met if the area of the total lot is equal to or exceeds 600,000 square feet of which not less than 300,000 square feet is located in the Town of Weston.
 - (iii) Parking requirements - see Section VIII "Vehicular Requirements."
- (b) The Special Permit Granting Authority for Site Plan Approval may reduce the minimum lot line setback to not less than 100 feet if topography and other natural features effectively screen the development from

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neighboring residential property, and shall reduce the minimum lot line setback to not less than 65 feet if the lot line is adjacent to permanently open land, a railroad or limited-access highway.

- (c) No buildings, structures, parking areas or recreation facilities shall be located within the 65-foot buffer around the perimeter of the site except for access roads crossing the buffer
- (d) ***In the Office & Research and Development District B, in calculating the Maximum Building Coverage, structured parking shall not be considered a Building.***
- (e) ***In the Office & Research and Development District B, in calculating the maximum floor to lot ratio, the total area of all floors of all buildings shall exclude all parking areas, parking structures and the traditional roof appurtenances such as mechanical or utility rooms providing service to the building itself whether screened or fully enclosed.***

B. HEIGHT REGULATIONS

1. On all land located within the Town of Weston, no building shall exceed the height limitations set forth in the table below. In all cases, height shall be determined by measuring the vertical distance from the Grade Plane to the highest point of a building.

2. Table of Height Limitations

DISTRICT		HEIGHT LIMITATION	NOTES
Business A	Lots of less than thirty-five acres	35 Feet or 2 ½ Stories whichever is less	(a)
	Lots of thirty-five acres or more	52 Feet or 4 Stories whichever is less	
Business B	Lots of less than five acres	35 Feet or 2 ½ stories whichever is less	(a)
	Lots having at least five acres but less than thirty-five acres	45 Feet or 3 Stories whichever is less	
Office & Research and Development (A)		40 Feet	(b)
Office & Research and Development (B)		45 Feet	
Commercial, Single Family Residential (A, B, C, D), and Multiple Dwelling Districts (A & B)	Pitched Roofs	37 feet or 2-1/2 stories whichever is less	(a)
	Flat Roofs	32 Feet or 3 Stories	(a)

Notes:

a) The height of all buildings located within this District shall be measured to the highest point of the entire building. Stories shall be measured from the floor level of the lowest story above grade. Attics in pitched roof construction shall constitute ½ story.

b) In Office & Research and Development Districts ONLY, in the situation where a building used exclusively for office or research and development purposes is built with differing roof heights, each portion having a different roof height shall be considered as a separate building for purposes of height determination. For all other uses within an Office & Research and Development District, the entire building shall be considered a single entity for purposes of height determination.

3. Exceptions

- a) Except as provided in Section V.J. on any building located within any District, domes, cupolas and other ornamental features, solar collectors, chimneys, ventilators, skylights, tanks, bulkheads, machinery, antennas, transceivers, and other accessory features which are required above roofs may not exceed twenty (20) feet measured vertically from the highest point of the entire building.
- b) Parapets, and penthouses for stairs and elevators shall not be considered accessory features. In a situation where a parapet, staircase, elevator penthouse, or other element not considered an accessory feature extends above the level of the highest point of the roof, the highest of such elements shall be

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- considered the highest point of the building.
- c) Freestanding antenna constructions not attached to a building including antenna for use by federally licensed amateur radio operator and not otherwise regulated, shall not exceed fifty (50) feet in height measured from the ground.
 - d) On any building located within Business B and Office and Research and Development District **(A)** only, rooftop screens or fences erected to conceal equipment shall not exceed twelve (12) feet in height. ***In the Office and Research and Development District (B) only, roof top screens, fully enclosed mechanical penthouses or fences erected to conceal equipment shall not exceed twenty-five (25) feet in height and shall not be included in the height calculation of the building.***

SECTION VIII. VEHICULAR REQUIREMENTS

9. ***Special Provisions for Office and Research and Development Districts (B)***
- a) ***In the Office and Research & Development District (B) only, all Office and Research and Development uses shall have a minimum number of parking spaces at a ratio of 1 parking space per 375 square feet of Gross Floor Area, but shall not exceed 850 total parking spaces in the District, provided that the Planning Board may allow an increase in the maximum number of parking spaces through the issuance of site plan approval.***

Article 31 Explanation: See further explanation under Article 30.

A two-thirds vote is required to approve this article.

The Finance Committee voted to take no position on this article.

ARTICLE 32: AMEND ZONING MAP – RIVERSIDE ROAD FOR PARK AND RIVERSIDE ROAD FOR TRANSIT ORIENTED MULTIPLE DWELLING OVERLAY

To see if the Town will vote to amend the Town of Weston Zoning Map by adding a Transit Oriented Multiple Dwelling Overlay District to Assessor's parcel 53-2 (0 Park Road); two portions of Assessor's parcel 53-3 (9-15 Riverside Road) equal to approximately 47,346.5 sf and 52,056 sf; and land owned by the Town of Weston shown on a map entitled "Massachusetts Turnpike Authority Easement Plan Of Land" dated October 15, 2009 and recorded at the Middlesex County Registry of Deeds as Plan No. 34 of 2010 (2 sheets), as shown on the attached map entitled "Transit Oriented Multiple Dwelling Overlay District" dated 3/30/2021, or take any other action relative thereto.

Article 32 Explanation: See further explanation under Article 30. A majority vote is required to approve this article.

The Finance Committee voted to take no position on this article.

ARTICLE 33: AMEND ZONING MAP – RIVERSIDE ROAD FOR RESEARCH & DEVELOPMENT

To see if the Town will vote to amend the Town of Weston Zoning Map by rezoning Assessor's parcel 53-3 (9-15 Riverside Road) and Assessor's parcel 53-20 (20 Riverside Road) which contain several office buildings from the Commercial District and Business B District, respectively, to the Office & Research and Development Districts (B); or take any other action relative thereto.

Article 33 Explanation: See further explanation under Article 30.

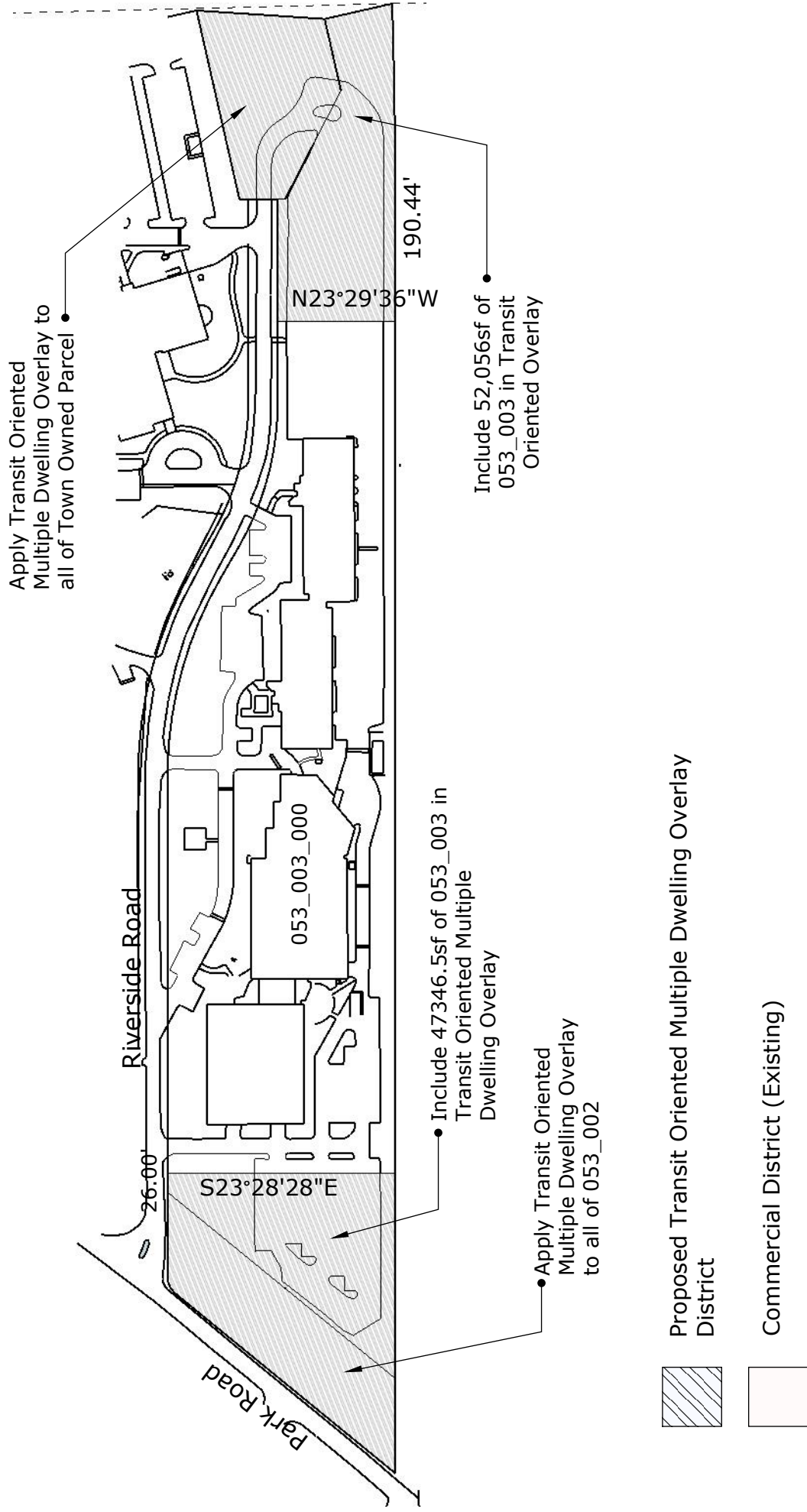
A two-thirds vote is required to approve this article.

The Finance Committee voted to take no position on this article.

~ see amended zoning map for reference ~

Transit Oriented Multiple Dwelling Overlay District

3/30/21



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CITIZENS' PETITION

ARTICLE 34: FUR BAN BYLAW (as supplied by petitioners)

To amend the Town of Weston General Bylaws by adding the following new Section XXXVIII providing as follows:

SECTION 1 - Purpose and Findings.

- a. The Town finds that animals that are slaughtered for their fur endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in cramped and filthy cages. Fur farmers typically use the cheapest killing methods available, including suffocation, electrocution, gas, and poison.
- b. Fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including SARS coronaviruses, that threaten public health, including in the Town of Weston. COVID-19 infections have been confirmed at fur farms in Europe and the United States, and research is being done to see if SARS-CoV-2 variants associated with farmed mink may impact the effectiveness of vaccines. Scientific studies have linked mink, raccoon dogs, and foxes – the animals most commonly farmed for their fur – to a variety of coronaviruses.
- c. The fur production process is energy intensive and has a significant environmental impact, including air and water pollution. Runoff from the fur production process contains high concentrations of phosphorus and nitrogen, which are the most common forms of water pollution in the United States, including Massachusetts. In addition, the tanning and dyeing processes used in fur production use toxic chemicals and heavy metals like chromium and formaldehyde.
- d. Considering the wide array of alternatives for fashion and apparel, the Town finds that the demand for fur products does not justify the unnecessary killing and cruel treatment of animals, harm to the environment, and the public health risks to the people of the Town of Weston caused by these practices.
- e. The Town believes that eliminating the sale of fur products in the Town of Weston will decrease the demand for these cruel and environmentally harmful products and promote community awareness of animal welfare and, in turn, foster a more humane environment in Weston and enhance the reputation of the Town.

SECTION 2 - Definitions. For purposes of this Article, the following words and phrases have the definitions set forth next to them:

“Fur”: Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

“Fur product”: Any article of clothing or covering for any part of the body, or any fashion accessory, including, but not limited to handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” does not include any of the following:

- a. An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
- b. Cowhide with the hair attached thereto;
- c. Lambskin or sheepskin with the fleece attached thereto; or
- d. The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.

“Non-profit organization”: Any corporation that is organized under 26 U.S.C. Section 501(c)(3) that is created for charitable, religious, philanthropic, educational, or similar purposes.

“Retail transaction”: Any transfer of title of a fur product for consideration, made in the ordinary course of the seller's business, to the purchaser for use other than resale or further processing or manufacturing.

“Taxidermy”: The practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.

“Ultimate consumer”: A person who buys for their own use, or for the use of another, but not for resale or trade.

“Used fur product”: A fur product that has been worn or used by an ultimate consumer.

SECTION 3 - Prohibitions. Notwithstanding any other provision of the by-laws, no person shall sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Weston.

SECTION 4 - Exceptions. The prohibitions set forth in Section 3 of this Article do not apply to the sale, offer for sale, displaying for sale, trade, or distribution of:

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- a. A used fur product by a private party (excluding a retail transaction), non-profit organization or second-hand store, including a pawn shop;
- b. A fur product required for use in the practice of a religion;
- c. A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or
- d. A fur product where the activity is expressly authorized by federal or state law.

SECTION 5 - Penalty. In addition to any other remedy provided by law, this Article may be enforced by police officers and animal control officers through any means available in law or equity, including but not limited to noncriminal disposition in accordance with G.L. c. 40, § 21D.

Any person violating this bylaw shall be liable to the Town in the amount of \$300. Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.

SECTION 6 – Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 7 – Effective date. This by-law shall become effective six months after passage.

Article 34 Explanation: The petitioners assert this article would make it unlawful to sell new fur products, such as clothing and home accessories, in our Town. The purpose of this article is to address the humane, environmental, and health concerns caused by fur production. Over 100 million animals are killed annually for their fur; the vast majority of fur comes from animals who are factory-farmed specifically for their fur, often kept in small cages and deprived of the ability to engage in natural behaviors; others are trapped in the wild. Mink on hundreds of fur factory farms, including in the U.S., have tested positive for SARS-CoV-2 and are a potential reservoir of similar viruses. By passing this article, we have the opportunity to increase community awareness of animal welfare, bolster the demand for sustainable and innovative alternatives, and foster a more humane environment in Weston. The By-law, which includes a phase-in period, would not prohibit the possession of fur products, nor the purchase of fur products outside of Weston. It does not apply to leather/cowhide, shearling, fur used for religious, tribal, or cultural purposes, second-hand fur, or the gifting of fur products.

The Finance Committee voted to take no position on this article.

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

Hereof fail not to make due return of this warrant with your doings thereon to the Select Board at the time and place of said meeting. Given under our hands, March 30, 2021.

Laurie A. Bent, Chair
Harvey R. Boshart
Christopher E. Houston
Select Board of the Town of Weston