
WARRANT FOR SPECIAL TOWN MEETING December 3, 2019



Commonwealth of Massachusetts
Middlesex, ss.

To any Constable in the Town of Weston, Greetings:

In the name of The Commonwealth you are hereby required to notify and warn the voters of said Town, qualified to vote in elections and Town affairs, to meet in the Auditorium of the Senior High School at 444 Wellesley Street in said Town on Tuesday, the third day of December 2019, at 7:00 o'clock p.m., to act upon the following articles:

CONSENT AGENDA (ARTICLES 1 - 6)

these articles are to be taken under one vote, unless otherwise requested

ARTICLE 1: APPROPRIATE FOR WATER LINE IMPROVEMENTS – FIRE DEPARTMENT

To appropriate the sum of \$100,000 for the upgrade of water line service to the Main Fire Station, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to come from certified Free Cash; or take any other action relative thereto.

Article 1 Explanation: This request is to fund necessary improvements/upgrades to the water service to the Fire Department. The requested improvements include a new 8-inch water line to terminate with a new fire hydrant on the east side of Center Street where no such hydrant currently exists.

ARTICLE 2: APPROPRIATE FOR HISTORIC SURVEYS – HISTORICAL COMMISSION

To appropriate the sum of \$15,000 for the documentation and survey of the historical properties in Weston under a contract with a qualified individual or firm, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to come from certified Free Cash; or take any other action relative thereto.

Article 2 Explanation: Funds will allow completion of forms that document information on properties subject to the Demolition Delay By-law. They will be added to the Massachusetts Cultural Resource Information System (MACRIS) and will be searchable on the Massachusetts Historical Commission database.

ARTICLE 3: APPROPRIATE FOR EMERGENCY MENTAL HEALTH RESPONSE – POLICE DEPARTMENT

To appropriate the sum of \$40,000 for mental health professional services through a joint agreement between the Weston & Wellesley Police Departments, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to come from certified Free Cash; or take any other action relative thereto.

Article 3 Explanation: The Weston and Wellesley Police Departments along with Riverside Community Care, the Emergency Service Provider for both towns, have created a unique partnership. Both Police departments will share the cost of a mental health clinician who will be an employee of Riverside Community Care. This clinician will assist both departments in responding to mental health related calls in the respective towns and to provide needed services before a crisis arises. The clinician will be a valuable resource to the officers for consultations and families who may need assistance in navigating services needed for their loved ones. The goal for this trial program is to provide a licensed mental

health professional on certain calls for service as a way to diffuse potentially difficult situations before they become more challenging.

ARTICLE 4: APROPRIATE FOR WATER TANK STUDY

To appropriate the sum of \$65,000 to pay costs of studying options for water tank alternatives, refurbishment or replacement, and all incidental and related costs, to be spent under the direction of the Town Manager, the money so appropriated to come from certified Free Cash; or take any other action relative thereto.

Article 4 Explanation: This request is made as a result of a recent analysis of the Weston Water Supply, which included, among other items, a recommendation to review the current water tanks utilized in town and to develop a strategy to makes these system improvements.

ARTICLE 5: APPROPRIATE FOR LAND FOR RECREATIONAL USE – RAIL TRAIL PLANT BUFFER; PHASE TWO

To appropriate the sum of \$43,000 for land for recreational use under the Community Preservation Program to pay for the purchase and installation of plantings along the Mass. Central Rail Trail in Weston, 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 5 Explanation: The Massachusetts Department of Conservation and Recreation, which holds a 99-year lease on 23 miles of former railroad corridor from Berlin to Waltham, and Eversource, which has the right to access and service its power lines within the corridor, have constructed a 10-foot-wide paved multi-use trail in Weston. This request will be used to install plantings between Church Street and Gun Club Lane to improve the experience of trail users by buffering the view of abutting yards and buildings. \$73,000 to design screening, bike racks, parking, and other amenities was approved at the November 2017 Town Meeting, and \$437,000 to construct these features was approved at the May 2018 Town Meeting.

ARTICLE 6: PETITION FOR SPECIAL LEGISLATION: DETAIL OFFICERS

To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, to allow retired police officers to work police details; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen 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 THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF WESTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The Town Manager of the Town of Weston may appoint, at the recommendation of the Chief of Police and as the Chief of Police deems necessary, retired police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Such retired police officers must have been regular full-time police officers who voluntarily retired based upon superannuation. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of General Laws. Such special police officers must prior to their appointment pass a medical examination by a physician chosen by the Town, to determine that they are capable of performing the essential

duties of a special police officer, the cost of which shall be borne by the special police officers and shall provide certification to the town that they are covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, or chapter 150E of the General Laws. Special police officers appointed under this act shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the Town of Weston.

SECTION 4. Special police officers shall be appointed for an indefinite term to serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with a 14-day written notice.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements of the Police Department and the Chief of Police of the Town of Weston, including restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms qualifications and licensing, and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the Town of Weston. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk of the Town of Weston who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate either when a physician designated by the Town determines that the disability no longer exists or when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer under this act shall entitle any individual appointed as such to assignment to any detail. Special police officers shall be paid the detail rate applicable to regular full-time officers but shall not be entitled to any other town benefits.

SECTION 9. Retired police officers, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage.

Article 6 Explanation: If approved, this warrant article will allow the Weston Police Department the ability to hire retired police officers as Special Police Officers to perform detail and traffic work at construction sites. These Officers had to retire in good standing, may not work past the statutory age of 65, and comply with all retirement provisions among other provisions.

ARTICLE 7: AMEND GENERAL BY-LAWS – SELECT BOARD

To amend the General By-laws to change the title of the “Board of Selectmen” to the “Select Board” by:

(a) inserting a new sentence prior to the existing text of Article II, Section 1, as follows:

The Board of Selectmen of the Town of Weston shall be referred to as the Select Board of the Town of Weston; provided, however, that regardless of such nomenclature, said board shall constitute a board of selectmen for purposes of the General Laws and of any special law applicable to the Town.

(b) and further, in each instance in which they appear, to replace the words “Board of Selectmen” or “Selectmen” with the words “Select Board” and the word “Selectman” with “Select Board Member,” all as on file with the Town Clerk, or take any other action relative thereto.

Article 7 Explanation: A number of towns in Massachusetts have changed “Board of Selectmen” to the gender-neutral “Select Board” for the town’s executive branch. This article, if approved, will modify all references in the Town’s By-laws from the “Board of Selectmen” to the “Select Board”; provided, however that such change in nomenclature shall have no effect on the duties, responsibilities and authority of the Board for all purposes of the General Laws or any special acts applicable to the Town.

ARTICLE 8: AMEND ZONING BY-LAWS: APPLICABILITY TO LOTS ON SCENIC ROADS

To vote to amend the Town’s Zoning By-law by amending those portions of Section V, “USE REGULATIONS. B. SINGLE FAMILY RESIDENCE DISTRICTS (A, B, C and D)” as shown below with text to be inserted shown in **bold underline**:

1. By-Right Uses

a. Unless located on a lot which bounds a Scenic Road as defined in Section II, single family detached dwelling containing one housekeeping unit only, together with accessory buildings not containing a housekeeping unit. The number of such dwellings with such accessory buildings on any one lot shall not exceed the number which can be located thereon in conformity to Section VI, Subsection F.2., “Numbers and Location of Dwellings on One Lot”; **For purposes of this Section, a lot shall be considered to bound a Scenic road if any portion of the lot either directly abuts a Scenic Road or is separated from a Scenic Road by a parcel or parcels of land, created after July 13, 2019, that contain less than the required lot area or frontage for a buildable lot within the applicable zoning district and were not created through a Flexible Subdivision Special Permit;**

2. By-Right Uses Allowed With Site Plan Approval

b. New or replacement single family dwelling, together with accessory buildings not containing a housekeeping unit, in conformity with Section VI.F.2., which is constructed pursuant to a building permit issued on or after October 29, 1998, and which is located on a lot bounding on a Scenic Road as defined in Section II. **For purposes of this Section, a lot shall be considered to bound a Scenic road if any portion of the lot either directly abuts a Scenic Road or is separated from a Scenic Road by a parcel or parcels of land, created after July 13, 2019 that contain less than the required lot area or frontage for a buildable lot within the applicable zoning district and were not created through a Flexible Subdivision Special Permit.**

Or take any action relative thereto.

Article 8 Explanation: This Amendment to the Zoning Bylaw close a loophole in the Scenic Road Site Plan Approval commonly known as “spite strips,” whereby the owner of a property which bounds on a Scenic Road will create a small non-buildable parcel or “strip” of land adjacent to the Scenic Road. The non-buildable parcel now bounds the Scenic Road and the remaining buildable lot can then be said to technically no longer bound the Scenic Road and therefore no longer subject to Site Plan Approval by the Planning Board. The practice is clearly an attempt to circumvent the bylaw and the bylaw amendment would address this by defining what lots “bound” on a scenic road. The amendment only

addresses new lots created after July 13, 2019; existing lots would not be affected. Voting in favor of this Zoning Bylaw amendment would close the loophole, voting no would allow for spite strips.

A 2/3rds vote at Town Meeting is required for passage.

The Planning Board voted 3-0 to support the article

**ARTICLE 9: AMEND ZONING BY-LAWS – TRANSIT-ORIENTED SENIOR DEVELOPMENT
(SUBMITTED BY CITIZENS’ PETITION)**

To ADD THE FOLLOWING NEW PROVISIONS TO THE ZONING BY-LAW TO CREATE A “TRANSITORIENTED SENIOR DEVELOPMENT.

Add the following new Section V.M.:

M. TRANSIT-ORIENTED SENIOR DEVELOPMENT (TOSD)

1. Definition and Applicability

A Transit-Oriented Senior Development (“TOSD) is an alternative type of residential development in which all of the dwelling units are owned and occupied by at least one person who is age fifty-five (55) or older (the Qualified Occupant) so long as the provisions of the Housing Laws (defined below) are not violated by such occupancy (the “Age Restriction”). The Age Restriction is intended to be consistent with, and is set forth in order to comply with the Fair Housing Act, 42 USC Section 3607(b), as amended, the regulations promulgated thereunder, 24 CFR Subtitle B, Ch. 1, section 100.300 et seq. and G.L. c. 151B, Section 4 (the Housing Laws). This condition shall be incorporated into Deed Restrictions and condominium organizational documents. This Age Restriction shall be subject to review and approval by the Planning Board and approved as to form by Town Counsel prior to the issuance of a certificate of occupancy for any dwelling unit.

A TOSD is located near a Train Station, as defined herein, and is an allowable use in the Single Family Residence District (A), Single Family Residence District (B), Single Family Residence District (C), and Business District (B) with Concept Plan approval by two-thirds vote of the Town Meeting and subsequent Site Plan Approval issued by the Planning Board.

The Zoning By-Law governing the underlying zoning district(s) shall remain in full force and effect except as provided herein. When a building permit is issued for any TOSD approved in accordance with this Section and construction thereunder has commenced, the provisions of the underlying district(s) shall no longer be applicable to the property subject to the building permit.

2. Purposes

- a) To provide for a Transit-Oriented Senior Development (TOSD) that provides for housing near a train station.
- b) To create innovative land plans to promote age-restricted dwelling units consistent with the Town’s need per Metropolitan Area Planning Council demographic projections.
- c) To promote flexibility in site planning while protecting natural features, scenic views into the property, protecting existing vegetation and land forms and the utilization of land in harmony with neighboring properties.
- d) To provide the type of housing which reduces residents’ burdens of property maintenance and which reduces demands on municipal services.
- e) To provide an alternative land use not presently available in the Town.

3. Minimum Tract Size and location

No tract of land may be used as a TOSD unless it contains at least 2.9 acres, excluding any land subject to G.L. c. 131, s. 40 and 310 CMR 10.00 and is located within a certain proximity of a Train Stop, as defined herein. A TOSD shall be developed as a condominium. The condominium documents shall provide for the management of the common utilities, drainage appurtenances,

and the roadway. A TOSD is an allowable use.

4. Definitions

- a) Train Station: an active train stop or station on the MBTA commuter line in use as of January 1, 2018.
- b) Proximity to a Train Station: Within 500 feet of a Train Station, as provided in subsection b. of these Definitions shall be measured from the closest point of the TOSD in a straight line to the nearest boarding platform of the Train Station.

5. Concept Plan

The purpose of the Concept Plan is to present the proposed project to Town Meeting in such a way so that the Town can compare the impacts from a proposed TOSD to the impacts from a byright use or an otherwise permitted use development and decide whether this is a suitable use for the tract.

The Concept Plan shall include: (1) Preliminary Site Plan which provides a conceptual layout for the TOSD, including tree survey, trees required for removal, roadway, driveway and walkway locations, location of utilities, grading plans for dwellings, roads, driveways, walkways, location of septic system(s) or other waste water treatment, storm water management and associated grading, exterior lighting, general landscaping; (2) Preliminary Architectural Plans Elevations; (3) Traffic Analysis of the TOSD; (4) In addition, in order to compare the impact of the TOSD to the impact of the by-right or as otherwise permitted use in the zoning district(s), the Concept Plan shall also include: Preliminary Site Plan Analysis, Traffic Analysis for the "By-Right" Plan or as otherwise permitted plan. An element of the Concept Plan review shall be a comparison of the proposed TOSD with the by-right residential use or the otherwise permitted use in the underlying Zoning District in which the development tract is located.

The plans and supporting material submitted to the Planning Board and Town Meeting shall be sufficiently detailed to enable the Planning Board and Town Meeting to evaluate and compare the impacts of the TOSD and a By-Right or otherwise permitted project.

The TOSD Concept Plan shall be evaluated according to the following General Design

Guidelines and Standards:

a. General Design Guidelines

(i) Site Design

The development shall be sensitive to the land and take into consideration existing natural resources including but not limited to the following: land forms, woodlands and wetlands, if any Tree and soil removal shall be minimized.

The development shall be sensitive to man-made architectural and historical resources including but not limited to the following: historic Buildings, stonewalls and scenic views into the property from the public way.

The development shall take into account Low Impact Development techniques for storm water management and shall incorporate "green" principals in building materials, systems, and site design.

(ii) Relationship to Neighboring Properties

The tract shall be developed in consideration of neighboring properties in regard to scale, character, impact, drainage and storm water runoff.

Awareness of the development, particularly a higher density development, shall be minimized by screening views of the development from nearby streets, and adjacent neighborhoods by the effective use of existing landforms, alterations thereto, berms and by existing vegetation and

supplemental plantings.

Open space shall be located and designed so as to increase the visual amenities of the abutting neighborhoods as well as the occupants of the development.

(iii) Landscape Design

The natural character and appearance of the Town shall be maintained or enhanced insofar as practical. Landscape design for the TOSD shall reflect the desire of Weston residents to preserve the Town's rural character by avoiding formal manicured landscape treatments, especially where visible from the roadways and abutting properties.

(iv) Architecture

Building shall be located harmoniously with the landforms, trees and other natural features of the site. They shall be located advantageously for views from a building while minimizing intrusion on views from other buildings.

Architecture within the TOSD shall reflect or complement the historic architectural fabric of Weston. Preferred building materials include wood clapboard, shingle, and fieldstone. Without specifying any particular architectural style, the scale, massing and detailing of buildings shall be compatible with those prevalent in the neighborhood.

Any building of historic or architectural significance shall be preserved and readapted. New Buildings shall be compatible with existing historic structures.

b. Standards

(i) The Maximum number of dwelling units per acre shall be 3. Any fraction in the resulting quotient shall be rounded down.

(ii) No TOSD may be approved within ½ mile of another TOSD.

(iii) The Developer shall provide a sidewalk for pedestrian access from the TOSD to the train station if one does not exist.

(iv) No TOSD tract may contain or be located within 500 feet of a perennial stream, brook or river measured in a straight line from the closest point of the stream, brook or river to the closest point of the TOSD.

(v) All structures in a TOSD shall be set back a minimum of 25 feet from perimeter property lines, with no side yard setback minimum between the newly constructed dwelling units within the property to encourage clustering. Along any Scenic Road, all newly constructed structures shall conform to street setbacks of Weston Town By-Laws. Otherwise, all newly constructed structures shall be set back a minimum of 55 feet from roadway center line and 35 feet from street lot line.

(vi) The TOSD shall provide extensive landscaping or other visual screening in the required setback areas and within the TOSD to buffer the TOSD from neighbors and roads, including scenic roads. The Board shall require all sight lines from any Scenic Road to be buffered appropriately in order to preserve the pattern of the neighborhood along any Scenic Road.

A detailed plan prepared by a registered landscape architect depicting proposed landscaping shall be submitted to the Board at the time of submission of the Site Plan Approval application. Planting design shall provide for adequate buffering from all abutting properties. Trees shall be planted in hierarchy of street, shade and under-story. Shrubs shall be used to delineate various use areas and buffer private areas from any proposed common areas. The organization of the planting shall reinforce the architectural structure of the community and provide amenities of shade, buffer and color, both Spring and Fall. Landscape design shall incorporate appropriate pedestrian access features as determined by the Board. The maximum TOSD floor area ratio

(Residential Gross Floor Area, "RGFA" of all buildings) divided by the total buildable area of the tract (minus Exclusions) of a TOSD shall not exceed 21%.

(vii) No newly constructed dwelling units shall exceed 32.5 feet in height or exceed a floor area of 3,300 square feet.

(viii) The TOSD shall be served by a public water supply. All utilities shall be installed underground.

(ix) The roadway(s) within the TOSD shall be a minimum of fourteen (14) feet and a maximum of eighteen (18) feet in width. In the case of fourteen feet, two (2) feet of hard surface on each side are allowed. The width of fourteen feet is preferred with spans of eighteen foot widths allowed for traffic safety or drainage requirements. The road will remain private and will maintain the semi-rural, scenic, and historic nature of the neighborhood, particularly at the entrance to the TOSD. If possible, the roadway will be one way. The Board shall require suitable drainage facilities for such roadway within the TOSD. Any roadway shall be a privately maintained.

(x) Each dwelling unit shall have at least two (2) parking spaces. Garage spaces and driveway spaces shall count in this calculation.

(xi) Any signage proposed shall comply with Town of Weston Standards and By-Laws.

(xii) Walkways shall be poured concrete, brick, stone, or other similar product and may not be asphalt.

c. Procedures

(i) Approval of a TOSD Concept Plan shall be by a two-thirds vote of the Town Meeting.

(ii) Documentation for a proposed TOSD Concept Plan shall be filed with the Planning Board. Before filing, the applicant shall meet informally with the Planning Board to discuss the project, including scope, timing of public hearing and Town Meeting and program.

5. Site Plan Approval

a. Timing

Not more than twelve (12) months after a Concept Plan has been approved by Town Meeting, and prior to applying for any other permits or commencing any work on the site, including but not limited to demolition, tree or vegetation removal, earth removal, or grading, application may be made to the Planning Board for a TOSD Site Plan Approval.

b. Submission and Findings

The Planning Board shall issue Site Plan Approval for a TOSD only if it finds that the TOSD presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:

(i) The Site Plan provides for no reduction in setbacks and no increase in number of dwelling units and, no substantial change, in the sole opinion of the Planning Board, in location of the units, gross floor area, height, and amount of open space as provided for in the approved Concept Plan.

(ii) The Site Plan provides for no uses that are not permitted by the approved Concept Plan.

(iii) Buildings and surrounding grounds are located so that fire, police and other emergency personnel have reasonable access to all structures.

(iv) The provisions of the TOSD governance documents are satisfactory to the Planning Board and approved as to form by Town Counsel, including restrictions requiring that at least one owner and occupant of each housing unit is aged 55 or older.

(v) The development is in harmony with the general purpose and intent of the Town of Weston Zoning By Law.

c. Review and Approval

The Planning Board shall review and approve plans for exterior lighting, storm water management, landscaping, erosion control, architectural design, design and construction standards for streets, and street and parcel monumentation.

d. Construction Plan

A detailed Construction Plan for the proposed development shall be submitted by the applicant and approved by the Planning Board as part of as part of the Site Plan Approval Process. A list of submission items shall be listed in a separate document approved by the Planning Board and may include, but not be limited to the following items: hours of operation, truck routes, material safety data sheets, erosion and storm water control.

Article 9 Explanation (Prepared by Petitioners): This article seeks to amend the Zoning By-law with the adoption of a "Transit-Oriented Senior Development" (TOSD) with specific and defined land use guidelines and development parameters. This will address a serious housing need, for more housing options for individuals over 55 years of age. The need for more senior housing has been identified in the Town's Housing Production Plan and is supported by all demographic information. The condominium units are to be clustered and of a limited size located within a defined distance of a train stop or station. Like the Weston Active Adult Residential Development (AARD) Zoning By-law, the TOSD By-law sets forth a detailed Concept Plan that must be consistent with the General Design Guidelines and Standards as set forth in the proposed By-Law to which any TOSD filing must comply. Any TOSD must be approved by the Town and any Town-approved TOSD requires Planning Board Approval of the Site Plan. The housing units can only be single-family condominiums and are limited to no more than 3 units per acre.

A 2/3rds vote at Town Meeting is required for passage.

**ARTICLE 10: TRANSIT-ORIENTED SENIOR DEVELOPMENT - MERRIAM / HALLETT HILL
(SUBMITTED BY CITIZENS' PETITION)**

To approve a Concept Plan for a Transit-Oriented Senior Development at the combined properties located at 255 Merriam Street and 11 Hallett Hill Road in Weston as detailed in the Transit Oriented Senior Development By-law.

Article 10 Explanation (Prepared by Petitioners): This article seeks to have the Town approve a Transit Oriented Senior Development (TOSD), complete with a Concept Plan consistent with the General Design Guidelines and Standards as set for in the TOSD By Law at the combined properties located at 255 Merriam Street and 11 Hallett Hill Road in Weston.

**ARTICLE 11: APPROPRIATE FOR HISTORIC RESOURCES –
JOSIAH SMITH TAVERN CONSTRUCTION FUNDS**

To appropriate an additional sum of money for historic resources purposes under the Community Preservation Program to pay the costs to preserve, rehabilitate, and restore the historic Josiah Smith Tavern building, located at 358 Boston Post Road, in a manner suitable for use as a restaurant and space to house local non-profit organizations, including all related incidental costs; to be spent under the direction of the Town Manager, and as funding therefor, to transfer \$7,800,000 from the Unallocated allocation of the Community Preservation Fund and to borrow a sum of money pursuant to G.L. c.44B, §11 or G.L. c.44, §§7 or 8 or any other general or special law, for a term of not less than 10 years, and to authorize the Town Treasurer with the approval of the Board of Selectmen to issue any bonds or notes of the Town therefor; and, further that any premium received upon the sale of bonds or notes approved by this vote, less any premium applied to the payment of 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 11 Explanation: At the May 2017 and May 2018 Annual Town Meetings, \$630,000 and \$200,000, respectively, was appropriated for architectural and engineering fees for a proposal put forth by the Friends of the Josiah Smith Tavern (“Friends”), a Massachusetts charitable corporation designated by the Board of Selectmen in 2016 as the preferred proponent for the re-use of the Josiah Smith Tavern, barn and connector (“Tavern”). The Friends propose to provide space suitable for the creation of a 105-seat restaurant in the barn, connector and tap room; to provide subsidized rental space to local nonprofit organizations; and to make the second-floor ballroom of the tavern available for community and tenant use. Note that the cost of construction of the kitchen and fit-out of the barn and connector for use as a restaurant, estimated at approximately \$1 million, will be borne by the restaurant operator, as such costs may not be paid from Community Preservation Act funds; such amounts are therefore not contemplated in this article. The total cost of the project is expected to be about \$12.9 million.

A 2/3rds vote at Town Meeting is required for passage.

ARTICLE 12: COMMUNITY CHOICE AGGREGATION

To vote to authorize the Board of Selectmen to initiate the process of seeking to aggregate energy, whether independently or in joint action with other municipalities, and contract for electric supply for Weston residents as authorized by M.G.L. 164, Section 134, and through what is known as Community Choice Aggregation (CCA), decrease greenhouse gas emissions from the generation of electricity for Weston residents by pursuing an amount of Class I designated renewable energy higher than is required by the Massachusetts Renewable Portfolio Standard (RPS), and further to authorize the Town Manager to establish, and/or appoint representatives for a taskforce to oversee such independent or joint action, or take any other action relative thereto.

Article 12 Explanation: Community Choice Aggregation (CCA) is a regulated process that would allow Weston to purchase electricity supply in bulk for all households and small businesses currently enrolled in Eversource’s Basic Service (EBS). CCA programs typically offer 2-3 electricity supply options at competitive and stable rates. Residents and small businesses would be offered the choice to buy electricity generated with a higher percentage of renewable sources (i.e. solar and wind) compared to the 14% currently mandated by the state. They would be enrolled in the program by default, as required by legislation, but can opt out at any time and return to EBS or another supplier at no cost. During the process of exploring CCA the Town incurs no cost and will only enter into a CCA contract if the negotiated rates are favorable for its residents and small businesses.

ARTICLE 13: AMEND GENERAL BY-LAWS: CIVIL FINGERPRINTING

To vote to amend the Town’s General By-law by inserting Section XXXVIII as follows:

SECTION XXXVIII: CIVIL FINGERPRINTING

1. Purpose and Scope

This By-law authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town to enhance public safety, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this by-law, the Police Department shall be authorized to use state and Federal Bureau of Investigation (“FBI”) records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law. The by-law further authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this by-law, which may include, but shall not be limited to establishment of submission deadlines,

procedures for making recommendations to the licensing authority or making a licensing as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this by-law.

2. Criminal History Check Authorization

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172, conduct State and Federal Fingerprint Based Criminal History checks for individuals and entities applying for the following licenses:

Solicitors and Peddling or other Door-to-Door Salespeople, including manager of the business entity (Police Department-Licensing Authority);

Alcoholic Beverage License, including manager of the business entity (Board of Selectmen - Licensing Authority);

Dealer of Second-Hand Articles, including manager of the business entity (Board of Selectmen - Licensing Authority);

Pawn, Old Metal and Junk Dealers, including manager of the business entity (Board of Selectmen - Licensing Authority) and; and

Hackney Drivers, including manager of the business entity (Board of Selectmen - Licensing Authority)

At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent.

After the applicant completes a consent form, provides their fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this by-law to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services ("DCJIS"), and/or the FBI or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks for the license applicants specified in this by-law.

The Town authorizes the Massachusetts State Police, the DCIS and the FBI and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this by-law and its implementation regulations. In accordance with its implementation regulations, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town.

3. Use of Criminal Record by Licensing Authorities

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this by-law. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

Licensing authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said

licenses, from any person who is determined unfit for the license due to information obtained pursuant to this by-law. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense.

4. Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100) for each fingerprinting and criminal history check. A portion of the fee, as specified in Massachusetts General Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

5. Effective Date

This by-law shall take effect after compliance with all requirements of Massachusetts General Laws Chapter 6, Section 172B ½ and Massachusetts General Laws Chapter 40, Section 32 have been met.

Or take any action relative thereto.

Article 13 Explanation: If approved, this article would adopt Massachusetts General Law c. 6 sec. 172B1/2 allowing the Weston Police Department to perform fingerprint-based national criminal record checks in order to obtain certain licenses issued by the Town of Weston.

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, fourteen days at least before the time appointed for said meeting.

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

Given under our hands October 29, 2019.

Christopher E. Houston
Harvey R. Boshart
Laurie Bent

Selectmen of the Town of Weston

VISIT WWW.WESTON.ORG/TOWNMEETING FOR MORE INFORMATION ON TOWN MEETING

LAST DAY TO REGISTER TO VOTE FOR TOWN MEETING IS NOVEMBER 22ND - Register online or in person in the Town Clerk's Office at Town Hall. Town Meeting voters must be registered in Weston. Visit www.weston.org/voting for additional information.