Minutes of Regular Meeting  
Board of Selectmen  
Thursday, October 13, 2016  
Selectmen’s Meeting Room  
Called to Order at 8:00 a.m.

Present were Selectmen Michael Harrity, Douglas P. Gillespie and Christopher Houston, chair. Also present were Town Manager Donna S. VanderClock and Assistant Town Manager/Human Resource Director Lisa Yanakakis. Recording Secretary is Kara Fleming.

Videographer – Alanna Muldoon, Weston Media Center

Item 1 – 819 Boston Post Road – Vote Not to Exercise Right of First Refusal

Mr. Gillespie recused himself from this discussion due to his connection to the ownership of the property.

Ms. VanderClock reported to the Selectmen that she had reached out to other town departments and boards to see if there is interest in purchasing this land for a town-related purpose. The property has been taxed as agricultural land and under MGL Chapter 61A, Section 14 the town has 120 days to respond before it is turned over to residential use. Ms. VanderClock said the Elderly Housing Committee expressed interest in pursuing affordable housing for seniors and the Historical Commission has expressed interest in historical preservation, though neither has met to vote. The Selectmen discussed whether this decision should go before Town Meeting because it holds the potential to pit two committees against each other. Ms. Sarah Rhatigan, chair of the Affordable Housing Trust, informed the Selectmen that the Trust and the Housing Partnership has discussed this land purchase and decided not to recommend it go before Town Meeting because there has not been an opportunity to investigate the parcel, nor has the Trust had the opportunity to fully develop its newly constituted state. Mr. Houston added the deadline to apply for Community Preservation Act funds has passed, so it would be a general fund request for borrowed funds, requiring a 2/3 majority vote and he is skeptical that a full land use plan can be developed in time for Special Town Meeting.

No action taken: The Selectmen took no action, wanting to wait until the Historical Commission and Elderly Housing Committee have had a chance to vote.

Item 2 – Request for Additional Funding: Black Oak Pumping Station  
Steve Fogg, Town Engineer, Tom Cullen, Public Works Director

The funding to construct a new water pumping station at the corner of Black Oak Road and Highland Street was approved by 2014 Annual Town Meeting in order to address a problem of low water pressure in the area. Though the goal of the project was achieved, it has created an unsightly appearance on a scenic road due to the generator and electrical panel needed for the underground station. Furthermore, in order to provide sufficient power, Eversource installed additional poles and transformer equipment overhead. Final landscaping that was planned was not installed due to the number of neighborhood complaints that were received regarding the intrusive, urban-looking equipment. Mr. Fogg has been working with members of the neighborhood, who created a committee called the Gateway Committee. The Gateway Committee presented its preference for camouflaging the generator and electrical panel, which involves moving the offending pieces away from the road and building a field stone wall around the corner of Highland Street and Black Oak Road. This plan would involve the granting of an easement by the resident who lives at that corner. The early estimate for this plan is approximately $200,000. Mr.
Fogg has also been speaking with Eversource regarding the best approach to address the poles and transistor cans. Eversource quoted approximately $750,000 to bury the lines or approximately $125,000 to move the poles to Highland Street. Mr. Fogg said the three transformer cans are the new standard, however, so that cannot change. Mr. Harrity asked that a problem for one area not be shifted to another and to make sure it is handled appropriately.

MOTION: Mr. Harrity moved to support an additional request for funds for the Black Oak Pumping Station at the fall Special Town Meeting. 2nd by Mr. Gillespie. Approved unanimously

Item 3 – Burt Field Land Permanent Protection: Discuss with Conservation Commission and Recreation Commission
Michele Grzenda, conservation administrator, George Bates, Weston Forest and Trail Association, Laurie Bent, Conservation Commission chair, and Matt Schulman, Recreation Commission chair

Ms. Grzenda explained that her commission has been working with the Recreation Commission to negotiate a Memorandum of Agreement for operating a recreation facility on the 25-acre parcel located off of Gail Road, which was recently discovered to actually be municipal general purposes land. The land was taken by the Town for back taxes and despite a Town Meeting vote in 1958 to build a playground, it was never transferred to recreation purposes. An article to transfer the land to conservation was brought to 2016 Annual Town Meeting, but pulled shortly before Town Meeting so more time could be given to further investigate and discuss the transfer and shared ownership between the Conservation and Recreation Commissions. Ms. Grzenda said the Town maps have always indicated the parcel as recreation land and currently a soccer field is being constructed near the ball field that is managed by the Recreation Commission. Weston Forest and Trail Association owns land abutting the parcel and the Conservation Commission manages the meadow and wetlands in the area. Further, the Conservation Commission conducted a land survey in 2014 and discovered several encroachments from residential properties and has been working to resolve those issues. Ms. Grzenda continued to explain that her commission is looking to have active recreation use through a Memorandum of Agreement with the Recreation Commission for continued use of the ball and soccer fields.

Mr. Houston asked why there is a rush to protect this parcel and questioned if it was because there has been alarmist talk of the town building condominiums on the land without adhering to town process. He suggested that pursuing this protection could be considered superfluous since it has always been considered recreation land and said there has not been broad public discussion about this issue. Mr. Harrity asked if conservation protection is the same as Article 97 protection, to which Ms. Grzenda said the general sense of the state is that they are one in the same. Mr. Harrity said his understanding is that in order to take something out of conservation protection, a land swap must be offered and asked what if the Town needs the land back for municipal purpose. Mr. Gillespie said there will most likely be Town Meeting support for the article, but it needs to be publicly discussed since it was pulled from Annual Town Meeting for that reason. The Selectmen once again questioned the urgency. Ms. Bent said there is momentum behind the issue and her commission has discussed it over several meetings, with another one scheduled for November 1st.

Item 4 – Discuss Request from Residents for Land Swap Related to Private Property at 259 Glen Road and Adjacent Town-Owned Property
Patricia and Bernard Scozzafava

Mr. Scozzafava asked the Selectmen to allow him to build his new garage on a portion of the Town’s right of way that abuts his property. The Town uses this right of way as the primary access for
maintenance and upkeep of Burt Field. In return for allowing private use on the right of way, Mr. Scozzafava is proposing to grant the Town access on the adjacent land west of his property and would bear all costs of surveying and leveling the area within the new proposed access easement. Currently, a shed owned by the Scozzafavas rests on 47 square feet on Town-owned land. The Selectmen discussed the specifics of the site with the Scozzafavas, their engineer, and attorney, Jonathan White. Ms. Bent raised concern with the land swap creating an access impediment to the trails. Mr. Harrity asked if the Scozzafavas have been before the Zoning Board of Appeals yet, which they have not and do not anticipate to prior to Special Town Meeting. The Selectmen further discussed the right of way areas in question being separated from the Burt Field land transfer areas ahead of Special Town Meeting, so it is not entangled as it is doubtful this request will make it to Special Town Meeting.

**Item 5 – Affordable Housing Trust and Housing Partnership**

a. Discuss recommendations regarding housing structure  
b. Approve dissolution of Housing Partnership

Mr. Gillespie explained that the recommendation to combine the two bodies so there are not overlapping responsibilities came from the Housing Production Plan. The two committees have been meeting over the past few months to work through the details, which has not been easy due to the Housing Trust being established by law and the Partnership being a Town committee with general Town responsibilities; however, a list of recommendations (attached) has been drafted and includes a voting membership and fiduciary responsibilities consisting of the Trustees with additional membership serving as non-voting members who can work on different projects. Mr. Gillespie said vacancies on the Trust need to be filled and they are currently being advertised.

**MOTION:** Mr. Gillespie moved to support the recommendations of the Affordable Housing Trust and Housing Partnership as presented; and further, moved to dissolve the Housing Partnership with thanks for their work. 2

**nd by Mr. Harrity. Approved unanimously**

**Item 6 – Discuss Proposed By-law Changes for Short-term Rentals**  
John Field, Land Use Coordinator

In response to an active AirBnB located on Whitney Tavern Road, the owners’ of which recently lost their appeal to the Zoning Board of Appeals of an order by the Building Inspector, Mr. Field has proposed an amendment to the existing Zoning Bylaw in order to more clearly address these types of short term rentals. Ms. VanderClock explained that under the current bylaw, the by-right uses under Section V.B.1. sub-section d covers the renting of rooms. Mr. Harrity added that this does not address the potential for a problem with overnight, short term rentals that can change the character of a neighborhood, as is being seen in the Whitney Tavern Road area. The proposed amendment is as follows:

d. The rental of a dwelling unit is permitted, provided however, the short-term rental of a dwelling unit shall be prohibited, whether it be for the entire dwelling unit or for a room or rooms within the unit. For these purposes, a short-term rental shall be for a period of less than seven days.

The Selectmen discussed the language further with regard to other types of rentals that could be impacted, the time limit and frequency for rentals, and the town’s by-right use. The Selectmen agreed that the seven days was too short and began a debate of limiting the rental between 30, 60 or 90 days while balancing the spirit of the rental by-right against the commercial practice. Mr. Dan Hill, an attorney working with the neighbors of Whitney Tavern Road during the Zoning Board of Appeals hearing, offered his point of view and experience with discouraging frequent short term rentals. Ms. VanderClock said the
recommendation is coming from the Selectmen, but the Planning Board needs to act and hold a hearing on the change before it can go to Special Town Meeting. Mr. Houston offered the following language to forward to the Planning Board:

d. The rental of a dwelling unit is permitted, subject to such regulations as may be adopted by the Board of Selectmen from time to time, provided however, that the short-term rental of a dwelling unit shall be prohibited, whether it be for the entire dwelling unit or for a room or rooms within the unit. For these purposes, a short-term rental shall be a tenancy for a period of less than ninety days.

**MOTION:** Mr. Harrity moved to refer the proposed zoning by-law amendment regarding short-term rentals to the Planning Board for a public hearing and report to Special Town Meeting on November 29, 2016. 2nd by Mr. Gillespie. **Approved unanimously**

**Item 7 – Approve Refunding of Bonds**

Peter Forcellese, Treasurer/Collector, and Susan Kelley, Finance Director

Mr. Forcellese reported a successful sale of the refunding bond on Tuesday. The $15,220,000 bond received five bids with the lowest bid received from J.P. Morgan Securities in true interest cost of 1.593204 percent and to be issued October 20, 2016 with maturation on February 1, 2030. The bond was resized to $14,645,000 in order to avoid over issuance of tax exempt bonds and also to achieve $1,415,522 savings spread over the remaining life of the new bonds. Mr. Harrity added that the bonds were issued for the Case Estates, which were not allowed to be refinanced until the monies were spent, so since the purchase has occurred, the Town was able to take advantage of the rates.

**MOTION:** Mr. Gillespie moved that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town’s (i) $6,903,000 General Obligation Municipal Purpose Loan of 2006 Bonds dated December 15, 2006 maturing on February 1 in the years 2016 through 2026, inclusive, (ii) $5,514,991 General Obligation Municipal Purpose Loan of 2010 Bonds dated February 1, 2010 maturing on February 1 in the years 2019 through 2026, inclusive, and (iii) $21,918,271 General Obligation Municipal Purpose Loan of 2011 Bonds dated February 1, 2011 maturing on February 1 in the years 2020 through 2030, inclusive (collectively, the “Refunded Bonds”), and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

**Further Voted:** that the sale of the $14,645,000 General Obligation Refunding Bonds of the Town dated October 20, 2016 (the “Bonds”) to J.P. Morgan Securities LLC at the price of $16,041,277.75 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on December 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
<th>Rate</th>
<th>Year</th>
<th>Amount</th>
<th>Rate</th>
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<tr>
<td>2016</td>
<td>$355,000</td>
<td>2.00%</td>
<td>2023</td>
<td>$1,560,000</td>
<td>4.00%</td>
</tr>
<tr>
<td>2017</td>
<td>305,000</td>
<td>3.00%</td>
<td>2024</td>
<td>1,555,000</td>
<td>4.00%</td>
</tr>
<tr>
<td>2018</td>
<td>610,000</td>
<td>4.00%</td>
<td>2025</td>
<td>1,160,000</td>
<td>1.75%</td>
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<tr>
<td>2019</td>
<td>1,680,000</td>
<td>4.00%</td>
<td>2026</td>
<td>1,010,000</td>
<td>1.875%</td>
</tr>
<tr>
<td>2020</td>
<td>1,580,000</td>
<td>4.00%</td>
<td>2027</td>
<td>725,000</td>
<td>2.125%</td>
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<td>4.00%</td>
<td>2028</td>
<td>705,000</td>
<td>2.25%</td>
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<tr>
<td>2022</td>
<td>1,550,000</td>
<td>4.00%</td>
<td>2029</td>
<td>275,000</td>
<td>2.375%</td>
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</table>
Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale dated October 7, 2016, a Preliminary Official Statement dated September 29, 2016, and a final Official Statement dated October 11, 2016 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated October 20, 2016, between the Town and U.S. Bank National Association, as Refunding Escrow Agent.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

2\textsuperscript{nd} by Mr. Harrity. **Approved unanimously**

Item 8 – Appoint Council on Aging Members: candidates are Dee Freiberg, Claudia Krimsky, and Carol Ott

The Selectmen discussed the candidates and expressed gratitude that such qualified individuals stepped forward to serve.

**MOTION:** Mr. Harrity moved to appoint Dee Freiberg and Carol Ott to the Board of the Council on Aging for four year terms expiring June 30, 2010. 2\textsuperscript{nd} by Mr. Gillespie. **Approved unanimously**

Item 9 – Resident Comments
There were none

Consent Agenda
**MOTION:** Mr. Harrity moved to approve the consent agenda as follows:
Approve minutes from the following Board of Selectmen’s meeting: September 14, 2016

Approve and sign Warrant for the November 8, 2016 State Election.

Approve a request from the Historical Commission to accept a $200 donation from Molly and Brandon Varneau and $400 from the Weston Friendly Society for the permanent photo installation in Town Hall and to be put in the Weston Historical Commission Gift Fund.
Approve a request from the Weston Children’s Community Association to hold its annual Halloween Parade around Town Green on October 29, 2016 from 10:00 a.m. until noon. Police, Fire and Public Works have all reviewed the request.

2\textsuperscript{nd} by Mr. Gillespie. \textbf{Approved unanimously}

\textbf{Meeting adjourned: 10:50 a.m.}

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Douglas P. Gillespie \\
Clerk
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Note: A copy of all documents, explanatory material, and exhibits presented to and used by the Board of Selectmen as part of this meeting are attached to the approved minutes.
1. Relocate transformers from existing pole on Black Oak Road to an existing pole on Highland Street.

There are a number of challenges and issues to consider in relocating the transformers from the pole on Black Oak Road to an existing pole on Highland Street.

- Highland Street is a scenic road, and relocation would have to be reviewed by the appropriate boards.
- All of the existing poles on Highland Street in the area of Black Oak Road are on the east side of the road. The power will need to cross to the west side of Highland Street to get to Black Oak Road.
- Secondary feeders/wires need to be routed from the transformers to the Pump Station. These secondary feeders will need to cross Highland Street. Under the current configuration, the secondary feeders would have to cross Highland Street to the service pole on the north side of Black Oak Road (where the existing transformers are located) and then run down the pole to the duct back to cross under Black Oak Road. These secondary feeders would be overhead from the transformers to the service pole and would be the responsibility of the Town of Weston (unless special arrangements are made with Eversource). If the wires are knocked down in a storm, it would be the Town's responsibility to repair them. The alternative would be to run the secondary feeders in a new duct bank under Highland Street to the existing duct bank under Black Oak Road.
- The Pump Station will need to be operated on stand-by power during the relocation work.

2. Relocate transformers from existing pole on Black Oak Road to a new pole on Highland Street.

There are also a number of challenges and issues to consider in relocating the transformers from the pole on Black Oak Road to a new pole on Highland Street.

- Highland Street is a scenic road, and installation of a new pole would have to be reviewed by the appropriate boards.
- The secondary feeders would be overhead from the transformers to the service pole and would be the responsibility of the Town of Weston (unless special arrangements are made with Eversource). If the wires are knocked down in a storm, it would be the Town's responsibility to repair them. The alternative would be to run the secondary feeders in a new duct bank under Highland Street to the existing duct bank under Black Oak Road.
- The Pump Station will need to be operated on stand-by power during the relocation work.
Recommendations* to Board of Selectman Re: Consolidation of
Weston Affordable Housing Trust and Weston Housing Partnership

We recommend that the Town dissolve the Weston Housing Partnership (HP) and transfer its’ roles and responsibilities to a newly constituted Weston Affordable Housing Trust

WESTON AFFORDABLE HOUSING TRUST – a newly constituted group

I. Scope of Roles/Responsibilities will include:

1) Responsibilities defined in the Town’s Bylaw and the Declaration of Trust.
2) Developing strategic plan (short- and long-term) for creation of more affordable housing.
3) Developing priorities for Community Preservation Act - Community Housing funds.
4) Implementing the Town’s recently adopted Housing Production Plan.
5) Encouraging community support for affordable housing through Education and Outreach; developing and maintaining relationships with regional housing groups.
6) Performing housing-related review of Chapter 40B proposals (both potentially “friendly” (LIPP) and “non-friendly”):
   a) Updating guidelines/procedures for c. 40B review; and
   b) Holding meetings/hearings and making recommendations to the Board of Selectman for all c. 40B proposals in Weston.
7) Performing oversight and long-term planning for Warren Avenue Apartments:
   a) Completing renovations and leasing of 66-68 Warren Avenue.
   b) Developing management contract and long-term capital budget.

II. Appointment of Trustees

1) BOS will advertise for volunteers, soliciting applications from individuals interested and qualified to serve as a Trustee – ideally 5 to 7 Trustees. Qualified individuals will meet skills outlined in Bylaw.
2) The Trust will follow all Open Meeting laws; meetings will require a quorum of Trustees (but not a quorum of Committee Members).
3) Trustees will have all of the powers and responsibilities of the Trust; decisions of the Trust will be made by a majority vote of a quorum of Trustees.

* Unanimously approved by a vote of the Weston Affordable Housing Trust and Weston Housing Partnership at a joint meeting on Monday, September 19, 2016.
III. Appointment of Committee Members

1) BOS will advertise for volunteers, soliciting applications from individuals interested in serving as a non-voting Committee Member – BOS may appoint as many individuals as are interested and willing to serve.

2) Committee Members will not have a formal vote on matters of the Trust, but will have a desire and willingness to assist the Trust on an advisory capacity.

3) In the future, Trustees may invite additional Committee Members to join for particular projects; proposed additional Committee Members will be presented to the Board of Selectmen for appointment.

IV. Sub-Committees

1) Trustees may appoint sub-committees to assist in its functions, said sub-committees to be made up of at least [one/two] Trustee[s] and other Committee Members.

2) Possible Sub-Committees include: Education and Outreach, and New Opportunities (pro-active search for land/opportunities for Town acquisition and/or partnering with private developers).

3) Sub-Committees will follow open meeting laws, including posting of agendas and posting of minutes.

4) Sub-Committees may take informal votes of its members and make recommendations to the Trust.

5) All formal votes of the Trust will be made by a majority vote of a quorum of Trustees.

V. Staff Support

1) Trust will require staff assistance to assist in its' duties, and will make recommendations to the BOS and Town Manager and (if applicable) assist in seeking funds (CPA) to support its' staffing needs.

* Unanimously approved by a vote of the Weston Affordable Housing Trust and Weston Housing Partnership at a joint meeting on Monday, September 19, 2016.
Request to Transfer Burt Field
Burt Field
25 Acres
Abuts WFTA Land
WCC mows meadow and maintains trail system
Burt Field

The parcel contains a 2-acre ball field and parking lot at the end of Gail Road.

The remainder of the property is comprised of forests, wetlands, and meadows with an extensive trail network.
Encroachments on Town Land
Retaining Active Recreation Use

The Conservation Commission (WCC) can designate the Recreation Commission (WRC) as its agent for purposes of managing the active recreation uses at the Properties.

This model exists at Burchard Park and Cat Rock.
Retaining Active Recreation Use

A draft Memorandum of Understanding was reviewed and approved by the WCC & the WRC delineating current and possible active recreation areas.
Please support the permanent protection of Burt Field