

**Minutes of Regular Meeting  
Select Board  
Tuesday, March 8, 2022  
Remote Online Meeting (Zoom 865 7012 5750)  
Called to Order at 6:39 p.m.**

Remotely participating were Board members, Chair, Harvey Boshart, Christopher Houston, and Laurie Bent. Also present were Town Manager Leon A. Gaumont, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis.

Mr. Boshart called the remote meeting to order and read the following:

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order concerning imposition on strict limitations on the number of people that may gather in one place, meetings in the Town of Weston will be conducted via remote participation to the greatest extent possible. We will strive to provide access to such meetings via a link to call in, or other similar option. In the event we are unable to accommodate the same, despite best efforts, we will post recorded sessions of the meeting as soon as possible following the same. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings.*

**Public Hearing: National Grid Grant of Location: Winter Street**

Mary Mulroney & Jeremy Butler, National Grid

Mr. Boshart opened the public hearing

Mr. Gaumont stated that the Town received a petition from National Grid to replace and install gas main on Winter Street, from Radcliffe Road to Brown Street.

Ms. Mulroney stated that the request would include replacing 4,200 sq. ft. of 2 inch and 3-inch coated steel main and installing 8-inch plastic. Ms. Mulroney stated that once work is complete Tyler Road and Sherborn Circle will have normal operation in the winter. Ms. Mulroney stated that there will be additional installation of 150 sq. ft. of 8-inch plastic main and 450 sq. ft. of 8-inch coated steel on Winter Street. Ms. Mulroney stated that installation would replace 340 sq. ft. of four-inch coated steel, dating back to 1955 and approximately 260 sq. ft. of 3-inch coated steel dating back to 1967, in addition replacing two primary valves on either side of the bridge. Ms. Mulroney stated that National Grid would install and maintain 517 sq. ft. of 8-inch plastic main on Winter Street and replace the existing plastic main.

Mr. Boshart asked how long the construction would take place. Mr. Butler stated that a mile of main relay will be replaced. Mr. Butler stated that construction would take 3 to 4 months. Mr. Butler stated that the construction is scheduled for the Spring of 2023, however if the Town would like to have construction sooner, it is potentially possible. Mr. Butler stated that additional permits from MassDOT would be necessary, which would take longer to acquire. Ms. Bent stated that it would be preferred to have construction start as soon as possible.

Ms. Bent asked when Winter Street is scheduled for repaving. Mr. Houston stated that Winter Street from Radcliffe Road to Beaver Road was paved in 2014. Mr. Houston noted that the stretch of road is in rough condition.

Mr. Butler stated that the DPW has plans for drainage improvements near the construction site and will need to do milling and overlay. Mr. Butler stated that milling and overlay from Brown and Dickerson

would be done by National Grid. Mr. Butler stated that the rest of the milling and overlay would be the Town's responsibility.

Diana Chaplin, 26 Love Lane: Ms. Chaplin asked if the proposed area had gas leaks in the past. Ms. Mulrone stated that she does not have any information if there are any gas leaks at the proposed area. Mr. Butler stated that the section in question is less about leaks on the main and more about reliability concerns with the existing main. Mr. Butler stated that due to the winter, there is less flow and less pressure, and the replacement would mitigate any concerns with decreased pressure loss.

Leslie Glynn, Planning Board member: Ms. Glynn asked if there is a way to document the sections of the road now to compare with the finished project and to determine if there are more disturbed areas. Mr. Houston stated that a pre-construction video/photo will be documented.

Mona Elaine, Winter Street: Ms. Elaine noted that repaving is scheduled for 2023. Ms. Elaine asked what would happen if the utility construction occurs in 2023. Mr. Boshart stated that the repaving is tentative. Mr. Gaumond stated that the contractor will work with the DPW to determine a schedule.

Sandford Whitehouse, 119 Radcliffe Road, member of the Commissioners of Trust Funds: Mr. Whitehouse noted that the Rivers School is located near the construction site. Mr. Whitehouse stated that there is a considerable amount of traffic in regards to timing of construction. Mr. Whitehouse noted that the section of Winter Street from Beaver and Brown is in rough condition and is need of repaving. Mr. Whitehouse asked National Grid if there will be any above ground/above grade improvements. Mr. Butler stated that everything will be buried with the exception of the Massachusetts Turnpike bridge crossing.

Mr. Whitehouse asked the Select Board if water lines have been replaced at this stretch of road. Mr. Gaumond stated that if the Town needs to replace water mains on that section of the road that will be coordinated with the DPW.

Walter Chaffee, 257 Winter Street: Mr. Chaffee asked if National Grid is replacing all of the house services on Winter Street and reconnecting the services with new plastic main. Mr. Butler stated that if there is a need to replace them, National Grid will replace them. Mr. Butler stated that once the main is installed and tested, National Grid will replace any house services if need be.

Mr. Boshart closed the public hearing.

**MOTION:** Ms. Bent moved to approve the petition from National Grid for Winter Street, dated January 13, 2022 with the requirements as specified from the Weston DPW. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

### **MWRA Bond Sale Presentation**

Susan Kelley, Finance Director

Ms. Kelley stated that the Town is looking to borrow \$401,000 from the Massachusetts Water Resource Authority (MWRA). Ms. Kelley stated the Town would pay \$40,100 each year, for ten years. Ms. Kelley stated that the loan is for a project that was voted at the May 2021 Annual Town Meeting for water mains. Ms. Kelley stated that the issue date is March 14, 2022. Ms. Kelley noted that the loan is interest free.

**MOTION:** Mr. Houston made to approve the motion as prepared by Bond Council:

Motioning that the sale of the \$401,000 Water Bond of the Town dated March 14, 2022, to Massachusetts Water Resources Authority (the “Authority”) is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on February 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2023	\$40,100	2028	\$40,100
2024	40,100	2029	40,100
2025	40,100	2030	40,100
2026	40,100	2031	40,100
2027	40,100	2032	40,100

And that each member of the Select Board, 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 vote.

The motion was seconded by Ms. Bent. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

**Resident Comment:** None

**Public Hearing: Small Cell Equipment Attachment Petition: Boston Post Road:**

Paula Foley, Stanley Usovich, Verizon

Mr. Boshart opened the public hearing.

Mr. Gaumond stated that Verizon has submitted a petition for small cell equipment attachment #135 on Buckskin Drive and Love Lane. Mr. Gaumond stated that the DPW and the Land Use Department have no concerns with the attachment.

Mr. Houston asked Ms. Foley how many more small cells are in development and how quickly will they occur. Ms. Foley stated that there a handful of small cell locations in development.

Mr. Houston noted that the Planning Board did not want to be directly involved, however they requested a color for the box that would blend into the trees. Ms. Foley stated that gray is a standard paint color, however, Verizon will accommodate any amendment.

Mr. Boshart closed the public hearing.

**MOTION:** Ms. Bent moved to approve the petition from Verizon for the installation of small cell equipment, pole number 135, on Boston Post Road subject to Town decision regarding the paint color. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

**Private Tree By-law Discussion and refer to Planning Board for Public Hearing (PP#14)**

Ms. Bent gave a presentation regarding the proposed Sustainable Tree Bylaw Proposal. Ms. Bent stated that trees are a public resource that is privately controlled. Ms. Bent stated that trees have economic value

to the community, because they stop erosion, reduce flooding, filter pollution out of the water, improve soil quality and reduce noise.

Ms. Bent stated that the proposed tree bylaw would affect large-scale clear cutting for new construction. Ms. Bent noted that almost two thirds of the 450 residents of a survey indicated strong support for regulations of trees in new development. Ms. Bent noted that clear cuttings occur because it is less expensive for developers.

Ms. Bent stated that when trees are removed, the Town incurs costs such as pavement deterioration that results from stormwater run off and additional soil erosion and water pollution. Ms. Bent stated that the proposed tree bylaw will encourage developers to consider alternatives to cutting trees. Ms. Bent highlighted that the proposed bylaw does not prohibit trees from being cut down. Ms. Bent stated that the goal of the proposed bylaw is to balance property rights with public interest.

Ms. Bent stated that the proposed bylaw would be applicable to new construction or demolition, or an increase of 50% of existing footprint or 750 sq. ft. of new hardscape. Ms. Bent stated that the proposed bylaw applies to trees of 6-inches or more in diameter at breast height (DBH). Ms. Bent stated that the proposed bylaw has a three-tiered replacement/fee scale based on the size of tree. Ms. Bent noted that invasive trees are valued at half of natives and that there is an exception for solar arrays.

Ms. Bent stated that the proposed bylaw would have three tiers of tree protection on the lot. Ms. Bent stated that there would be a proposed zoning setback area, which has the highest public impact, which in turn would have the strongest protection. Ms. Bent proposed that the lot interior has a medium public impact and would have moderate protection. Ms. Bent stated that the footprint of structure would have the lowest public impact and the highest property right with no protection.

Ms. Bent stated that the applicant would submit plans and plot divisions including tree locations to the Building Division. Ms. Bent stated that an arborist would review and make a recommendation to the Building Inspector for approval. Ms. Bent stated that the applicant may appeal to the Planning Board. Ms. Bent stated that Weston Tree Bank Funds may be used to plant additional trees, cover costs of plan review and maintain public trees.

Mr. Boshart asked if this proposed bylaw would affect all trees in a private lot. Ms. Bent said yes, and she noted the three tiers that were detailed in her presentation.

Mr. Houston noted that the draft should have more clarity and continuity as to what the mitigation obligations are in the proposed bylaw. Mr. Houston noted that the proposed bylaw should be clear that partially replanting and partially paying a fee is an option as well. Mr. Houston asked why the bylaw does not discuss explicitly the removal of invasive plants. Alicia Primer, Planning Board Chair noted that some invasive plants are valuable for the size and maturity, but are not as valuable as native plants. Lori Hess, Planning Board member believes that invasive plants do not have an ecological value to native wildlife that does not have a sustainable feature.

Mr. Houston stated that in the proposed bylaw, he suggests taking the Consumer Price Index (CPI) factor out, in regards to increases in the amount of fees. Mr. Houston suggests that the Select Board shall revisit the rates every five years. Mr. Houston stated that if CPI is included, it has to be more specific. Mr. Houston stated that he appreciates the balance between property owners' rights and trees as a public good.

Katharina Wilkins, 63 Brook Road, Chair of the Sustainability Committee, appreciated the presentation. Ms. Wilkins stated that the Sustainability Committee has been working to enact actions from the Weston

Ahead plan. Ms. Wilkins stated that the Sustainability Committee supports the current draft of the proposed bylaw.

Mario Alagna, 136 Sherborn Circle, Stormwater Permitting Authority member, stated that he has been a resident of Weston for over 30 years. Mr. Alagna stated that he is an architect and developer. Mr. Alagna stated that he is extremely concerned about the proposed bylaw. Mr. Alagna stated that the three tiers in the proposed bylaw are extremely strict. Mr. Alagna noted that large equipment to build a residence needs space to do construction. Mr. Alagna noted that houses that were built 10 years ago have different vegetative landscaping than when they were originally built. Mr. Alagna stated that he concerned that homeowners and residents will have to pay to remove trees from their private property. Mr. Alagna believes there is a housing crisis, and that extra development costs will be passed on to the new homeowner. Mr. Alagna believes the proposed bylaw is a tax. Mr. Alagna stated that there should be zero restrictions besides required setbacks. Mr. Boshart noted that the agenda item is to only refer the bylaw discussion to the Planning Board for a Public Hearing.

Mr. Houston noted that the discussion is important to have. Mr. Houston noted that restrictions and guidelines are in place because not everyone is transparent and upfront with their actions. Mr. Houston noted that the bylaw is a tax, however, property developers are going to generally maximize their financial gain from the properties they develop. Mr. Houston stated that he is somewhat sympathetic to Mr. Alagna, however Mr. Houston stated that there is a perceived problem that needs to be solved.

Lori Hess, Planning Board member, noted that there are State laws protecting shade trees (M.G c. 87).

Ms. Bent stated that there is an exception to septic tanks and stormwater construction in regards to follow the proposed bylaw. Ms. Primer stated reiterated Ms. Bent's comments.

Adrienne Giske, 251 Boston Post Road, she noted that she supports the proposed bylaw.

Ms. Chaplin believed that developers do not cut trees down just because it is the most inexpensive method. Ms. Chaplin is surprised that there has not been outcry regarding invasive plants on public land. Ms. Chaplin noted that there has been little discussion about the right to farm. Ms. Chaplin asked why the proposed bylaw is being developed so quickly. Ms. Bent stated that there will be more hearings in the coming weeks.

Mr. Whitehouse recommended that the Planning Board be conscious of residents' property rights. Mr. Whitehouse believes the majority of residents do not like seeing large-scale developments and clear cutting. Mr. Whitehouse believes that the majority of residents want to be able to do what they want with the trees on their property. Mr. Whitehouse recommended to the Planning Board to find a way to regulate developers who want to clear-cut lots and simultaneously allow residents to build/develop on their property as they see fit. Mr. Houston agreed with Mr. Whitehouse. Mr. Houston noted that small-scale additions are exempt from the bylaw. Mr. Whitehouse stated that if someone wants a larger addition, he believes the Town does not have the right to regulate what an owner can do on their property.

**MOTION:** Mr. Houston moved to forward the draft private tree bylaw to the Planning Board for a public hearing. The motion was seconded by Ms. Bent. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

### **Kendal Common Historic District**

Al Aydelott, Chair of the Crescent Street Historic District Commission

Mr. Aydelott stated that the Crescent Street Historic District Commission has voted to appoint Move to appoint Rick Brotman, David Fixler, Alicia Primer, Kathryn Scadden and Henry Stone to the Kendal Common Study Committee.

**MOTION:** Mr. Houston moved Move to appoint Rick Brotman, David Fixler, Alicia Primer, Kathryn Scadden and Henry Stone to the Kendal Common Historic Study Committee. The motion was seconded by Ms. Bent. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

### **Work in the Right of Way: 208 Newton Street**

Mr. Gaumond stated that the submission has been withdrawn by the applicant.

### **Preliminary Review of Warrant Articles**

Mr. Gaumond stated that the deadline for Warrant Articles was on March 3, 2022. Mr. Gaumond mentioned standard articles for Town Election and ballot question(s) for borrowing. Mr. Gaumond stated that the Warrant will include the FY23 operating budget, an increase of 3.6% over FY22. Mr. Gaumond noted that during the March 22, 2022 Select Board meeting the budget will be presented.

Mr. Gaumond mentioned the OPEB trust funds, and Chapter 90 road improvement funds, property tax deferral income limit.

Mr. Gaumond mentioned the water tank replacement project and water main program (Loring Road).

Mr. Gaumond mentioned the Recreation Enterprise budget and the Brooks School Apartment Enterprise.

Mr. Gaumond said that the Weston Media Center tax allocation will be included.

Mr. Gaumond noted the transportation improvements of Route 20 and Highland Street.

Mr. Gaumond stated as part of the Capital Plan improvements to Sherborn Circle will be included in the Warrant.

Mr. Gaumond noted that the School Department and DPW is requesting snow removal equipment.

Mr. Gaumond noted that there are capital improvements for Information Systems.

Mr. Gaumond noted an article about the Public Tree Maintenance Plan.

Mr. Gaumond stated that there will be an article to change the composition of the Select Board from three to five. Mr. Gaumond stated that the Select Board will put forward an article to do a full governmental study of the Town's government structure.

Mr. Gaumond stated that there will be a Pickleball court design fees article, which will not be included in the CPC articles.

Mr. Gaumond stated that there will be a placeholder for a budget fix for CPC, if a rebalance is necessary.

Mr. Gaumond stated that there will be standard articles for CPC. Mr. Gaumond stated that the articles have not been brought forward to the Committee.

Mr. Gaumond stated that the Town Manager is putting forward an extension of a telecommunications lease of a cell communications tower at Weston Police Department.

Mr. Gaumond stated that there will be proposed ministerial and non-substantive changes to the bylaws.

Mr. Gaumond stated that a resident through the Board of Health submitted a warrant article to have the Town join the Joint Septic Management Program.

Mr. Gaumond stated that there will be two articles from the Planning Board regarding zoning change of the heights of water tanks and the private tree bylaw.

Mr. Houston noted that based on positive feedback, a few articles can be put on the consent agenda. Mr. Houston listed the following articles that he believes could go on the consent agenda; draft articles 4-8, 10-12, 14, 16-19, 24-27, 33-35 on the current draft of the Town Meeting warrant. Mr. Houston suggested that the articles regarding governing bodies composition and governmental studies be included as close to the vote of the consent agenda as possible. Ms. Bent and Mr. Boshart agreed. Mr. Gaumond stated that he will update the warrant accordingly.

Ms. Bent asked if the drainage improvements will include Ash Street. Mr. Gaumond stated that he will ask the DPW Director, Tom Cullen for details.

#### **Cemetery Regulation Discussion (PP#11)**

Mr. Gaumond stated that Jackie Jackson and Tom Cullen of the DPW have worked to devise a draft of cemetery regulations. Mr. Houston stated that he will work closely with the DPW staff. Mr. Houston noted that the regulations in regards to purchasing burial rights are out of date and are arbitrary. Mr. Houston believes that the regulations can be more flexible to cover instances of age and time spent in Town. Mr. Houston stated that there should be discussion regarding constructing a columbarium. Ms. Bent stated that a columbarium is worth researching. Ms. Bent noted that there are limitations with space. The agenda item was tabled until a future date.

#### **Follow up on Celebrations Event & Banners**

Ms. Bent stated that the Celebrate Weston event will occur on May 21, 2022. Ms. Bent presented two Town logo options. One was green (Town Seal) and one was a dark red (School Colors). The Select Board agreed that the red Town logo was the better of the two.

Ms. Chaplin noted that the Weston 300 Celebration was in the same color (burgundy). Ms. Giske noted that the burgundy will contrast well with the trees in the Town Center.

#### **Consent Agenda**

**MOTION:** Mr. Houston moved the Consent Agenda as follows:

Approve Select Board minutes: January 25, 2022 regular session, and February 8, 2022 regular session.

Approve request from Weston High School student Olivia Rome for the Weston Kids Pan Mass Challenge for permit to occupy a portion of Wellesley Street between the driveways of the High School and the Middle School during the hours of 8:00 a.m. and 11:00 a.m. on Sunday, May 1, 2022. The request

for permit has been approved by Police, Fire, and Public Works departments. The Police Department is working with the organizer.

Approve to grant an exemption to purchase a grave plot at Linwood Cemetery.

Approve 2021 Select Board Annual Report

Approve the water abatement for 77 Loring Road as recommended by the Town Manager

Vote to authorize the Chair to sign the LIP application for the 8 units of housing at the Village at Silver Hill

2<sup>nd</sup> by Ms. Bent.

**Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

**MOTION:** Ms. Bent moved to adjourn the meeting. The motion was seconded by Mr. Houston. **Roll call vote:** Mr. Boshart, Mr. Houston, and Ms. Bent voted in the affirmative. **Approved unanimously.**

**The regular meeting adjourned at 8:37 p.m.**

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Christopher E. Houston  
Clerk

*Note: A copy of all documents, explanatory material, and exhibits presented to and used by the Select Board as part of this meeting are attached to the approved minutes*