

**Minutes of Regular Meeting  
Select Board  
Tuesday, March 14, 2023  
Remote Online Meeting (Zoom 880 2418 9369)  
Called to Order at 6:30 p.m.**

Remotely participating were Board members, Chair Christopher Houston, Laurie Bent and Harvey Boshart. Also present were Town Manager Leon A. Gaumont, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Assistant to Town Manager, Michelle LeBlanc, Town Finance Director, Susan Kelley, Town Moderator Ripley Hastings and Conservation Administrator, Jordan McCarron, Conservation Commission Chair, Joseph Berman. Present via zoom were Conservation Commission Candidate, Sean Rush.

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

*Chapter 107 of the Acts of 2022, "An Act Relative to Extending Certain State of Emergency Accommodations", authorizes municipal boards to hold fully remote or hybrid meetings through March of 2023. The law does not mandate or prohibit in-person meetings; instead, it allows the Town flexibility in that regard. As required, if a meeting is held fully remotely or as a hybrid meeting, adequate alternative access is provided through a video conferencing link included on the meeting agenda.*

**Resident Comments: None**

**2022 Deer Program Summary and the Wetlands Bylaw proposal**

Mr. McCarron provided a brief primer on deer biology and population dynamics. A typical healthy deer has a lifespan of approximately 20 years in a home range of roughly two square miles. Mr. McCarron noted that deer mortality typically occurs due to things like natural causes, disease, and vehicle collisions. Historically, both hunting and predation were also key factors in managing deer populations. Deer are most active at dawn and dusk and that is important for two reasons. First, the most productive time to hunt deer, i.e., dawn and dusk, is typically also a time of day when conservation areas are the least used. Second, the fact that Weston experiences a lot of deer movement during daylight hours is a clear sign of overpopulation here. The suburban landscape in Weston is very conducive to deer. Deer thrive in the type of edge habitat, which is found in fragmented forest, crop land and suburban landscapes. The birth rate of 2 fawns per year for up to 8 years with abundant food resources and no natural predators, results in a huge spike in the deer population.

Mr. McCarron noted that when deer become too abundant, they tend to over browse heavily on their preferred forest species, things like hardwood saplings and wildflowers as well as take more risks with road crossings in search of additional forage. In addition to the environmental and economic damage that deer overbrowse has on our forests, farmers and residential yards, there is an undeniable link between deer and tick-borne diseases like Lyme. High deer densities tend to negatively impact forest regeneration and lead to reduced forest and plant biodiversity. These effects on habitat can further impact other wildlife populations. The goal of the Deer Program in Weston is to proactively reduce and then manage a healthy deer population, one that our suburban landscape can accommodate. These issues are not unique to Weston and there are many communities like ours in Eastern Massachusetts taking a similar proactive approach to deer management.

The Deer Program in Weston comprises of forty-five hunters hunting with bow and arrows on fourteen properties, seven of those forty-five hunters are Weston residents, twenty have been in the program five plus years, seven have been in the program since its inception in 2012. The application process is via an

online form that collects information like years of hunting experience, number of deer harvested in previous years, and the amount of time a prospective hunter can commit to our program. Mr. McCarron wanted to emphasize that Weston's Deer Management Program is an important management tool; we do not view it as a recreational program. Accordingly, the Conservation Commission seeks experienced and trustworthy hunters. The Conservation Commission collects data on the deer program including hunters logging their time spent hunting, scouting, volunteering, the number of deer they harvest, as well as data from long term vegetation monitoring plots scattered around Weston. In addition, the Commission tracks Lyme and other tick-borne disease cases and deer-car collisions. Both disease cases and deer-car collisions have been trending down in recent years. Mr. McCarron noted that in the past year there were a few positive interactions between hunters and trail users, and no negative interactions. He was not aware of any negative interactions between hunters and trail users over the history of the program. Mr. McCarron said the 2023 season will stick with forty-five hunters due to the number of properties in the acreage to allow for hunter safety.

Ms. Bent wanted to note for the Deer Program, hunters are hunting from the stands that are far away from where people walk and that those stands are high up in the trees and they are aiming down. Ms. Bent stated for human safety and other animal safety, it is a very safe program.

Resident Diana Chaplin commented that If new residents come into town, and they have an interest in taking part in the Deer Program, she hopes there would be room for them and that it would not be only given to people who are not from Weston.

Mr. Berman provided a brief background on the purpose of the Conservation Commission. Mr. Berman noted they do many things to protect our natural resources in town, including overseeing about 2000 acres of open space and 100 miles of trails and enforcing the state Wetlands Protection Act (WPA). The Conservation Commission has two missions. One is conserving, preserving, and taking care of all the open space that is in Weston. The second mission is acting as an enforcement organization for the state WPA. The WPA is a state statute, which protects wetlands and associated areas. Under the Wetlands Protection Act, you cannot alter a wetland. In addition to protecting the wetlands themselves, the statute that Conservation Commission enforces requires anyone seeking to alter land within 100 feet of a wetland or within 200 feet of a river or perennial stream, must receive a permit from the Conservation Commission after thorough review of their project for any potential impacts of those resources. If property owners take steps to protect their natural resources, the natural resources that fall within Conservation Commission protection, the Conservation Commission may grant permission to work in the buffer zones. Mr. Berman stated wetlands provide essential free public benefits including flood control, storm damage prevention, filtration of pollutants so they don't enter the surface or groundwater supplies, and Wildlife Habitat Protection. Wetlands are comparable to rainforests and even coral reefs in their productivity and their biodiversity. Less tangibly, wetlands provide critical aesthetic and educational benefits. Weston is home to 815 acres of forested wetland, approximately 7% of the total land area in the town. This sits within the borders or within the confines of both the Charles River and the Sudbury-Assabet-Concord River watersheds. It supports nine perennial streams and brooks and 112 vernal pools.

Mr. Berman stated Weston falls behind more than 200 Massachusetts cities and towns that have adopted municipal wetlands protection bylaws aimed at strengthening the state Wetlands Protection Act and codifying local policy. Mr. Berman provided key points as to why Weston should enact a local Wetlands Bylaw. First, the state law, the Wetlands Protection Act, neglects two important natural resources that deserve equal protection under the law. One is vernal pool habitat and the other is isolated vegetative wetlands. Vernal pools and their surrounding buffer areas provide vital breeding and habitat shelter from multiple salamander and frog species that cannot exist without these pools. Vernal pools are currently protected only if located within a jurisdictional wetland. A vernal pool within a wetland that is already

protected under the statute would be protected, but if the vernal pool is not within that already protected wetland, it would not be protected. It is possible under state law that all the land around a vernal pool could be developed, which could destroy the vernal species' vital year-round habitat. The proposed wetlands bylaw would protect all vernal pools and create a 100-foot buffer zone for vernal pools similar to the existing 100-foot buffer zone placed around wetlands in Weston. Normal day-to-day activities in existing developed areas in the buffer zone, including maintaining lawns and landscape areas, would be exempt. The Conservation Commission is trying to protect these vernal pools, which is a vital habitat locally and within the state. The second natural resource the state statute overlooks and would be protected with this bylaw, are isolated vegetative wetlands. The wetlands bylaw proposal is that in isolated wetlands, they would be protected if they cover at least 2500 square feet of surface area. Currently, only those that border surface water are protected under state laws. The Conservation Commission would be adding isolated vegetated wetlands to protection, by the local bylaw. Not every isolated wetland would qualify, it would just be those of a certain size.

This bylaw proposed by the Conservation Commission would not make major changes to the current permitting process or fees. It would impose minor changes to certain behaviors within the defined jurisdictional buffer zones. The bylaw would not hire any additional staff or affect the municipal budget. It would enable the Commission to issue fines for repeat or noncompliant offenders and be approved or disapproved by the Select Board. The commission reviews work within 100 feet of wetland, which is referred to as the 100-foot buffer zone. Buffer zones are critical because activities undertaken in close proximity to wetlands and streams have a high likelihood of adverse impact upon those sensitive areas, either immediately because of construction, for example, or over time, due to daily operations or existence of such activities. The Wetlands Protection Act, the state statute, does not define any specific setback distances from the wetlands for proposed work. Under the state statute, you can build or alter up to the border of the vegetated wetlands with no restrictions.

The Conservation Commission is proposing a bylaw for 25 ft. No-Disturb-Zone to help support naturally vegetative buffers for protection. Currently, the Conservation Commission has a policy that property owners do not alter or build in that 25 ft. no disturb zone. The bylaw would not change this policy, but it would provide a solid legal basis to deny developer's projects that propose building within the 25 ft. No-Disturb-Zone. The Conservation Commission will continue to allow work in the 25 ft. Zone in the rare case that there are no alternatives or in situations where there are preexisting structures or landscaping. Most violations of the Wetlands Protection Act are minor and easily addressed with a simple conversation. If not addressed, Conservation Commission can send follow-up letters or reissue an enforcement order for a major violation and the communication that the Commission needs to be able to ensure compliance. This bylaw, if passed at Town Meeting on May 8th, would enable the Commission through its Conservation Administrator to issue fines for non-compliance similar to procedures used by the Building Commissioner, the Public Health Director and others in town. The Conservation Commission is looking to provide more consistency and transparency with the proposed bylaw.

Mr. Berman noted permits issued under this by law will utilize existing state forms and will not require additional skills or expertise beyond what the Conservation Commission staff possesses. The Conservation Commission does not expect a huge influx of new permit applications with the passage of this bylaw.

Ms. Bent asked if the 25-foot. No-Disturb-Zone was in the bylaw. Mr. Berman stated it is not in the by law, that it is something that Conservation Commission would propose as part of a regulation under the bylaw in the future. He stated that it would be the intention of the Conservation Commission to retain the current policy of a 25-foot No-Disturb-Zone. Ms. Bent also asked that the proposed 30-day Select Board review period in the proposed bylaw be increased to 90 days to allow more time for Select Board review of regulations under the proposed bylaw.

Ms. Chaplin raised the question of how to encourage citizens to engage in invasive species management. Mr. Berman noted that this is an ongoing issue, and that citizens can go through the administrative approval of certain small removal projects of an invasive species. Mr. McCarron noted that the Commission adopted a local administrative approval for invasive management projects within the buffer zone only. The Conservation Commission will work on publicizing that and make sure that residents know that this process is available. There are some thresholds and basically if someone that has a wet resource area on their property or a buffer zone on their property wants to do some invasive plant removal, they should contact the Conservation Commission, and they will look at the project with them, guiding them through the steps. The Conservation Commission are trying to encourage through this process a native plant restoration. The Conservation Commission is encouraging not only that folks replace the removed invasive species with native plants, but also seeking to fill a similar habitat niche in terms of food, resource and cover.

Ms. Chaplin asked if there has been an issue with people violating the 25 ft. no disturb. Mr. Berman said there is currently not a problem, but the Commission is taking a proactive stance so that it does not become an issue in the future.

Ms. Chaplin asked how many isolated vegetated wetland areas are in Weston. Mr. McCarron said there are not many, however he was unable to provide an exact number. There are pockets of isolated vegetated wetlands in certain areas of Weston. He noted that if Ms. Chaplin or anyone else wanted to know exactly where these areas are in detail, he would be able to work with them in getting the information.

Ms. Chaplin asked how this would impact the 40B process. Mr. Berman said the intent is to not have any impact on a 40B process, however he was not comfortable with providing a definite answer due to his lack of in-depth knowledge with the 40B process. Ms. Bent noted that with 40B, they get to bypass zoning laws but in general, they do not bypass environmental laws. Ms. Bent was unsure whether a town bylaw qualifies enough as an environmental protection that it would apply to 40B.

Ms. Bent asked Mr. Berman about future plans for publicizing this in the Town. Mr. Berman noted they have a bunch of public events scheduled which are also advertised on the Town website. Mr. Berman mentioned they will be talking about it at a couple of Conservation Commission Meetings, and special meetings and presentations that they are doing around town. The Conservation Commission will be presenting this bylaw presentation to both the Sustainability Committee and the Sustainable Weston Action Group.

#### **Approve Annual Town Meeting Warrant:**

- a. Discuss FY23 Budget**
- b. Consider Taking Positions on Any Articles**
- c. Discuss Warrant Article Assignments for Presentation Purposes**

Mr. Gaumond stated that he would like the Select Board to vote on the articles before he can officially put them on the warrant. He said he would be more than happy to answer any questions the Select Board may have regarding these articles.

The first article for consideration, these article numbers are not official, is our traditional ballot questions, the offices up for election. Mr. Gaumond noted a question that has to do with the water tanks. He asked the Select Board how they were going to pursue this funding-wise. Currently, the Town does not have a planned debt exclusion article. This may change unless conversations with counsel, non-counsel and among the Select Board at our next meeting, we determine that a split borrowing where some of the resources for water tank replacements will come from water enterprise, some will come from general fund

and other sources of funds. Mr. Gaumond stated the Town might not have a debt exclusion article for the first time in a long time.

Mr. Gaumond stated the next article, the operating budget is an area the Town is in good shape. The School Committee voted their operating budget last night, it is a total unclassified town and school operating budget appropriation of roughly \$92,900,000. When adding in the exempt debt, the capital and separate articles as far as raise and appropriate, which is about the \$2,300,000, we are looking at an all-in budget of about \$105,100,000. It is about a 2.6% increase over this current year, in a year where there are still some inflationary concerns and the like. Mr. Gaumond stated if the Select Board agreed on the final operating budget of the Town, we could start publicizing that and beginning to draft the Select Board and other reports necessary for printing in the town warrant and budget book.

Ms. Bent asked Mr. Gaumond if there is anything in the budget that needed the Select Board attention. Mr. Gaumond stated no. He said it was a level service budget. Mr. Gaumond noted the only real changes were reducing the debt service a little bit. According to the Finance Director, it is going down by about \$35,000. Finally, the health insurance numbers, and property insurance numbers had a reduction as well.

Ms. Kelley stated based on the current budget and revenue projections, the tax rate is estimated to be at \$12.10, and that would be up from \$11.84 in FY 23. However, that is only if the assessed value of the town does not go up any. If the assessed value goes up, the tax rate would go down. It is a 2.16% increase over last year.

At this time the Select Board paused this discussion to take another item from the Agenda. The Select Board will resume this discussion after the Conservation Commission Interview.

#### **Interview with candidate for Conservation Commission: Sean Rush**

Mr. Houston noted they have heard from the Conservation Commission, and provided feedback on wanting the candidate, Mr. Rush. Mr. Houston asked Mr. Rush why he would like to be on the Conservation Commission.

Mr. Rush stated it is something he cares about a great deal and he has been involved with several different conservation organizations globally. It is an opportunity to do it here again in Weston.

Ms. Bent asked if there was any issue Mr. Rush was particularly interested in working on

Mr. Rush noted he was interested in the preservation of the trails, and the conservation lands we have here in Weston. Mr. Rush stated he and his dog are very particular about the trails, especially in the north side of town, around Campion center, but also around Burt Field and other places. Mr. Rush stated the longer we can preserve them, the better off we are all going to be.

**MOTION:** Ms. Bent moved to appoint Sean Rush to the Conservation Commission position for a term set to expire on June 30, 2023. 2<sup>nd</sup> by Mr. Boshart.

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

#### **(Continued) Approve Annual Town Meeting Warrant:**

- a. Discuss FY23 Budget**
- b. Consider Taking Positions on Any Articles**
- c. Discuss Warrant Article Assignments for Presentation Purposes**

Mr. Gaumont asked if there were any questions on the operating budget. Since there were no questions, he proceeded to the next article. Mr. Gaumont stated that they will not need to do a budget fix article. The OPEB trust, the Town will be funding it at the number that we had from our actuaries, it is about \$2,370,000, we raise and appropriate that amount. Even though it is not necessarily a budgetary item, we do raise an appropriate that at Town Meeting on an annual basis.

Mr. Gaumont stated Chapter 90 is our annual article for accepting road improvement funds from the Commonwealth of Massachusetts. It is going to be about \$467,000, which has been that number or close to those numbers every year for a long period of time.

Mr. Gaumont spoke about the property tax deferral income limit article. The article itself is the same as it has been for many years. The town provides this through that special legislation that we had, which gave some property tax relief to eligible people here in Weston. The interest rate the Town had been using for the last few years, a 4% interest rate, we are recommending that it is going to have to go up at least a little bit, possibly 4.5%; no decision needs to be made on this today.

Mr. Gaumont spoke about the water enterprise budget, it is a roughly \$4,600,000 which is an increase over last year. The Select Board have been raising and looking critically at the rates to provide for future capital purchases, so that is reflected in next year's operating budget.

Mr. Gaumont spoke about the next article, the Water Main Rehabilitation Program. This is a traditional article that we have been using over the last several years. This year, it is basically to replace old cast iron water mains in the town. This year, we are looking at water main replacements on Brook Road and Legion Road, both installed in 1959. We are continuing our maintenance and improvement in that area as well. That amount is \$425,500, it is a separate water borrowing that we have done.

Mr. Gaumont spoke about the next article, the Recreation Enterprise Budget, slightly less than it was the year before, just a little over \$2,000,000 dollars. It is there to support our recreation programs for the upcoming year. For recreation, we are at a 70-30 split, 70% of the budget is proposed to be covered by users of recreational programs and 30% by the general taxation of the town.

The next article is Brook School Apartments, that is just a little over \$1,000,000. It is used to operate the Brook School Apartments, including rentals for all of the people who live at Brook School Apartments.

The next article is the public access operations article. This article essentially is a turnover article when the Town receives the receipts and funds from our cable subscribers, those monies are then turned over through a grant program through the town and Weston Media for their operations and capital purchases.

The next article is an omnibus free cash article. Mr. Gaumont noted typically the Town would have some debt exclusion articles for capital purchases, however this year they will not. For the capital purchases, the total is about \$1,800,000, and the proposal is to do them all as one article as a free cash appropriation. This means no borrowing, and using free cash that is available. Due to interest rates rising, the Town wants to use free cash to get some projects done. Mr. Gaumont noted that some of the projects include network improvement, replacing one of our ambulances, traditional drainage improvements, Sherry brook Culverts, a portion of that is going to be done this year, we are putting aside roughly \$100,000 for master plan improvements., updating the 1965 Master Plan which in order to begin will need funds for consulting, The Route 20 in Wellesley Street extension sidewalk design, and Transfer Station Planning Study. The Town is looking to so some long-term visioning and improvements to the Transfer Station.

The next article, is about providing an Easement to Verizon at Land's Sake Farm. This is installing a telephone line.

The next article is the Opioid Settlement Stabilization fund. Weston is one of many communities that have been part of an opioid settlement with a number of states and the Attorney General's Office. The Town will be receiving, over the next several years, a little bit of money each year as part of the opioid settlement. These funds are from pharmacies such as CVS's, Walgreens, Walmart's and the like. Town Council has recommended establishing this Opioid Stabilization Fund and the Town will put the funds there, separate from the regular town funds until a course of action is determined for these funds.

The next Article, Amendments to Article XX of the Town Bylaws (Dog Bylaws), is essentially updating language regarding service animals and service dogs. It is following the rules under the Americans with Disabilities Act and updating the Town's language accordingly.

Mr. Gaumond noted that CPC had their annual CPC hearing, which resulted in a few articles needing to be added to the warrant. These articles are CPC operating budget on an annual basis, the annual housing service office article, ad two new projects. These projects are a feasibility study on the rhododendron Garden at the Legacy trial in case of states, and the pickleball courts and the rehabilitation of the tennis and basketball courts at Birch and Park.

The next Article is Appropriate for Water Tank Replacement. Ms. Bent noted that this project may take about 10 years to complete, and all three tanks will not be done at once. Ms. Bent noted that it may cost about \$26,200,000 for two tanks. There will another Water Tank Forum on finances April 25<sup>th</sup>.

Ms. Diana Chaplin asked while the Town will be spending the next 10 years preparing to have the tanks redone, are we going to be maintaining the tanks that we have currently. Mr. Gaumond stated the Town has done an excellent job maintaining the tanks they have. Mr. Gaumond noted the operating of the budget of the town that has been presented fully funds our annual maintenance costs for all three tanks.

Mr. Gaumond stated with respect to the Water Tanks, members of the Planning Board are interested in seeing some sort of height, maximum height restriction placed upon the zoning bylaw amendment. The Town provided the best information they had at that time for how the height of the tank it will need to be. The Planning Board has a hearing about this April 5<sup>th</sup>.

The next article is the Wetland Protection Bylaw, which the Conservation Commission went over earlier in this meeting.

The last article for consideration at our Town Meeting is the citizens' petition. We have a citizens' petition coming forward to increase the number of liquor licenses that we have for sale of wine and malts here in town. It was a petition article from the new business in town at Weston Provisions. We received a citizens' petition, the number of signatures have been certified and we are compelled to put it on the warrant for a town meetings approval.

**Determine Special Town Meeting date: November 28<sup>th</sup> or December 5<sup>th</sup>**

The Select Board discussed the date for the 2023 Special Town Meeting, which will be November 28<sup>th</sup>.

**MOTION:** Ms. Bent moved to set November 28<sup>th</sup> as the date for the 2023 Special Town Meeting. 2<sup>nd</sup> by Mr. Boshart.

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

### **Consent Agenda**

**MOTION:** Mr. Boshart moved the Consent Agenda. 2<sup>nd</sup> by Ms. Bent.

- Approval of minutes from January 10th
- Accept gifts totaling \$1100 from the donors listed in the attached document to be applied to the Weston Council on Aging.

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

**MOTION:** Mr. Houston moved to adjourn the meeting. 2<sup>nd</sup> by Ms. Bent

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

**Meeting Adjourned at 8:17 p.m.**

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Laurie Bent  
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*