

**Minutes of Regular Meeting  
Select Board  
Tuesday, March 21, 2023  
Remote Online Meeting (Zoom 856 7726 1622)  
Called to Order at 7:00 p.m.**

Remotely participating were Board members, Chair Christopher Houston, Harvey Boshart and Laurie Bent. Also present were Town Manager Leon A. Gaumond, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Assistant to Town Manager, Michelle LeBlanc, DPW Director Tom Cullen, Fire Chief Justin Woodside, Robert Williamson & Amy Coppers from Wright Pierce and other residents & employees of the Town of Weston.

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.*

The three members of the Select Board were introduced as present: Chair Christopher Houston, Harvey Boshart and Laurie Bent. This meeting is the second of three presentations regarding the water tank replacement project.

**Presentation of Water Tank Proposal: Tank Siting**

Mr. Gaumond introduced Sel. Bent and the project engineers from Wright-Pierce who will lead the discussion, as well as the DPW staff present. Sel. Bent spoke about the shortcomings of the Weston water system and introduced the topic of this discussion, which is the siting of the replacement water tanks. There will be one additional forum on April 25th to discuss financial aspects of the water tank project. Ms. Bent introduced the subject by explaining that each existing tank must remain in service while the new tank is being built. One of the major issues that must be addressed in siting the new tanks relates to finding additional land on which to place the new tanks. The land adjacent to the current tanks is conservation land, which is protected for conservation purposes under Article 97. Article 97 is an amendment to the Massachusetts Constitution which imposes strict standards and a lengthy process before the town can obtain the use of conservation land for water tanks. Another issue regarding the proposed water tanks relates to zoning bylaw height restrictions. Under current zoning bylaw, there is no height exception for water tanks.

Rob Williamson and Amy Coppers from Wright Pierce began their discussion. Mr. Williamson has been a senior project manager with Wright Pierce since 2006, having participated in many of the water system improvement projects in Weston that have been undertaken since then. Amy Coppers is the lead project engineer for the project and will cover the topics of an operation of municipal water systems, and then the current operation of Weston system.

Ms. Coppers stated that the existing tank sites are very small and do not allow for construction of new water storage tanks while also maintaining water service from the existing water storage tanks. The Paine's Hill site is located off of Highland Street at the intersection of Love Lane. The existing tank site is 1.09 acres. It is located in a residential area, but it is also surrounded by conservation land which is protected under Article 97. The Cat Rock site is located off of Bradford Road. The existing site is 1.46 acres and is protected under Article 97 for purposes of water supply. The Cat Rock site is

in a residential neighborhood and it has a land abutting it, the Cat Rock Conservation land, which is protected for recreation purposes under Article 97. The Doublet Hill existing water storage tank is a very small site, only 0.35 acres. It is located in a residential area and is surrounded by conservation land protected under Article 97.

Ms. Coppes gave an explanation of the Article 97 and Massachusetts Environmental Policy Act (MEPA) process. Article 97 is an amendment to the state constitution to preserve the public's right to a clean environment. Article 97 land is protected in perpetuity unless there is a disposition of that land by a process that requires 2/3 approval by the state legislature. The disposition process requires an environmental review under MEPA. The MEPA process provides a very public review of large-scale projects that have environmental impacts, and it also requires mitigation of those impacts. The Executive Office of Energy and Environmental Affairs, the governing body for the MEPA review process, imposes a policy of no net loss with regard to land protected under Article 97. This requires the Town to find land of equal or greater value to swap with the land to be used for construction of the new water storage tanks. An Alternatives Analysis is also required to demonstrate that any land swap is the only viable solution for the project. The Article 97 disposition process also requires a unanimous vote of support from the Town Conservation Commission, a two-thirds vote by Town Meeting in support of the disposition, and a two-thirds vote in support by the State Legislature. The MEPA process is a public process and the public will be notified through several means: The Environmental Monitor which is MEPA's online platform for advertising; publishing of the Environmental Impact Reports; and instructions on how to post comments. Hard Copies of the Environmental Impact Report will be made available at the Weston Public Library, at Town Meetings, and the Town's social media and website where information is being posted on this project.

Mr. Williamson presented renderings and site plans for the three sites. He mentioned that the Select Board hopes to bring the site locations and plans to town meeting in the spring, and if approved, continue the Article 97 process which would take the remainder of 2023. That process would, it is hoped, result in approval of the MEPA process, transfer of land, and ultimately workable water tank sites. Once the MEPA permit is granted, design and permitting could begin the following Spring (2024), and completed within the year. Afterwards the construction project would go to bid in the following season (2025) and then construction would take approximately two years to complete.

Mr. Williamson summarized by stating that the current elevation of the water storage tanks does not provide adequate water pressure., The existing tanks do not meet standards for domestic water supply nor do they provide necessary flows or pressures for firefighting at the higher elevations of the community. For these reasons it is important that water volume be stored at a higher elevation.

Ms. Bent thanked the consultants from Wright-pierce for their presentations. She reiterated that she has a particular sensitivity to the Article 97 process as she served as a member of the Weston Conservation Commission for 10 years including six years as its Chair. She explained that she recognizes that Article 97 has an important public purpose with land being protected in perpetuity. Conservation land is so fiercely protected by the law in order to honor the intent of the original donation as well as to provide outdoor space for all comers. Land was either donated to the Town or purchased by the Town with donations or tax dollars. The intent of these donors was that the land would be protected forever. The Town is legally and morally obligated to honor the intent of the people and organizations that made these donations. . She then opened up the forum for questions from the audience.

Ms. Giske mentioned that in November of 2022, the Governor signed the Public Lands Protection Act (PLPA), which went into effect in February. Ms. Giske believes that we need to ensure that the plans comply with this new law as well. She also mentioned that the site adjacent to Bradford Road (Cat

Rock) may be on the flight path for Hanscom Air Base. Ms. Coppers indicated the MEPA regulations have been revised to reflect the PLPA which will be incorporated into the Article 97 process. Mr. Williamson indicated that flight traffic is one of the first things reviewed when designing and constructing elevated tanks.

Mr. Seltzer from Finance Committee thanked the participants for their presentations. He asked about the future of the existing sites when they are decommissioned. Ms. Coppers responded that the existing tanks would be demolished but that the intent was to preserve the land for future use for water supply so as to avoid this situation in the future for the next tank replacement. Mr. Stelzer asked whether we know what land swap candidates are being considered. Ms. Bent indicated that the Conservation Commission is looking into that.

Ms. Barlow from Conservation Commission stated that they have started to look at possible land for the swap and that the ConCom is in support of the land swap happening.

Mr. Fernandez identified himself as an abutter to the Cat Rock tank. He asked about how the locations in the renderings were chosen at this point and stated that it would be good to have additional renderings. He also offered his opinion that the existing tank sites should be returned to conservation land once tanks were decommissioned. Mr. Williamson pointed out the proposed locations take into consideration current elevations and feasibility of construction. The site selected is the only relatively flat piece of land available at the higher elevations. He also indicated that additional renderings can be completed. Mr. Fernandez asked why the tank has to be constructed at a specific height. Mr. Williamson indicated the elevation will be the same no matter where it is located and constructing on a sloped land is impossible. Ms. Bent added that the cost of construction could be higher if the higher elevation points were not considered.

Mr. Houston pointed out that the associated piping will also cost more the further remote we put the tanks and the connectivity will be easier if closer to the existing tanks.

Mr. McDowell identified himself as an abutter to the Paines Hill site. He suggested moving the tank further back into the woods from where the proposed location to be less obtrusive to the views looking back in that direction. Ms. Coppers stated the Town needs to mitigate the environmental impacts and to limit the amount of land that taken for construction of the tank. Mr. Houston indicated increasing the site for the tank would require the tank to increase the land for the land swap and how would that be financed. Ms. Bent indicated that Article 97 requires us to mitigate impacts and taking more land to push the tank further back into conservation land would be difficult to justify.

Mr. Hill thanked the team for their presentations and asked if it was possible to build the new tank around the existing tank and if the MWRA land can be used for a site location. Mr. Williamson thought that is possible but would be extremely complex and risky because there wouldn't be any lay down area to cast the panels among other concerns. Regarding the MWRA land, Mr. Williamson thought the MWRA is highly unlikely to give away any of their property for the same very reason that they're preserving it for their future needs. Also new infrastructure would be needed to be installed to make that system viable.

Mr. Seeman identified himself as an abutter to the Paines Hill tank. He thanked the presenters for the work on the project. He indicated he can see the tank from his property and reiterated the desire to have the new tank pushed as far back in the woods as possible and supports returning the current tank locations back to conservation land. He asked about the method of tank construction and appearance. Mr. Williamson stated the Paines Hill tank is expected to be a concrete tank and the colors are to be decided.

Ms. Chaplin asked if Wright-Pierce has experience building tanks as high as needed in Weston. Mr. Williamson said yes and would provide examples. She also asked if Parcel 9 at Case Estates is being considered for the land swap. Ms. Barlow from ConCom stated that area would be considered. Ms. Chaplin also advocated for additional time to debate the issue.

Ms. O'Reilly identified herself as a resident of Bradford Road. She offered concern about the tanks being larger and closer to her home. Ms. Coppers stated the proposed tank could be 40 feet taller than the current tank. Mr. Williamson cautioned attendees that there is also private property in this area which would make siting a water tank on this location difficult and it was noted by the Town that the preservation of the peak at Cat Rock is important to the community. She expressed concerns that there were few options for the location of the new Cat Rock tank. Ms. Bent acknowledged her concerns, siting limitations at Cat Rock, and the need to find areas for all sides to compromise.

Mr. Reader identified himself as an abutter to Doublet Hill. He noted there is higher land shown in the renderings to site the tank at a higher elevation. Mr. Williamson indicated the higher elevations were further into Article 97 land and is therefore more disruptive to the taking and the environment. MEPA will not approve that alternative if there are less impactful options. Mr. Reader asked why they were proposing concrete tank for Paines Hill. He feels the tanks that are steel seem to be holding up the longest. Mr. Williamson indicated at the time Paines Hill was constructed they did not have the best quality control. Tanks now constructed to current standards are lasting 75 years or more.

Mr. Bloom identified himself as an abutter to the Paines Hill site. He thanked the participants in the forum for their work on the project. He pointed out that he can also see the existing tank and might be willing to contribute to the process by swapping land if needed as a way to push it further into the woods. Mr. Williamson stated that ConCom and the state authorities will also need to agree that pushing the tank further into the woods is the better alternative from an environmental perspective.

Mr. Chasen identified himself as a resident of Bradford Road. He expressed concern that the new tank will be very close to his home. Ms. Coppers acknowledged it could be roughly 100 feet closer. Mr. Chasen opposed such a move. Mr. Chasen indicated the map did not represent the footprint of his home and the map was not correct. Ms. Coppers indicated the map is based on the most up to date information on the Town's assessors map and the house has been under construction for the past year and so the recent home modifications have not been captured.

Ms. O'Reilly asked to have a site visit for all the tank sites so people can get a better understanding of the locations being considered. Ms. Bent stated she felt a site visit for each location was a good idea.

Mr. Martin identified himself as a resident of Whitney Tavern. He expressed an interest in the topology as a key factor in the area of Cat Rock. He echoed the idea of site walks. He asked if new technologies exist to be considered instead of tank construction. Ms. Bent recalled his previous suggestions about pressurization controls. Ms. Bent cautioned against the desire to try to completely solve the problem with mechanical solutions which rely on electricity and are challenging to maintain.

Ms. Saunders identified herself as a resident of Glen Road. She offered support for the Article 97 protections and hopes that design changes can be considered to minimize the visual impacts.

Mr. Orth stated that this project is needed for the good of the community and feels the suggested sites make sense from a hydrology perspective. He feels we should try to find ways to mitigate the financial impact to residents.

Ms. Glynn from the Planning Board stated she hears the frustration from some of the abutters and offered assistance in the siting process. She promoted ways to assist through a site review process. She suggests helping to minimize views to abutters, areas for revegetation, lighting and fencing concerns, the color of the ultimate tank, and the staging areas. She asked if there were any shadow studies completed, to which Ms. Coppers replied that such studies were done and any shadows on homes would be at Cat Rock for a 15 minute period in October. Ms. Bent thanked Ms. Glynn for her interest and reiterated the desire to have site walks which the Planning Board could attend along with Conservation Commission and any others who wish to attend.

Ms. Giske agreed with Mr. Orth's suggestion to consider compensation for abutters who are adversely impacted.

Ms. Nitsch identified herself as a civil engineer and resident of the town. She stated that she has experience with the Article 97 process and felt that the presentation was very appropriately made by Wright-Pierce. She feels that many of the comments made tonight are premature in the process but supports the idea of a site walk to help smooth out areas of concern. She is offering to help any residents with interpreting the plans if needed.

Mr. Houston feels that this process will require a great deal of compromise and pointed out that the ultimate goal, for the town to have available water, is the highest priority. Moving this project forward should be the priority at this point.

Motion to adjourn at 9:24 p.m. by Mr. Houston, seconded by Ms. Bent.

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

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Laurie Bent  
Clerk