

**Minutes of Regular Meeting
Select Board
Tuesday, April 11, 2023
Remote Online Meeting (Zoom 876 4586 6160)
Called to Order at 6:00 p.m.**

All Members of the Select Board were in attendance, Chair Christopher Houston, Laurie Bent and Harvey Boshart.

The meeting was called to order at 6:00pm, by acting Chair Mr. Boshart.

Motion to go into Executive Session pursuant to the provisions of G.L. c.30A, §21(a)(3) to discuss strategies with respect to litigation (104 Stony Brook LLC v. Weston Zoning Board of Appeals) if the chair declares that an open meeting may have a detrimental effect on negotiating position of the governmental body. 2nd by Ms. Bent.

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

The Board resumed open session at 6:43 p.m.

Remotely participating were Board members, Chair Christopher Houston, Laurie Bent and Harvey Boshart. Also present were Town Manager Leon A. Gaumond, Jr., Assistant Town Manager/Human Resources Director Lisa Yanakakis, Assistant to Town Manager Michelle LeBlanc, Town's Legal Counsel Lauren Goldberg, Board of Health Director Kelly Pawluczzonek, Zoning Board of Appeals Chair Jane Fisher Carlson, Zoning Board of Appeals Candidate Tristan Colangelo, DPW Deputy Director Rich Sullivan, DPW Supervisor Parks/Cemeteries/Solid Waste & Recycling Jacquelyn Jackson, and Director of Technology and School Libraries Lee McCanne.

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

Under current state law public bodies may continue holding hybrid and fully remote meetings, without a quorum of the public body physically present, as long as adequate, alternative access is provided. Information about how to join a hybrid or fully remote hearing will be included in the required Open Meeting Law posting.

Resident Comments:

Ms. Nina Danforth wanted to make a comment about the tree donation and location for the replacement of the Joan Vernon Memorial Tree. She said Joan's tree will be close to Town Hall. Ms. Danforth stated Joan was very active for 20 years in Weston and helped to create the Tree Advisory Group. She said it was an honor to work with Jim Vernon (Joan's husband) who helped get this organized.

Ms. Susan Zacharias was inquiring about House Bill number 3662, which proposes increasing the size of the Select Board from three members to five members. She asked if the Town had any communication from the Massachusetts State House Clerk's Office or the House Counsel regarding the need for additional specific documentation. Mr. Gaumond has stated that he has not heard from neither of those parties but would be more than happy to respond if he did.

Mr. Peter Hill asked if the sidewalk on Wellesley Street was going to be repaired sometime soon. Mr. Hill acknowledged that it is scheduled for repair in 2026, however claims it is in terrible shape and should be repaired immediately. Mr. Gaumond said he will reach out to the DPW Director to see if he can gather

more information about this issue. Mr. Hill also asked if the Select Board Minutes can be posted sooner than the time allowed. Mr. Gaumond stated that he has regular communication about this issue with his staff.

Interview for Zoning Board of Appeals Candidate: Tristan Colangelo

Mr. Colangelo lives here in Weston with his wife and three children. He is a litigation attorney and partner at Kerstein, Coren & Lichtenstein. Mr. Colangelo has a working knowledge of zoning board appeals and special permits. He feels he can give back to the community with his skill set.

Ms. Carlson provided some background on what is expected for a ZBA Member and mentioned that Mr. Colangelo's resume proves he has an excellent background for ZBA. Ms. Carlson asked Mr. Colangelo about his experience in land court. Mr. Colangelo explained that he interned at Land Court and it is an area that he felt was a good learning experience. Ms. Carlson asked Mr. Colangelo, given his profession, if he would feel comfortable representing the town in matters that may involve disagreements between the town and either developers or contractors. Mr. Colangelo assured Ms. Carlson that he would not have any issue with it.

MOTION: Ms. Bent moved to appoint Tristan Colangelo to the vacant Associate ZBA position for a term set to expire on June 30, 2023. 2nd by Mr. Boshart.

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

Review RFP response for Riverside Land Swap and issue award

Mr. Gaumond provided some background. He stated the Town had a development agreement with the Greatlands property off of Riverside, which contemplated potentially a future land swap, where the town might turn over a wooded portion of the land of our property along the side of park and then exchange that potentially for another parcel of land that we might combine with town own property for future projects, for example, future municipal use. The Town worked with Town Counsel on the development of an RFP to see what our interest there might be in such a land swap. We did receive one bid for that RFP, which was from Greatlands. Mr. Gaumond stated we do have to get things recorded and processed legally in order to consummate that land swap and we might need a little bit of time according to Town Counsel to finalize that agreement.

Mr. Boshart stated that he was part of this working group that helped get this deal together, and he was pleased with this outcome. He feels the Town community came together on this. He is hopeful the Town will have use for this land as it relates to open space, housing or whatever is needed at the time. Mr. Boshart wanted to acknowledge Sarah Rhatigan, Alicia Primer and Leon Gaumond, Imai Aiu, and other Town employees for their hard work with this project.

MOTION: Mr. Boshart moved to award the Proposal for Land Exchange/Consideration to Weston Fee Owner, LLC and to authorize an extension to the time to finalize the land exchange. 2nd by Ms. Bent.

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

Update on DPW items/Cemetery Regulations

Mr. Houston explained there are two burial options right now at the cemetery. The first is traditional casket and or urn burial lots. The way those are typically purchased and offered is it's a two-casket lot and each of those casket lots has a cement vault underground, so even if you have a metal coffin, it's going into the cement vault, which protects against the ground basically caving in if something happens to the casket or if it's a casket that's going to biodegrade or whatever. If a person chooses, it is also possible to put up to four cremation urns in a burial slot instead of one casket. So, you have two caskets, you could have eight urns, or you could have one casket and four urns. Mr. Houston thought there might also be some flexibility if there is a coffin in there to add one or two urns as well. There are some situations where families have two plots next to each other, so basically four in a row, there are limitations on that, but it does happen.

The other component of the cemetery is called the scattering garden, which is where people can scatter cremated ashes. It is more like a very shallow burial. It's almost like lifting sod, the ashes go there, and the sod goes back down, so it's a little more contained than that. The future capacity of that space at the current rate of usage is about 20 to 25 years. Mr. Houston mentioned that land at the cemetery is not abundant, so the Town must get creative and explore other options. An idea that was discussed was getting a columbarium installation in the cemetery.

Ms. Jackson stated that the proposed location for the columbarium installation at Linwood Cemetery would be towards the back. This would be in an area that can't be used for traditional burial lots. Visitors coming into the cemetery would not be able to see the columbarium right away. Ms. Jackson said a few trees might be removed to make room for the columbarium. The columbarium would be one unit with twenty-four units that each unit can contain two urns. Ms. Jackson would like to propose having three columbarium units at the cemetery. Ms. Jackson stated that cremation burials are more popular than regular full interment. Ms. Jackson noted that cemeteries are running out of spaces for full interment, and she feels these columbarium units would be useful.

Mr. Houston said the columbarium is not costly, however he would like input from the other Select Board Members to see if this is something worth pursuing. Mr. Houston said ideally, they would bring the proposal to Fall Town Meeting or Spring Town Meeting, and the Town can make the choice if they would like this option. Mr. Houston noted that not all people would want their ashes at the scattering garden and would rather have a designated place without taking on a full burial plot.

Ms. Jackson provided information about a green burial, which was another topic discussed. Ms. Jackson described a green burial is a more organic approach to burying someone fully, either in a shroud or some type of basket, they are not embalmed, there's no concrete vault that the body goes in so they would naturally decompose in the ground. Ms. Jackson raised concerns as a supervisor for the cemetery, knowing the rest of the Linwood cemetery has a high-water table and worries about the safety for DPW digging and any leaching that would be in the soil or the water. In addition, a green burial is done in succession. You are unable buy a lot and have significant others next to each other, if they did not expire the same time. There is no guarantee they would be able to be buried next to each other if they expire at different times. Ms. Jackson raised another safety concern about driving the equipment over the lawn, which she deemed very difficult.

Ms. Jackson talked about the plaque at the Scattering Garden. She said the plaque is shared, and the persons name and date are engraved on it.

Ms. Bent mentioned that she did not like the look of the columbarium. Ms. Bent said the cemetery is scenic, and the columbarium looks like a structure that is not consistent with the natural look of the cemetery. Ms. Bent proposed asking people if they are not interested in their lots to sell them back to the Town. Mr. Gaumond said periodically, people do sell their lots back.

Mr. Boshart asked how the twenty-five years timeframe was calculated. Ms. Jackson relayed between the lot sales, burials and the overall sketch of the remaining space in the cemetery. Ms. Jackson said other cemeteries have had their cremation burials double in the last few years. She said ours are about between full interments and increments, we're about 50/50 at this point, but the trend is going more towards cremation.

Mr. Houston asked Ms. Bent if the columbarium is something that should be brought to Town Meeting. Ms. Bent said she is always willing to let the Town consider because they should have that right. Ms. Bent said she would like to explore alternatives to the columbarium, such as something that looks a little more natural, that is more identifiable as to where remains go (something more than the scattering garden). Mr. Houston asked Ms. Jackson to explore what other cemeteries (Mount Auburn) are doing about private family scattering gardens, and if there are any other alternatives.

Mr. Houston proposed another change to the Cemetery Regulations. Currently, the regulations state that lots can be sold only to individuals aged 65 and older and may not be sold to anyone who's not a current resident of the town of Weston at the time of sale. Lots may be sold to a current resident of the town who's under 65 in order to accommodate the interment of the owner's husband, wife, child, stepchild, parent, or parent-in-law. The Select Board occasionally get petitions from people to be able to acquire lots in situations where they don't qualify under the rules. Mr. Houston noted that the Select Board has granted some waivers where normal circumstances wouldn't have allowed the person to purchase a plot. These are case by case scenarios. Mr. Houston said the rules are pretty clear, however there should be guidance for when those come before the Select Board with waivers, they will have an idea if it would be granted or denied.

Mr. Houston proposed changing the requirement of needing to live in Weston when purchasing a plot, however the person must have lived in Weston for at least ten or twenty years, and possibly removing the 65-age requirement. Mr. Houston said it might be difficult for DPW to prove a person has lived in Weston.

Ms. Bent said she was in favor of adding a simple guidance for the Select Board to take into account when waiver requests are presented.

Mr. Sullivan raised the point that if we start selling to those under 65 years old, the plots will fill up and it will then become cumbersome operationally when trying to dig for a grave. He feels that the twenty-five years out, will become even far less if the spaces get sold. Mr. Sullivan expressed that people under 65 have a higher chance of moving elsewhere and then they would not longer even need the plot.

Mr. Boshart raised the question to see if any people have moved away and forgot about the plot they purchased and have since passed. Mr. Sullivan said there is a small number, approximately four or five. Mr. Sullivan said there has been an increase in those selling the plots back to the Town.

Mr. Sullivan suggested not changing it at all. He noted that Ms. Jackson deals with a lot of people who do not qualify, looking to purchase the burials with various reasons. Mr. Sullivan stated that the Select Board only sees a small handful of waivers.

Mr. Houston will take all the comments and suggestions and come up with a new proposed guideline.

Discussion about the Annual Town Meeting & Discuss articles/motions for presentation.

Mr. Gaumont went through the items that will be presented at the Annual Town Meeting. The first article is the budget- Mr. Boshart will present, the consent Agenda- Mr. Houston will present, The Wetlands Protection By-law- Joe Berman will make the motion. The Select Board will have another conversation with the proponents on this Wetlands By-law. Mr. Gaumont said the CPC Articles 18-19-20- Steve Ober will be making the motions. The Select Board supports Article 18. Article 19- Rhododendron Garden- presented by Michael Harrity. Article 20 Pickleball Courts and Rehabilitate Tennis and Basketball Courts at Burchard Park. The Select Board is not taking a position on Articles 19 and 20. Article 21 – Appropriate for Water Tank Replacement- presented by Laurie Bent. Article 22- Citizens’ Petition- Presented by Weston Provisions- The Select Board is not taking a position.

Mr. Gaumont stated that the gymnasium will be used for overflow for Town Meeting, and the Town Clerks Office will be ordering handheld voting devices. Mr. Gaumont believes the Town Meeting will only go for one night.

Ms. Bent wanted to mention that there is another Water Tank Forum scheduled for April 25th, which will go over the finances of the proposed Water Tanks, which includes only the design (which includes siting).

Consent Agenda

MOTION: Mr. Boshart moved the Consent Agenda as follows. 2nd by Ms. Bent.

Approve a request for a permit to close Town House Road on Saturday, September 23, 2023, from 7:00 a.m. to 3:00 p.m. for the purpose of the Rotary Club Annual Car Show. The request has been approved subject to conditions by the Fire and Police departments, the Department of Public Works, and the Board of Health.

Approve request from the Town Center Celebration & Weston High School for a permit to occupy Town House Road, and Boston Post Road between School Street and Colpitts Road during the Celebrate Weston and Spring Fling events being held on Town Green, Josiah Smith Tavern Parking Lot, Art & Innovation Center, Knox Corner, Town Square, and Boston Post Road on Saturday, May 20, 2023 (rain date May 21, 2023) between the hours of 7:00 a.m. and 5:00 p.m.

Approve a request from the Weston Library to accept \$9000 from the Nathalie and Theodore Jones Charitable Trust to be applied to the Library General Purposes account.

Accept gifts totaling \$125 from the donors listed in the attached document to be applied to the Weston Council on Aging.

Approve Chapter 269 of the Acts of 2022 to provide COLA for Middlesex Retirement.

Approve Arbor Day proclamation and Arbor Day tree donation.

Approve tree donation & location for the replacement of the Joan Vernon memorial tree.

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

Meeting Adjourned at 9:14 p.m.

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