

**Minutes of Regular Meeting
Board of Selectmen
Tuesday, June 11, 2019
Selectmen's Meeting Room – Town Hall
Called to Order at 9:00 a.m.**

Present were Selectmen Harvey Boshart and Christopher Houston, Chair. Also present were Town Manager Leon A. Gaumont and Assistant Town Manager/Human Resources Director Lisa Yanakakis. Recording Secretary is Kara Fleming. Videographer – Alanna Muldoon, Weston Media Center

Item 1 – Resident Comments

There were none.

Mr. Boshart stated that despite all of the road construction on the north side of town, the High School's graduation ceremony on the Town Green was a success. He also stated that he had received some complaints regarding the removal of signs related to the South Avenue 40B project by a Town employee, so he investigated the incident. He learned that the Building Department had received several complaints regarding the unsightliness, size, and placement of the signs in the public way. The Deputy Building Inspector investigated the complaint and removed some of the signs that were in the right-of-way.

Item 2 – Approve the Sale of Bond Anticipation Note for the Town Center Improvement Project
Susan Kelley, Finance Director, Zoe Pierce, Treasurer/Collector, and Deborah Davenport, Town Clerk

Ms. Pierce explained to the Selectmen that the sale was held on June 6th for a note totaling \$9,045,000 to the lowest bidder, Eastern Bank, with a premium of \$29,396.25 and 1.4823 percent in net interest cost. There were seven bids in total and the note to be issued on June 14th will mature January 30, 2020. Ms. Kelley added that they plan to do short-term borrowing until the project is complete and then move to long-term borrowing; however, they will review this plan again in February. She added that the premium can be used toward a future project.

MOTION: Mr. Houston moved to approve the sale of a \$9,045,000 2.00 percent General Obligation Bond Anticipation Note (the "Notes") of the Town dated June 14, 2019 and payable January 30, 2020 to Eastern Bank at par and accrued interest plus a premium of \$29,396.25.

And further: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 30, 2019 and a final Official Statement dated June 6, 2019, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

And further: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events 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 Notes for the benefit of the holders of the Notes from time to time.

And further: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town 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 Notes and to comply with relevant securities laws.

And further: 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.

2nd by Mr. Boshart. **Approved unanimously**

Item 4 – Relief of Roadway Moratorium for 98 Love Lane

Robert Provenzano, homeowner, and Jonathan White, counsel

This item was taken out of order.

Mr. White submitted a memo to the Selectmen in advance of the meeting (attached) outlining the issue with regard to the subject property. The Selectmen discussed the issue with Mr. Provenzano and asked if it were possible to only have water connected at this time, which is a less significant cut, and to discuss gas at a later time. Mr. Provenzano agreed to that approach. Mr. Houston asked Mr. Gaumond to add to the Selectmen’s goals for 2019-2020 to find a way for residents to look up their properties and see what committee approvals and building restrictions may be in place.

MOTION: Mr. Boshart moved to allow an exception in the street opening moratorium for new pavement per Section V of the Street Opening and Occupancy Regulations for 98 Love Lane to connect water only and at the further direction of the Department of Public Works Director and to have a future conversation for the gas connection. 2nd by Mr. Houston. **Approved unanimously**

Item 3 – Appoint the Town Center Project Working Group and Dissolve the Town Center Planning Committee with Appreciation for its Work

At the last meeting of the Board, the Selectmen discussed the dissolution of the Town Center Planning Committee and to establish a working group to assist in making quick decisions based on conditions in the field and aesthetic matters.

MOTION: Mr. Boshart moved to dissolve the Town Center Planning Committee with extreme appreciation for its tremendous work over the last four and a half years; and further, to appoint the following to the Town Center Working Group to serve at the pleasure of the Selectmen: Stephen Larocque, Jay Doyle, Harvey Boshart, Michael Harrity, Neil Levitt, Stephen Oppenheimer, and Kevin Sullivan. 2nd by Mr. Houston. **Approved unanimously.**

Mr. Houston added that he would like for the Sustainability Committee and the Tree Advisory Group to be brought in for advisement on applicable elements of the project.

Item 5 – Discuss Waiving Permitting Fees for Land’s Sake, Inc.

Clint Schuckel, Land’s Sake Board Member

Mr. Schuckel showed the Selectmen an updated plan where the stub work for all of the utilities will be coming in at the same place and where 35-feet of the stone wall will come down in order to accommodate

school bus turning radii. The wall in this area is currently broken due to past vehicular impacts. The fees associated with the stub work total \$6,200.

MOTION: Mr. Boshart moved to waive the fee associated with the water service connection and the fees for the Road Opening Permit and the Trench Permit for the utility work Land's Sake Inc. is installing at 40-Acre Field. 2nd by Mr. Houston. **Approved unanimously**

Consent Agenda

MOTION: Mr. Boshart moved the Consent Agenda, as follows:
Approve a request from the Weston Public Library to accept gifts of \$2,500 from the Gardiner Family Fund and \$25,000 from the Friends of the Weston Public Library, both to be applied the Weston Art & Innovation Center; and further, to accept a distribution of \$8,000 from the Natalie and Theodore Jones Charitable Trust to be applied to the Library General Purposes Fund.

2nd by Mr. Houston. **Approved unanimously**

Regular meeting adjourned at 10:10 a.m.

Harvey Boshart
Clerk, *pro tem*

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.

June 4, 2019

Via Email: gaumond.l@westonmass.org

Leon A. Gaumond, Jr., Town Manager
Weston Town Hall
P.O. Box 378
Weston, MA 02493

Re: Robert and Mary Provenzano
98 Love Lane

Dear Leon:

In February 2019 Robert and Mary Provenzano were granted a flexible development special permit by the Weston Planning Board enabling them to split off a lot from their property at 98 Love Lane. I represent the Provenzanos. It was a long, expensive process which commenced in early 2018. The Planning Board permit was preceded by approvals from the Conservation Commission and the Historical Commission. The Provenzanos are not homebuilders. They then accepted an offer to purchase the new lot. Their buyer was well along in the site plan approval process when he was notified that because Love Lane was paved in 2017 there is a moratorium on cuts in the road until 2022. That means no connecting to the town water, the gas line or any other lines in the street. The buyer voided the agreement.

The Provenzanos request that, due to extenuating circumstances, the Town of Weston waive its no cut policy for this property. The Provenzanos ask that this request be placed on the Selectmen's agenda for June. After practicing law in Weston for 39 years I am moving to Orleans on the Cape on July 1st. I would like to be heard on this issue on behalf of the Provenzanos.

What are the extenuating circumstances? As stated above, obtaining the special permit for a two lot flexible subdivision was a lengthy, expensive process. The Provenzanos spent tens of thousands of dollars on engineering fees, surveying fees, an architect and legal fees in order to obtain the special permit from the Planning Board to divide their property. They paid the Town of Weston \$5,000+ in filing fees. When the Provenzanos filed their application with the Planning Board in June of 2018 Weston boards, including the Department of Public Works and the Police Department, were all given notice of the application. The public also received notice. There was a site walk by the Planning Board and then eight public hearings. The last public

hearing was on January 23, 2019. At no time during this process were the Provenzanos, the Planning Board or this office made aware of the moratorium.

The prospective buyer was only recently notified of the moratorium and that is when the Provenzanos first heard about it. By then the prospective owner had already designed a house and done the necessary engineering. He had already filed his application for site plan approval. I am confident that by the time the buyer was notified he too had spent tens of thousands of dollars on engineering and architects' fees.

I do not know the Town's policy on notifying homeowners who about a road that there will be no cuts in the roads for five years after it is paved but when someone files an application to create a house lot on a road which is subject to the moratorium to my way of thinking the Town has a duty to notify the applicant before that applicant spends tens of thousands of dollars on the project. All impacted boards receive notice of the application. Notification of the moratorium to the applicant should be easy and automatic. It is also the right thing to do.

Rob Provenzano has lived in Weston his entire life. He is not a builder. He is a home owner/taxpayer. A lot of people in Weston know Rob but everyone knows Weston Sealcoating because all over town they see its signs which keep people off freshly sealed driveways. Rob has owned and operated Weston Sealcoating for 34 years. It would be ironic if Rob, who has sealcoated thousands of Weston asphalt driveways during the past 34 years is unable to sell his lot because his potential buyers will not be allowed to make cuts in the asphalt road in front of his property.

The Provenzanos have three children. All went through Weston schools. All attended excellent colleges and all three are now in graduate school. The Provenzanos are paying for all of that education. Rob and Mary felt the need to sell their extra lot because college tuitions have made and continue to make a very significant dent in their finances.

I hope the Selectmen give serious consideration to this request for a waiver. Should they grant a waiver to the Provenzanos I do not see it as setting a bad precedent. Anyone who applies for permits for new construction whether it be via a building permit or, as here, a special permit and site plan approval, should be automatically informed of the moratorium. If that is already happening then the Provenzanos fell through the cracks and deserve a waiver. If that is not the current policy then I hope this request causes Weston to reconsider its policy and change the way that moratoriums are handled in the future. In the meantime, there are compelling reasons to grant the Provenzanos a waiver.

Thank you for your consideration.

Sincerely,



Jonathan A. White

JAW/jkg

Cc: Kara M. Fleming
Thomas E. Cullen, Jr., P.E.
Imaikalani Aiu
Mr. and Mrs. Robert A. Provenzano