

Town of Weston Community Preservation Plan
Issued November 2002
Revised September 2018

OVERVIEW OF THE COMMUNITY PRESERVATION ACT IN WESTON

Introduction

The Town of Weston Community Preservation Committee (CPC) is pleased to present the Town of Weston Community Preservation Plan updated as of September 2018. This Plan provides background on the Community Preservation Act (CPA) and its initial adoption by the Town of Weston, a vision statement, a needs assessment, a description of how the plan is administered, an overview of projects that have been approved to date, and CPA fund balances. The CPC recognizes that this document will be revised periodically in response to Town needs and to keep the Town updated on approved projects.

The Community Preservation Act

The Community Preservation Act (CPA) authorized by Massachusetts General Law (MGL) Chapter 44B in the year 2000 allows any city or Town in Massachusetts to adopt a property tax surcharge of 1% to 3% that serves as the primary source of revenue for the local Community Preservation Fund. HB 4200, signed into law by then Governor Patrick on July 8, 2012, allows communities to adopt CPA with a minimum 1% property tax surcharge and then dedicate additional municipal revenues (e.g., excise taxes) to their CPA Fund, up to the full 3% of the real estate levy against real property. State matching funds generated by surcharges on fees assessed for recording various documents with the Registry of Deeds or Land Court provide another source of revenue for the local Community Preservation Fund. Additionally, from FY13 to FY15 a portion of the state's budget surplus was allocated to the CPA Trust Fund: \$25 million in FY13, \$11.4 million in FY14, and \$10 million in FY15. The final state budget approved by Governor Baker in July 2016, 2017, and 2018 also included a provision for the distribution of half of the state's budget surplus up to a maximum of \$10 million to the CPA Trust Fund, but there were no FY16 or FY17 budget surpluses to distribute. Though the state is anticipating a surplus this year, the amount will not be finalized until October. Without surplus funding, the Department of Revenue estimates that the first round state match for eligible CPA communities this year will be approximately 11.5%, a new record low. CPA advocates continue to seek a more stable funding source for the CPA Trust Fund. Budget amendments filed in both the MA Senate and House of Representatives in 2018 had sought to increase recording fees at the Registry of Deeds by \$30, which would have restored the State's first round distribution to approximately 30%. Despite unanimous approval by the Senate, neither the House nor the Conference Committee approved the measure.

A Town may appropriate CPA funds to: 1) acquire, create and preserve open space; 2) acquire, create, preserve and rehabilitate/restore recreational land; 3) acquire, create, preserve, and support community housing; 4) acquire, preserve and rehabilitate/restore historic resources; and 5) cover administrative expenses. Additionally, a Town may appropriate CPA funds to rehabilitate/restore open space or community housing if acquired or created with CPA funds. Prior to the passage of HB4200 in 2012, recreational assets could only be rehabilitated with CPA funds if they were acquired or created with CPA funds.

The Town of Weston was one of the first participants in the CPA program; it adopted the CPA at the maximum 3% surcharge level by a vote of 925 to 480 at the May 5, 2001 Annual Town Election with the following two exemptions allowed under the Act:

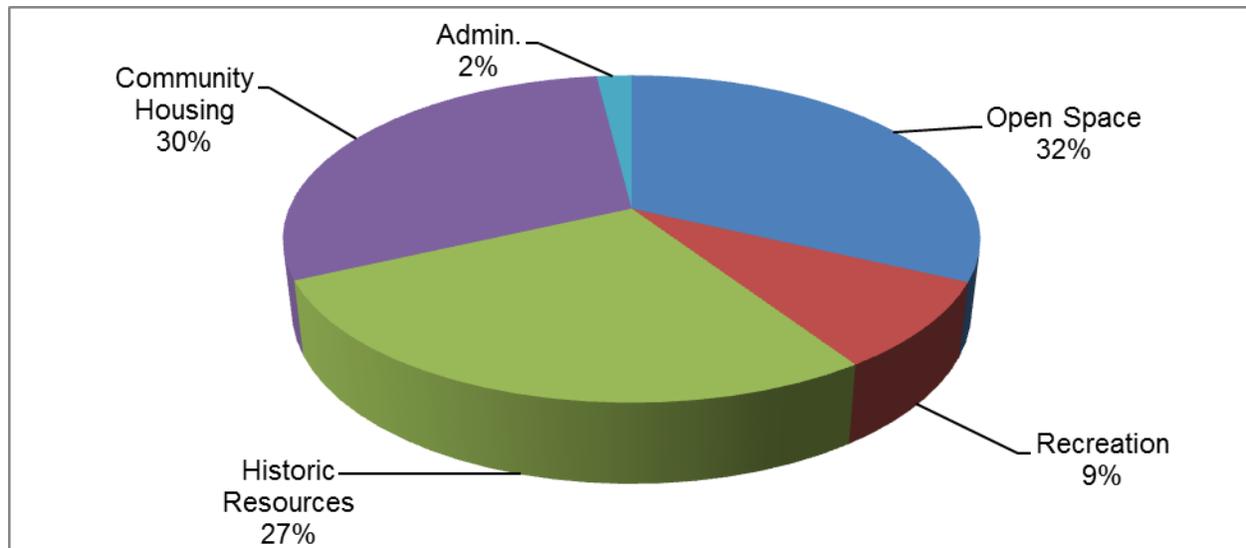
1. The first \$100,000 of the value of each taxable parcel of residential real property.
2. Residential property owned and occupied by any person who qualifies for low-income housing (earning less than 80% Area Median Income) or low or moderate-income senior housing (earning less than 100% of Area Median Income and 60 years of age or older).

At the Annual Town Meeting on May 20, 2013 a Citizen's Petition to reduce the CPA surcharge from 3% to 1% (Article 36) and a motion from the floor to amend the reduction to 2% were defeated. At the Annual Town Meeting on May 15, 2014, a similar Citizen's Petition to reduce the CPA surcharge from 3% to 1% (Article 36) was also defeated.

As of September 2018, 173 communities in the Commonwealth – 49% of all Massachusetts' municipalities - had adopted the CPA. The 3% surcharge went into effect in Weston at the start of Fiscal Year 2002 with a total of \$937,936 in local revenue

collected. The first state matching funds in the amount of \$935,343 were received on October 15, 2002. As of June 30, 2018, the Town had collected approximately \$13.2 million in CPA revenue from the state and over \$26.6 million in CPA revenue locally and earned over \$2.9 million in investment income on these receipts. A more detailed review of revenue and appropriations can be found in Appendices 1 and 2.

The following pie chart shows the breakdown of net appropriations through FY18, including the principal portion of committed debt service, among the five permissible CPA categories:



Community Preservation Committee: Formation and Duties

Pursuant to the CPA, the Town of Weston approved Article XXIX, a new Town By-Law, creating a nine member CPC at the May 7, 2001 Annual Town Meeting (See Appendix 3). The Historical Commission, the Conservation Commission, the Housing Trust and the Planning Board designate a representative to the CPC. In addition, the Selectmen appoint a member to represent parkland interests, and the Moderator appoints four at-large members. At the Annual Town Meeting on May 20, 2013 a Citizen's Petition to elect the four at-large members who are currently appointed by the Moderator (Article 24) was defeated. See Appendix 4 for a list of current members.

The CPA mandates that the CPC study the Town's "needs, possibilities and resources" for community preservation and recommend to Town Meeting how CPA funds can be spent to best respond to these needs. On April 4, 2002, the CPC held its first public hearing to present recommendations for reserving and appropriating CPA funds for Fiscal Year 2003. As required by law, the CPC presented its initial Community Preservation Plan and recommendations for funding eligible projects at the May 2002 Meeting. At this meeting, voters approved the purchase of the 23-acre "Sunday Woods" and funded two historic preservation initiatives that are included in the Chronology of Town of Weston CPA Funded projects listed in Appendix 5.

All citizens are welcome to attend the CPC's meetings. Meetings are posted at Town Hall and on the Town website (www.weston.org) under Calendar of Meetings. Comments or questions can be directed to the CPC Administrator at Town Hall, P.O. Box 378, Weston, MA 02493 or by phone at (781) 786-5074.

CPA Funding Requirements and Town Meeting Action

Proposals must fit within the requirements of the Community Preservation Act. The CPA requires that communities spend, or set aside for future spending, a minimum of 10% of annual CPA receipts on each of the following three categories: 1) open space including recreational purposes, 2) historic resources, and 3) community housing. The remaining 70% of funds may be allocated to any one or a combination of the three main uses, including public recreational purposes, at the discretion of the CPC and subject to the approval of Town Meeting. Any monies not appropriated remain in the Fund for future allocation. Up to 5% of revenues received in the current year can be spent on CPA-related administrative expenses. CPA money cannot be spent on routine maintenance, nor can it be used to supplant funds customarily included in the regular Town budget. A permanent deed restriction must be placed on any "real property interest" acquired using CPA funds.

Appropriations from the Fund for all purposes, except those requiring borrowing, are executed by a simple majority vote by Town Meeting. Borrowing for CPA purposes requires a 2/3 vote. Communities may borrow against the local CPA surcharge revenue they can reasonably expect to receive under the CPA in subsequent years. Bonds issued under the CPA are general obligation bonds of the Town, and in the event that CPA local surcharge revenues are insufficient to pay off the principal and interest, these obligations must be met with other municipal funds.

How CPA Funds Can Be Used

According to MGL Chapter 44B, Chapter 267 of the Acts of 2000 as amended by SB 2343 (July 2002), HB 3944 (July 2003), HB 4709 (December 2004), HB 1680 (March 2006), SB 167 (September 2006), SB 2725 (December 2006), and HB4200 (July 2012), the allowable purposes for which CPA funds may be spent are further described as follows:

- **The acquisition, creation, and preservation of open space;**
- **The acquisition, creation, preservation, rehabilitation and restoration of land for recreational use;**
- **The acquisition, preservation, rehabilitation and restoration of historic resources (including documents or artifacts);**
- **The acquisition, creation, preservation, and support of community housing.** The CPA defines community housing as low and moderate income housing for individuals and families, including low or moderate income senior housing. Low income housing is housing for those persons and families whose annual income is less than 80 per cent of the area-wide median income that is determined by the United States Department of Housing and Urban Development (HUD). Moderate income housing is housing for persons and families whose annual income is less than 100 per cent of the area-wide median income. Low or moderate income senior housing is housing for those persons having reached the age of 60 or over who would qualify for low or moderate income housing. For housing units created with CPA funds to be counted toward a community's Chapter 40B affordable housing inventory, the units must serve those earning less than 80 per cent of the area wide median income. CPA funds may also be appropriated to an affordable housing trust fund to be used for CPA eligible purposes; and
- **The rehabilitation and restoration of open space and community housing that is acquired or created using monies from the fund.** With respect to community housing, the CPC shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

Review of Proposals for CPA Funding

The CPC is charged with reviewing all projects proposed for CPA funding and for making recommendations to Town Meeting. In order to be considered eligible for review, a proposal must, at a minimum, meet the statutory requirements of the CPA. If the project meets the minimum requirements, the following factors will influence the relative prioritization of proposed CPA projects, positively or negatively (as indicated):

- ***Depth and Breadth of Impacts on Town (+).*** Breadth of impact refers to the number of residents expected to benefit from the project. Depth of impact refers to the relative importance of a project to the town, regardless of the breadth of direct impact.
- ***Likelihood of Success (+).*** Likelihood of success will be directly affected by factors such as a project's degree of difficulty, the demonstrated abilities and experience of project proponents, and the likelihood of sufficient support by the town as needed. For multi-phase projects, likelihood of success will be evaluated on a phase-by-phase basis, as each phase is presented to the CPC for approval, and over the life of the entire project.
- ***Availability of Other Funding Sources (+/-).*** Project proponents are encouraged to consider and pursue other funding sources, including external grant opportunities, and should be prepared to describe their efforts to obtain such other funding and/or the reasons why such efforts were not successful or undertaken.
- ***Suitability of Funding from Municipal, School, or State Budgets (-).*** The more suitable and ordinary it would be to fund a particular project from a non-CPC budget, the more consideration should be given to whether limited CPC funds should be used, given their narrower focus and underlying purposes.
- ***Funding of Other Projects from Same CPC "Bucket" (-).*** Though there is no requirement that all CPC "buckets" be funded equally, the CPC should be cognizant of overconcentration of resources in any one category. For multi-phase projects and projects funded with debt, the aggregate amount of funding over the duration of the debt service should be taken into account (with or without the interest component of debt).

- **Initial Intention of CPA Funds for Certain Projects (+).** The Old Library, Josiah Smith Tavern, and Case Estates were three key reasons the town's CPA fund was established in the first place, so these projects remain key priorities for funding. (Nonetheless, while priorities, these projects would also be taken into account in assessing potential overconcentration of resources in a specific category as described above.)

Financing

Generally, projects (or phases of multi-phase projects) will be (a) funded with CPA cash, where the relevant amount is less than \$1 million and such cash is available, or (b) funded with debt, where the relevant amount is greater than \$2 million. In assessing the appropriateness of this general guideline for a particular project (or phase), as well as assessing the appropriate funding where the relevant amount is between \$1 million and \$2 million, the following factors will be taken into account:

- **Interest Rate Levels.** The lower interest rates are, the more attractive debt should be, and vice versa. Interest rate levels should be assessed relative to the debt maturity period available for the particular project.
- **Current and Expected Availability and Other Uses of Cash.** If CPA cash is already constrained or is expected to be constrained due to other cash expenditures, debt will be more attractive. Conversely, where cash is plentiful and not accounted for by other expected uses in the near future, debt will be less attractive, and the CPC should be cautious to minimize perceptions that it is accumulating too much cash.
- **Expected Debt Service Payments Relative to CPA Surcharge Revenues.** Debt should never be accumulated to the extent that debt service payments in any future year might reasonably be expected to approach or exceed the CPA surcharge revenues for such year (presuming the CPA surcharge remains in effect). For additional prudence, expected debt service payments in any future year should not generally exceed one half of expected CPA surcharge revenues for such year.
- **Anticipated Support for Project (or Debt Financing) Relative to Perceived Importance.** Generally, debt financing requires a two-thirds vote at town meeting, while cash financing only requires a majority vote. For projects that the CPC deems particularly important, cash financing could be more attractive to the extent there is doubt about the project (or debt financing for such project) receiving the necessary two-thirds vote. Conversely, to the extent a project is expected to receive support well in excess of two-thirds, debt financing should be more attractive, even where other considerations might suggest cash financing.

CPA Funding Application Process

Applications for CPA funding should be submitted using the Project Submission Summary and Application Forms found in Appendix 6. Upon receipt of a submission not initiated by a Town department or committee, the CPC will usually refer the application to the relevant Town department/committee, such as the Conservation Commission or the Historical Commission. As noted in the Selection Criteria, the committee typically only recommends projects that the relevant Town department/committee supports as a high priority.

All use of CPA funds, except administrative funds, must be recommended by the CPC to Town Meeting prior to consideration at Town Meeting.

The CPC is currently accepting applications for funding of eligible projects in FY19, beginning July 1, 2018. Further information about the funding process can be found on the Town website, <http://www.weston.org>, or by calling 781-786-5074.

NEEDS ASSESSMENT AND FUNDED PROJECTS TO DATE

VISION STATEMENT

A central component of the CPA Plan is an assessment of community needs that are compatible with the Community Preservation Act's statutory requirements. For its initial plan, issued in November 2002, the CPC prepared a Vision Statement to place this needs assessment within a broader context. The CPC believes this vision statement still provides a relevant framework of community needs.

Weston residents have long expressed concern for preserving the "rural character" of the Town. As suburban development pressures have increased, the Town has responded by purchasing hundreds of acres of conservation land that form the

backbone of our community. This land is highly prized for its scenic, environmental and recreational value. Historic buildings such as the Josiah Smith Tavern and Old Library, often set within the remains of the agrarian landscape, are increasingly valued for their contribution to Weston's identity and sense of place. Given these priorities, it is no surprise that Weston moved decisively to adopt the Community Preservation Act, which has generated funds that have allowed the Town to purchase conservation land and to preserve historic resources.

The third category for CPA funding is community housing. By including community housing among the areas for which CPA money must be used, state legislators have introduced a third priority related not to the character of the Town's physical environment but to the diversity of its citizenry. Today, some members of the larger community, including many Town employees and teachers, cannot afford to live here. The CPC envisions a goal of creating community housing that serves an important societal need and at the same time is respectful of the Town's semi-rural landscape and architectural traditions.

Open Space and Recreation

Resources and Facilities

Weston residents enjoy a variety of open space resources distributed throughout the Town. The Town owns more than 1,800 acres of conservation land out of a total land area of 10,760 acres. The largest areas of conservation land are the Jericho, Ogilvie, and Highland Town Forests; College Pond; Sears Land; and Cat Rock/80 Acres. Additionally, Weston Forest and Trail Association, a non-profit land trust, owns nearly 200 acres of protected land in Weston, bringing the overall total of permanently protected open space to over 2,000 acres, or approximately 20% of Weston's total land area. Most recently, in June 2016, the Town acquired the Case Estates, a 62.5 acre parcel previously owned by Harvard University, partially using CPA funds. The Case Estates acquisition includes land permanently protected as open space. The Town also owns a number of open spaces that are not permanently protected, such as 40-Acre Field (Land's Sake Headquarters), Green Power Farm, and the Town Green.

Important Town-owned recreational facilities include Weston Memorial Pool; the Community Center; Burchard Park; Lamson Park; playing fields, courts, playgrounds, and a pool located on public school grounds; and several neighborhood parks, including Cherry Brook Road Playing Field, Czarnowski Playing Field, Malone Playing Field, Brooks School Apartments Playing Field, Burt Field, and Ferrelli Playing Field.

Important open spaces and recreational facilities in Weston are also owned by public agencies and private institutions including Regis College, the Champion Center, Weston Golf Club, Pine Brook Country Club, Leo J. Martin Golf Course, the MWRA, and private schools, as well as by private individuals. Many of these parcels are not permanently protected.

Goals

There is strong support in Weston for land protection efforts that preserve the unique semi-rural character of the Town. In a survey conducted during outreach for the 2017 Weston Open Space and Recreation Plan, residents who had been asked to rank land acquisition priorities expressed the strongest interest in acquiring additional land to preserve the following: forests; open meadows; land that protects scenic and rural character; brooks and ponds; and trail connections.

Determining Priorities: Weston's Open Space and Recreation Plan

In 2017, the Open Space and Recreation Plan Committee completed an update of Weston's Open Space and Recreation Plan (OSRP) to help guide the Town's decisions regarding the use, acquisition, improvement, and management of open space and recreational resources and to aid the CPC in prioritizing funding requests for open space and recreation projects. The 2017 OSRP identified the following land protection and preservation needs:

- Open space protection efforts should focus on connecting protected land parcels in order to improve wildlife corridors, provide blocks of wildlife habitat, and make new trail connections.
- Weston's open fields, meadows, and shrubby habitats should be protected, maintained, or restored to provide both a diversity of habitats and the quality of the Town's scenic views.
- Historic buildings, neighborhoods, and districts contribute to the semi-rural character of Weston; important open spaces within these neighborhoods and districts should be protected.
- Local water bodies should be protected from development pressures, stormwater runoff, and invasive species.

- Weston should move forward strategically so that land management, green infrastructure, and land protection efforts anticipate the impacts of climate change.

Appendix A: Lands of Open Space Interest List of the OSRP identifies 17 parcels of privately owned land to be considered for acquisition because of their open space resources and/or potential. *Appendix A: Lands of Open Space Interest List* updates the list generated in 2000 by the Committee to Advise on Land Acquisitions (CALA), which listed 11 priority properties rated on a scale of 1-66. *Appendix A: Lands of Open Space Interest List* also identifies sites where the acquisition of trail easements would provide better access to and connection with existing open spaces and trails. At the time that *Appendix A: Lands of Open Space Interest List* was drafted, no parcels with active recreational potential (e.g. playing fields, pool facility) were identified as desirable, but these types of parcels may be included in future renditions.

The OSRP also identified the following recreational needs of the community:

- Weston’s playing fields are well-loved by the community and need to be maintained.
- Sidewalks, road crossings, parking, and trail connections should be developed to provide safe and effective connections between open space areas, recreational facilities, and other important town facilities including the Town Center, library, schools, churches, and commuter rail stops.
- Trail user amenities should be expanded in the following ways: improved tick and poison ivy education and control efforts; prominently located kiosks and trail markers; readily available parking and trail maps; improvements in trail conditions; and accessibility improvements for people with mobility challenges.
- Three recreational desires raised in the Open Space and Recreation Plan Survey and community forums should be further investigated, as follows: more opportunities for off-road biking; safer on-road biking; and better access to water sports.

The 2017 Weston Open Space and Recreation Plan can be found at Weston Town Hall or online at: www.weston.org/1018/Open-Space-and-Recreation-Plan.

Review of Open Space Proposals for CPA Funding

Open Space proposals that address as many of the following objectives as possible will receive preference:

1. Preserve land included on *Appendix A: Lands of Open Space Interest* in the 2017 Weston OSRP
2. Allow for opportunities for partnership projects with other conservation organizations or with affordable housing, recreation, historical, or other relevant interests
3. Enhance Open Space Protection
 - Protect or preserve important wildlife and plant habitats, including areas that:
 - are of local significance for biodiversity;
 - contain a variety of habitats, with a diversity of geologic features, soil types, and vegetation types;
 - contain a habitat type that is not common in Weston or the nearby area; or
 - preserve habitat for threatened or endangered species of plants or animals
 - Protect or enhance wildlife corridors, promote connectivity of habitat, or prevent fragmentation of habitat
 - Preserve surface water bodies, including wetlands, streams, ponds, vernal pools, seeps, and riparian zones
4. Enhance Passive Recreation and Education
 - Provide opportunities for passive recreation and environmental education
 - Provide passive recreation opportunities for users with accessibility concerns
 - Protect existing trails, provide connections with existing trails or pedestrian routes, or otherwise allow for expansion of the town’s trail/pedestrian route network
5. Enhance Rural Character of Weston

- Preserve the semi-rural character of Weston
- Preserve scenic views or view corridors
- Protect land along scenic roads
- Allow for sustainable agricultural and forestry practices
- Protect important historical, geological, archeological or local landmark features

Recreation proposals that address as many of the following objectives as possible will receive preference:

1. Maintain, steward, restore, and/or create recreational spaces, including but not limited to:
 - Acquisition, creation and/or development of new recreation spaces and facilities as necessary and appropriate to meet the changing needs of the Town’s population
 - Upgrades to existing and future recreation spaces and facilities as necessary and appropriate to enhance safety, accessibility, or ease of use

2. Promote the use of Recreational Facilities, including but not limited to
 - Enhancing access to Recreation facilities for users with mobility, sight, hearing and other impairments
 - Enhancing Recreational facilities in order to accommodate the needs of residents of all ages

3. Improve access to and connectivity among open spaces and Recreational facilities, including but not limited to:
 - Development of safer pedestrian / bicycling routes and initiatives
 - Improved off-road biking opportunities

Funded Open Space/Recreation Projects

Through the May 2018 Annual Town Meeting, a total of \$17,153,644 excluding future debt service and appropriations returned to the CPA fund, has been appropriated for Open Space/Recreation projects from reserved and/or unallocated funds as shown in Table 1:

Table I
CPA FUNDED OPEN SPACE/RECREATION PROJECTS: FY03-FY19 (MAY)

Project	Fiscal Year	\$ Amount Appropriated	Status/Comments
Purchase of 23 acre parcel “Sunday Woods”	2003-2008	2.4 million (includes 834,111 cash + 5 yr., 1.5 million bond)	Purchase completed; 5 year bond retired in FY08 (\$18,330 in bonding authorization returned)
Preservation of fields	2005-2013	20,000 per year	In progress
Purchase of 4.5 acre Dupont/Nicholas parcel	2004	450,000	Completed
Construction of multi-purpose playing field between middle and high schools	2007	600,000	Completed; \$50,606 returned
Appraisal and related consultant services – possible purchase of Case Estates	2007	85,000	Completed
Purchase and associated costs for Case Estates conservation	2007	2.92 million cash + bond authorization for 6 million through 2027	\$1,185,667 returned to CPA fund per TM vote in May 2010; Purchase completed in June 2016
Preservation of playing fields and other recreational facilities including tennis and sports courts	2008	1,000,000	Completed

Purchase and associated costs for Case Estates conservation	2008	638,938	1 st payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2009	513,675	2 nd payment on 20 yr. bond.
Preservation of playing fields/courts	2009	250,000	Completed; \$29,023 returned
Hemlock preservation	2009	25,000	Completed; \$1 returned
Purchase and associated costs for Case Estates conservation	2010	501,675	3 rd payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2011	489,675	4 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2012	477,675	5 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2013	466,050	6 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2014	454,800	7 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2015	443,550	8 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2016	432,675	9 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2017	382,235	10 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2018	373,711	11 th payment on 20 yr. bond.
Purchase and associated costs for Case Estates conservation	2019	364,856	12 th payment on 20 yr. bond.
Preservation of 80 Acre Conservation Area (Hobbs Pond Dam)	2013	317,000	Completed
Rehabilitation of Town recreational land (Design fees for Gail Rd. & H.S. Field 1, now 7, & 2, now 8)	2013	82,500	Completed; \$36,286 returned
Preservation of 80 Acre Conservation Area (Hobbs Pond Dam)	2014	200,000	Completed; \$17,366.68 returned
Creation of recreational land (walkways)	2014	250,000	Completed
Rehabilitation of Town recreational land (Construction fees for Gail Rd.)	2015	200,000	Completed
Creation of recreational land (Case Campus walkways)	2015	217,150	In progress
Creation of recreational land (Lamson Park)	2015	225,000	Completed
Preservation of Open Space (Charles River Eurasian Water Chestnut removal)	2015	5,000	Completed
Creation of recreational land (Warren Ave. walkways)	2015	340,000	In progress

Creation of recreational land (Conceptual design fees for Merriam St. and Highland St. walkways)	2015	48,000	Completed
Rehabilitation of recreational land (Dickson Riding Rings)	2016	25,000	Completed; \$2,205.65 returned
Rehabilitation of recreational land (Community Gardens)	2016	15,000	Completed
Creation of recreational land (Case Campus walkways)	2016	50,000	Appropriation returned
Preservation of Open Space (Charles River Eurasian Water Chestnut removal)	2016	10,000	Completed
Preservation of Open Space (Charles River Eurasian Water Chestnut removal)	2017	10,000	Completed
Creation of recreational land (Final design fees for Merriam St. walkway)	2017	30,000	Completed
Creation of recreational land (Construction of Brown/Winter St. walkways)	2017	250,000	Completed; \$8,633.71 returned
Creation of recreational land (Additional final design fees for Merriam St. walkway)	2017	25,000	Completed
Creation of recreational land (Ash St. walkway conceptual design)	2017	30,000	Completed
Creation of recreational land (Rail Trail amenities conceptual design)	2018	73,000	In progress
Rehabilitation of recreational land (Case Park)	2019	45,117	In progress
Creation of recreational land (Ash St. walkway final design)	2019	75,000	In progress
Creation of recreational land (Merriam St. sidewalk construction)	2019	700,000	In progress
Creation of recreational land (Rail Trail amenities installation/construction)	2019	437,000	In progress

Historic Resources

Resources

Weston is proud of its historic streets and rural ambiance. The Town has designated 37 roads as "Scenic Roads" because of their aesthetic value and historic significance to the Town. In addition, the Town has one Local Historic District (Crescent Street), seven National Register Historic Districts (Boston Post Road, Kendal Green, Case's Corner, Wellington Farm, Glen Rd., Silver Hill, and Weston Reservoir), and eighteen neighborhoods documented with area forms (Chestnut St., Chiltern Hundreds, Church St./Coburn Area, Irving Rd., Jones Rd., Kendal Common, Lower Conant Rd., Love Lane, North Ave., North Village, Orchard Ave., Pigeon Hill, Pinecroft Subdivision, Spruce Hill, Sudbury Rd., Summer St., Warren Ave., and Webster Hill). The Town of Weston owns historically significant structures including the Town Hall, Old Library, Josiah Smith Tavern, Isaac Fiske Law Office, Case House, Central and Kendal Green Fire Stations and Melone Homestead.

Goals

The goal for historic preservation in Weston is to preserve the heritage of this New England Town, now over three centuries old, in ways that promote civic pride, social usefulness, and reverence for the past. Specific goals include the following:

1. To preserve and restore Town-owned historic resources - including buildings, historic landscapes and archaeological sites - in order to secure their future and restore their beauty and usefulness.
2. To re-adapt historic Town buildings to meet modern usage and regulatory requirements and to provide, when reasonably possible, revenue opportunities for the Town.
3. To preserve the character of endangered historic resources through mechanisms such as purchase and resale with preservation restrictions or direct purchase of the value of the preservation restriction.
4. To encourage the use of historic buildings for affordable housing, where this can be done while still maintaining the historic character of the buildings and the site.
5. To encourage the preservation of historic landscapes as open space.

Review of Historic Resource Proposals for CPA Funding

Historical resource proposals that address as many of the following criteria as possible will receive preference:

1. Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
2. Protect, preserve, enhance, restore and/or rehabilitate Town-owned properties, features or resources of historical significance.
3. Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
4. Demonstrate the ability to provide permanent protection for maintaining the historic resource in order to be a public good.
5. Preference to resources that reside within a Weston Historic Area or Local District, on a State or National Historic Register, or eligible for placement on such registers, or on the Weston Historical Commission’s Cultural Resource Inventory.
6. Demonstrate a public benefit, including such things as visibility from the street, or public access.
7. Support the adaptive reuse of historic properties that meet the Secretary of Interior Standards for such reuse.

CPA Funded Historic Resources Projects

Through the May 2018 Annual Town Meeting, the Town has voted to appropriate a total of \$7,922,302 in CPA funds for the historic preservation projects shown in Table II:

Table II
CPA FUNDED HISTORIC RESOURCE PROJECTS: FY03-FY19 (MAY)

Project	Fiscal Year	\$ Amount Appropriated	Status/Comments
Purchase of historic preservation restriction – 787 Boston Post Road	2003	155,000	Restriction not executed; money returned
Rehabilitation of privately owned dam at 39 Crescent Street	2003	60,000	Completed; \$27,666 returned

Installation of new septic system and preparation of historic preservation restriction- Isaac Fiske Law Office	2003	30,000	Completed
Purchase of historic preservation restriction at 809-811 Boston Post Road	2004	225,000	Completed
Renovation of Melone Homestead	2005	240,000	Completed
Exterior renovation of Josiah Smith Tavern (JST) and boiler repair	2005	350,000	Completed
Renovation of Isaac Fiske Law Office	2006	230,000	Completed
Condition assessment of Central and Farmers' Cemeteries	2007	12,500	Condition assessment completed; conservation work to be completed in phases; \$350 returned
Purchase of historic preservation restriction – 823 Boston Post Road – “Hayfields” property	2007	250,000	Completed
Purchase of historic preservation restriction – 412 Highland St. (Meadowbrook School)	2007	200,000	Restriction not executed; funds returned to Historic Preservation Allocation
Exterior renovation of Josiah Smith Tavern	2007	360,000	Construction completed December 2008; \$100,000 returned
Renovation of Melone Homestead – supplemental funds	2008	85,000	Completed
Renovation of Fiske Law Office – supplemental funds	2008	28,000	Completed; \$17,986 returned
Architectural feasibility study for re-use of Old Library	2008	85,000	\$35,000 voted at May 2007 ATM; additional \$50,000 voted at November 2007 STM; completed
Study of Old Library for adaptive re-use as centralized Town Archives	2008	2,500	Completed; \$1,525 returned
Josiah Smith Tavern and Old Library final design	2009	750,000	Request for additional \$300,000 to complete design work voted down at November 2009 STM
Purchase of historic preservation restriction – 116-118 Conant Rd.	2011	250,000	Completed
Purchase of historic preservation restriction – 171 North Ave.	2011	80,000	Completed
Melone House – Phase II – Rehabilitation/Restoration	2011	75,000	Completed
Exterior reservation/rehabilitation/restoration of Old Library	2012	850,000	Completed
Purchase of historic preservation restriction – 699 Boston Post Rd.	2012	225,000	Completed
Preservation of historic Town documents (Town Archives)	2013	542,000	Completed; \$102,557 returned
Preservation of historic artifacts	2013	9,500	Completed; \$133 returned
Brook School Apartments building envelope project (10% preservation of historic resource)	2013	137,500	In progress
Purchase of historic preservation restriction – 88 North Ave.	2013	165,000	Completed
Restoration of historic Town cemeteries (Farmers' Burial Ground & Central Cemetery)	2014	125,000	In progress

Exterior preservation/rehabilitation/restoration of Old Library	2015	300,000	In progress
Purchase of historic preservation restriction – 20 Young Rd.	2016	255,000	Property razed; \$250,000 returned
Town Center Improvement Study	2016	45,000	Completed
Old Library – WAIC architectural and engineering fees	2017	364,000	In progress
Purchase of historic preservation restriction – 55 Coburn Rd.	2017	216,000	Completed
Rehabilitation/Restoration of historic resource – Case House design fees	2017	27,000	In progress
Rehabilitation/Restoration of historic resource – JST arch. & eng. fees	2018	630,000	In progress
Old Library – WAIC construction funding	2018	4,500,000 bond authorization; Debt service totaling 95,767 appropriated through FY19	In progress
Rehabilitation of historic rail trail cattle passes	2018	62,535	To be completed by MA Department of Conservation & Recreation; Appropriation returned
Restoration of historic Town cemeteries (Farmers’ Burial Ground & Central Cemetery) – Phase II	2018	205,000	In progress
Rehabilitation/Restoration of historic resource – JST add. arch. & eng. fees	2019	200,000	In progress

Community Housing

Background

Under the CPA regulations, “community housing” is defined as “low and moderate-income housing for individuals and families, including low or moderate-income senior housing.” “Low income housing” is housing for those persons and families whose annual income is less than 80% of the area-wide median income as determined by the Department of Housing and Urban Development (HUD). Moderate-income housing sets the income threshold for individuals and families at less than 100% of the area-wide median income.

Inventory

As of August 2018, 149 affordable units in Weston were included in the Massachusetts Department of Housing and Community Development (DHCD) subsidized housing inventory (SHI), or 3.8% of the 3,952 total housing units counted in the 2010 Census. (For all communities in Massachusetts the average SHI as a percentage of total housing units is 9.2 %.) Recently, 18 units in 2 projects added to the SHI in 2016 and 2017 were removed from the inventory because building permits were not issued within 12 months of issuance of comprehensive permits. Both of these projects, 2 ownership units in The Village at Silver Hill and 16 rental units in Kendal Village, are being appealed. The inventory of Weston’s affordable units can be found in Appendix 7.

DHCD has set a goal of 10% affordable housing in every community in the state. If a Town’s affordable housing stock is below the 10% level, a developer can apply to the state to bypass the local zoning requirements to build a so-called “40B development,” as long as the project has 20% - 25% of the units designated as “affordable.” In rental developments such as Brook School Apartments and Merriam Village, all units, including market rate units, count toward the affordable housing goal. In owner-occupied developments, only the units actually classified as affordable count toward the goal.

Town Housing Bodies

In 1986 the Board of Selectmen (BOS) created the Housing Needs Committee to develop strategies and programs to address the Town’s response to the need and state requirements for affordable housing. In January 2009, the BOS formed Weston’s Housing Partnership (HP) to replace the Housing Needs Committee. In May 2011, voters at Town Meeting approved the

creation of the Weston Affordable Housing Trust (the Trust) at the recommendation of the HP. The Trust was formed as a vehicle capable of seizing market opportunities and taking other initiatives to preserve and increase moderate and low-income housing consistent with the Town's interests and the Priorities and Criteria, guidelines for developers and Town boards which have a role in development review, created and approved by the HP in 2011 and set forth below. At the recommendation of the HP and the Trust, the BOS merged the two groups into a newly constituted Trust which serves as the Town's affordable housing policy, advocacy, and implementation group.

Priorities and Criteria - Affordability and Housing Needs

Weston has a significant shortage of units that are both affordable and appropriate for senior citizens and families. The Town encourages developments that address these specific local needs. All affordable units must be protected by a perpetual affordable housing deed restriction accepted by the BOS and approved by DHCD under M.G.L. c. 184, §§ 31-32.

While at least 20% – 25% of the units in a Chapter 40B comprehensive permit development must be affordable (depending on income eligibility brackets: at least 20% for projects offering units with income limits below 50% AMI and at least 25% for projects with income limits below 80% AMI), Weston encourages developers to provide more affordable units whenever possible. An increase in density may be considered in order to achieve this end. Weston would want the following types of households to have priority access to the additional affordable units that exceed the 25 percent minimum, to the extent permitted by law:

- Low- and moderate-income households;
- Senior citizens;
- Individuals employed within the Town of Weston, including municipal and school employees; and
- METCO families.

Priorities and Criteria - Additional Preferences

A development that provides a wider range of affordability will be considered more responsive to the Town's housing needs. "Wider range of affordability" means the inclusion of not only units for "subsidized" households with very low incomes – below 50 percent of Area Median Income (AMI) – but also units for "moderate income" households that do not qualify under Chapter 40B income limits, but are nonetheless priced out of Weston's housing market. These households typically have incomes between 80 and 120 percent of the Boston statistical area median income (AMI), as defined by Housing and Urban Development (HUD).

Priorities and Criteria - Location

Weston encourages the reuse of existing houses and buildings for affordable and mixed-income housing. This redevelopment and reuse are preferred, as much of the Town is already developed, preservation of undisturbed open space is a priority, and affordable housing should be distributed throughout the Town.

Priorities and Criteria - Site Planning and Design

Architectural and site design choices are critical to the success of affordable housing proposals. A development that closely adheres to the Town's design priorities and criteria is more likely to receive a favorable review. A development that is out of character with surrounding areas, and designed without sufficient regard for its impacts on neighboring properties, will be discouraged and will likely not receive Town support.

The Planning Board's review of site plan applications is guided by standards set forth in Section XI (F) of the Weston Zoning Bylaw. These standards matter because they address a development's physical, operational, and aesthetic compatibility with surrounding land uses and help to ensure public safety. Developments that include affordable housing, whether proposed under a Comprehensive Permit or another permitting mechanism, should comply with the Town's site plan standards where possible. In addition, the following factors need to be addressed in a developer's submission to the Town:

- Minimize land disturbance;
- Choose building designs that are similar to single-family homes, and substantially consistent with the principles described in *Preserving Weston's Rural Character*¹;
- Minimize massing and bulk;
- Design for safety, considering safety to the occupants both within the structure (building layout) and on the exterior (site layout);

¹ *Preserving Weston's Rural Character*, photographs and text by Pamela W. Fox, prepared for the Weston Planning Board, November 1998

- Utilize stormwater management during, and post construction.

Priorities and Criteria - Additional Criteria

Weston would like to see several preferences addressed in proposals for affordable housing. The Town understands that some of the following criteria will not apply in all cases. However, developers should respond to as many of these criteria as possible and note those which are either irrelevant or infeasible.

- Provide accessible or adaptable units. (Multi-family developments may be required to provide accessible housing under the Massachusetts Architectural Access Board’s regulations, the State Building Code, or both.)
- Locate parking on the side or rear of buildings.
- Design for walk-ability by providing sidewalks or informal pathways, or both.
- Design for a sense of community. Consider building and site layouts that encourage communication and interaction among residents of the development (e.g., common space within buildings, or common facilities, open space, or recreation areas).
- Protect historic resources by designing projects to avoid adverse impacts on structures with historic or architectural significance.
- Employ “green” development practices, considering both buildings and the site.
- Address sustainability in the design, construction, and operations/maintenance of the project.
- Conserve water and protect natural vegetation with:
 - Landscaping consisting of low water use plantings
 - Landscaping consisting only of non-invasive species
 - Stormwater management during and post construction, use Best Management Practices (BMPs) wherever possible
 - Outdoor irrigation system that conserves water and relies on a private well
 - Minimize on- and off-site impacts during construction.

Some developments – especially if they involve new construction on vacant land – may be able to protect open space by design. In these cases, clustered buildings and compact building forms could help to achieve an appropriate density and still leave much of the site undisturbed. Furthermore, developers should try to respond to the following open space preferences:

- Preserve at least 40 percent of the site as common open space;
- Design common open space so that it will be accessible to all residents of the development
- Comply with the Town’s minimum setback requirements

Priorities and Criteria - Additional Benefits to the Town

Like any other development submitted for review and approval by the Town, developments that include affordable housing may be required to provide mitigation (e.g., traffic and/or infrastructure) at a level appropriate to the size and location of the project. Developers will also be expected to pay the reasonable cost of peer review services deemed necessary (e.g., traffic or infrastructure).

Priorities and Criteria - Affirmative Marketing and Local Preference

Weston wants to ensure that affordable housing meets local housing needs and also creates opportunities for new people to move into the community. Affirmative marketing plans, a lottery process, and monitoring for rental (long term) and homeownership units must be designed and should provide a significant inclusionary role for the Town. Developers shall retain a competent, experienced lottery consultant acceptable to the Town in order to insure compliance with all fair housing and marketing requirements in addition to qualifying applicants. To the maximum extent permitted by law, at least 50 percent of the affordable units in a development should be offered, on a priority basis, to Weston residents or people with direct ties to the Town including:

- An individual or family residing in the Town of Weston;
- A household with at least one person employed within or by the Town of Weston; and
- A family with a child attending the Weston Public Schools, including under the METCO Program.

Priorities and Criteria - Further Preferences

Weston will also encourage developers to provide other public benefits in addition to affordable housing such as:

- Preservation and reuse of existing structures;
- Pedestrian amenities;
- Contribution to address capital improvement needs directly related to the project; and/or

- Contribution to Town’s affordable housing fund.

Housing Production Plan

In the spring of 2015, the Board of Selectmen created an ad hoc Housing Production Plan Steering Committee to oversee the hiring of a consultant to assist the Town in creating a housing production plan (HPP) for affordable housing. This committee worked with consultant Karen Sunnarborg and various Town boards and committees to draft and review an HPP that was presented to the Planning Board (PB) and to the BOS in December 2015. After public hearings in the spring of 2016 soliciting resident feedback, the PB and BOS submitted the HPP to DHCD for approval which was granted on June 28, 2016. The HPP identifies affordable housing goals and strategies for the Town which, if implemented, may meet one of the “safe harbor” provisions of MGL Chapter 40B which allows towns to deny or place conditions on comprehensive permits with no threat of appeal. The HPP includes strategic goals set forth below.

Strategic Goals and Housing Strategies

The HPP identified the following strategic goals and strategies to achieve these goals:

- 1) Promote greater local capacity to produce affordable housing:
 - a. Conduct substantial community outreach;
 - b. Capitalize the Housing Trust;
 - c. Enhance communication and coordination of housing activities and consider future consolidation of housing responsibilities – governance;
 - d. Consider future consolidation of housing responsibilities – staffing; and
 - e. Maximize local preference in unit occupancy.
- 2) Amend zoning to promote affordable housing and smart growth development:
 - a. Consider modifying existing multi-family zoning;
 - b. Consider changes to the Active Adult Residential Development bylaw;
 - c. Explore 40R/40S Smart Growth Zoning; and
 - d. Consider changes to promote assisted living development.
- 3) Partner with developers to leverage other public and private resources:
 - a. Make suitable public property available for affordable housing; and
 - b. Support private developments that comply with local policies (as detailed in the Priorities and Criteria section, below).

The HPP recommends a focus on rental development and suggests that 60% of new affordable housing be developed for families and 40% for seniors.

Review of Community Housing Proposals for CPA Funding

Community Housing proposals that address as many of the following criteria as possible will receive preference:

- 1) Creation of Affordable Housing units in Weston with preference to projects that align with Housing Production goals based on Priority Needs identified in the Weston Housing Production Plan dated November 2015, and approved by Massachusetts’s Department of Housing and Community Development (DHCD).

Types of Units	Target Populations	Annual Goals	5-Year Goals
Rental Housing	Seniors (40%)	8	40
	Families (60%)	12	60
	Disabled (10% of all new units created) – handicapped accessible and /or with services	(2)	(10)
Total		20	100

- 2) Contribute to the overall housing production goals by creating units that will meet requirements to be eligible for inclusion on the Department of Housing and Community Development’s Subsidized Housing Inventory (SHI) under G.L. c. 40B; including requirements for Affirmative Marketing.

- 3) Housing that includes partnership with conservation, recreation and/or historic preservation.
- 4) Proposals that aim to preserve existing deed restricted units through rehabilitation and restoration.
- 5) Creation of Affordable Housing using cost-effective design and planning techniques.
- 6) Creation of Affordable Housing through partnerships with community non-profits organizations.
- 7) Creation of Affordable Housing through multiple sources of funding where practicable.
- 8) Housing should be, in so far as practicable, harmonious in design, scale, setting and materials with surrounding community.

CPA Funded Community Housing Projects

Through the May 2018 Annual Town Meeting, the Town has voted to appropriate a total of \$12,365,929 excluding future debt service and appropriations returned to the CPA fund, in CPA reserved and/or unallocated funds to support community housing in the Town of Weston as shown in Table III:

Table III
CPA FUNDED COMMUNITY HOUSING PROJECTS: FY03-FY19 (MAY)

Project	Fiscal Year	\$ Amount Appropriated	Status/Comments
Purchase of affordable housing restriction at 809-811 Boston Post Road	2004	160,000	Completed
Construction of 13 units of community housing at Brook School Apartments	2005-2018	2,850,000 bond authorization through 2025; Debt service totaling 3,952,392 appropriated through FY19	Completed
Rehabilitation/deleading of 15 Jones Road, a rental house owned by Weston Affordable Housing Foundation, Inc. (WAHFI)	2007	83,000	Completed
Community housing consultant services	2007	20,000	Completed
Community housing consultant services to complete Town's affordable housing plan	2008	25,000	Completed
Staff assistance for community housing	2008	10,000	\$8,608 returned
Staff assistance for community housing including new Housing Partnership	2009	30,000	\$9,967 returned

Staff assistance for community housing including new Housing Partnership	2010	21,578	\$450 returned
Construction of 2 units of community housing at 23 Pine St.	2010	759,666	Completed; \$67,447 returned
Purchase of affordable housing restriction at 16 Love Lane	2011	300,000	Completed
Staff assistance for community housing including new Housing Partnership	2011	22,225	\$321 returned
Support for community housing at 15 Jones Rd. (roof replacement)	2011	9,000	Completed; \$865 returned
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2012	16,020	Completed
Feasibility study/predevelopment funding for community housing at 66-68, 71, & 74 Warren Ave.	2012	100,000	Completed
Feasibility study for additional units in Brook School Building C	2012	28,800	Completed; \$13,310 returned
Brook School Apartments building envelope project (90% preservation & support of community housing)	2013	1,237,500	In progress
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2013	15,343	Completed; \$228 returned
Funding for design fees and other predevelopment expenses at 66-68, 71, & 74 Warren Ave.	2014	180,000	Completed
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2014	15,480	Completed; \$123 returned
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2015	14,985	Completed

Creation (acquisition and rehabilitation) of community housing at 126-128 Viles St.	2015	1,188,100	Completed; \$10,504.94 returned
Funding for construction at 66-68, 71, & 74 Warren Ave.	2015	2,688,500	71 & 74 Warren Ave. completed. 66-68 Warren Ave. subject to future appropriation.
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2016	16,347	Completed
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2017	16,163	Completed
Affordable Homeownership Opportunity Fund	2018	950,000	In progress
Brook School Campus Building E Feasibility Study	2018	30,000	In progress
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2018	19,230	Completed
Additional funding for Warren Ave. Project construction	2018	428,600	In progress
Staff assistance for community housing and Weston's share of services provided by Regional Housing Office	2019	28,000	In progress