

**Section 8:
Condensed
Town Records**



Due to the COVID-19 pandemic, the Town Weston petitioned the Superior Court and received immediate injunctive relief to cancel the Town Caucus and move to nomination papers with a ten (10) signatures requirement.

Early voting and vote by mail options were available to minimize in-person crowds on election day.

**ANNUAL TOWN ELECTION
May 8, 2021**

Pursuant to a Warrant duly served, the Annual Town Election was called to order in the Town Hall Auditorium by Warden Susan Banghart at 8:00 a.m. on May 8, 2021, for the election of Town Officers. Ms. Banghart swore the election officers to the faithful performance of their duties.

Total ballot cast were as follows:

Precincts 1 & 2	621
Precincts 3 & 4	689
Total	1310

The results of the election were as follows:

	Precincts 1 & 2	Precincts 3 & 4	Grand Total
Moderator - One Year (vote for 1)			
Ripley Ellison Hastings	534	514	1048
Blanks	83	161	244
Write-Ins:			
Scattering	4	14	18
Total	621	689	1310
Select Board - Three Years (vote for 1)			
Christopher E. Houston	367	277	644
Keith D. Johnson	222	359	581
Blanks	31	53	84
Write-Ins:			
Scattering	1	0	1
Total	621	689	1310
Assessor - Three Years (vote for 2)			
Gary C. Koger	433	433	866
Phyllis R. Kominz	435	416	851
Blanks	372	525	897
Write-Ins:			
Scattering	2	4	6
Total	1242	1378	2620
School Committee - Three Years (vote for 2)			
Attia A. Linnard	428	478	906
Chunyan Tricia Liu	246	314	560
Kenneth Allen Newberg	404	373	777
Blanks	152	182	334
Write-ins:			
Danielle Black	10	27	37
Scattering	2	4	6
Total	1242	1378	2620
Recreation Commission - Three Years (vote for 2)			

Melissa Crocker	433	421	854
Margaret C. Dorna	385	368	753
Peter G. Hill	169	218	387
Blanks	251	370	621
Write-Ins:			
Scattering	4	1	5
Total	1242	1378	2620
Planning Board - Five Years (vote for 1)			
Lori Marie Hess	458	465	923
Blanks	158	218	376
Write-Ins:			
Scattering	5	6	11
Total	621	689	1310
Library Trustees - Three Years (vote for 2)			
Susan Scott	464	446	910
Christopher S. Welles	417	427	844
Blanks	358	504	862
Write-Ins:			
Scattering	3	1	4
Total	1242	1378	2620
Board of Health - Three Years (vote for 1)			
James Bradner	187	197	384
Jennifer M. Kickham	186	242	428
Heidi Ruth Wyle	125	94	219
Blanks	123	155	278
Write-Ins:			
Scattering	0	1	1
Total	621	689	1310
Commissioner of Trust Funds - (for 3 years) (vote for 1)			
Sanford D. Whitehouse	440	440	880
Blanks	176	245	421
Write-Ins:			
Scattering	5	4	9
Total	621	689	1310
Measurers of Lumber - One Year (vote for not more than three)			
Matthew B. Gooch	442	451	893
Mary Shaw	40	52	92
Mark Whitworth	18	36	54
Henry Viles	15	12	27
Blanks	1297	1477	2774
Write-ins:			
Scattering	51	39	90
Total	1863	2067	3930
Question No. 1 - Proposition 2 1/2 Debt Exclusion			
Yes	384	373	757
No	183	258	441
Blanks	54	58	112
Total	621	689	1310

BALLOT QUESTION NO. 1: PROPOSITION 2½ DEBT EXCLUSION

Shall the Town of Weston be allowed to exempt from the provisions of Proposition two and one-half, so called, the amounts required to pay for the bond(s) issued in order to design, engineer, construct and equip the following, including all costs incidental and related thereto: (1) DPW-Drainage Improvements; (2) High School F-Wing Roof Replacement; and (3) Engine (pumper)?

Yes: 757 No: 441 Blanks: 112

ANNUAL TOWN MEETING

Pursuant to a Warrant, duly served, Ripley Hastings, the Moderator, called the Annual Town Meeting to order at 2:02 p.m. outdoors on the Proctor Field of the Weston High School. The Moderator declared a quorum present and proceeded with the reading of the Warrant and the Return of Service. The Moderator appointed tellers and the Town Clerk swore them to their duties.

The Moderator welcomed visitors and outlined the change in procedures to be followed, which included speaking times, the use of a consent agenda, and the use of placards to record and tally votes. The Moderator requested a motion to approve Town Meeting procedures, which was approved.

ARTICLE 1: The results of the Annual Town Election, the results appear in the report of the Town Election above, and handouts of the election results were made available to Town Meeting participants.

The motion was approved by a majority vote

ARTICLE 2 (Motion 1): APPROPRIATE THE FISCAL YEAR 2022 OPERATING BUDGET

Mr. Houston moved that the several sums of money recommended by the Select Board for the Fiscal Year beginning July 1, 2021, in accordance with Section 5 of Article II of the General Bylaws, as amended, as set forth in the budget book titled, "Fiscal Year 2022 Recommended Operating Budget," be raised and appropriated for the respective purposes as set forth therein, and that the Town transfer the following sums to meet, in part, appropriations made at this Town Meeting:

1. Undesignated Fund Balance (free cash)	\$3,150,000
2. Overlay Surplus	463,593
3. Cemetery Trust Fund	20,000
4. Josiah Smith Tavern Trust Fund	6,000
5. Debt Exclusion Premium Reserve	120,977
<i>Total</i>	\$3,754,570

and that the Board of Assessors be authorized to use such available funds to meet appropriations in its computation of the tax rate for fiscal year 2022.

The motion was approved by a majority vote

ARTICLE 3: APPROPRIATE THE FISCAL YEAR 2021 OPERATING BUDGET

Mr. Houston moved to amend the following line items in the Fiscal Year 2021 Operating Budget adopted under Article 2 of the 2020 Annual Town Meeting, by reducing line items and appropriating additional funds to other line items as follows:

	Changing From	Changing To	Difference
Public Works – Snow & Ice Control	\$252,900	\$598,000	\$346,000

And as funding therefor, that \$346,000 be transferred from available funds and/or free cash; or take any other action relative thereto.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 4: APPROPRIATE TO OTHER POST EMPLOYMENT BENEFITS (OPEB) TRUST FUND

Mr. Houston moved to raise and appropriate or transfer from available funds \$2,225,491 to the Other Post Employment Benefits (OPEB) Trust Fund, to be used to pay the costs of post employment benefits; or take any other action relative thereto.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 5: ACCEPT 90 ROAD IMPROVEMENT FUNDS

Mr. Houston moved to authorize the Select Board to permanently construct, reconstruct, resurface, alter or make specific repairs upon all or portions of various Town Ways and to authorize the expenditure of such sums of money as may be received for the fiscal year commencing July 1, 2021, provided or to be provided by the Commonwealth of Massachusetts through the Massachusetts Department of Transportation.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 6: APPROVE PROPERTY TAX DEFERRAL INCOME LIMITS

Mr. Houston moved to establish fiscal year 2022 income eligibility limits under Chapter 421 of the Acts of 2004, An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 7: APPROPRIATE THE FISCAL YEAR 2022 WATER ENTERPRISE BUDGET

Mr. Houston moved to raise and appropriate and transfer from receipts and retained earnings the following sums of \$4,170,511 to operate the Water Division of the Department of Public Works during fiscal year 2022, under the provisions of M.G.L. Chapter 44, section 53F^{1/2}:

	<u>Expended FY19</u>	<u>Expended FY20</u>	<u>Appropriated FY21</u>	<u>Recommended FY22</u>
Salaries	\$292,098	\$311,086	\$308,570	\$322,019
Expenses	170,480	190,083	260,850	255,850
MWRA Assessment/Water Purchases	2,499,852	2,419,299	2,406,000	2,856,200
Debt Service (non-exempt)	518,125	522,406	617,068	671,442
Capital Outlay+	106,196	95,134	67,500	65,000
Total	\$3,586,751	\$3,568,008	\$3,659,988	\$4,170,511

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 8: APPROPRIATE FOR WATER MAIN REHABILITATION

Mr. Houston moved that the Town appropriate the sum of \$401,000 to pay costs of laying and relaying water mains of not less than six inches but less than sixteen inches in diameter, and all incidental and related costs, to be spent under the direction of the Town Manager, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §8(5) or any other enabling authority, and to issue bonds or notes of the Town therefor; and that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 9: APPROPRIATE THE FISCAL YEAR 2022 RECREATION ENTERPRISE BUDGET

Mr. Houston moved that the Town appropriate \$1,798,052 allocated by line item in the column entitled, "Recommended FY22" as printed in the warrant, to operate the Recreation Department during fiscal year 2022, under the provisions of M.G.L. Chapter 44, Section 53F½; and that said \$1,798,052 be funded as follows: \$1,078,831 to be raised from departmental receipts, and \$719,221 to be raised from the tax levy.

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Recreation Department during Fiscal Year 2022, under the provisions of M.G.L. Chapter 44, section 53F½:

	Expended FY19	Expended FY20	Appropriated FY21	Recommended FY22
Salaries	\$1,192,809	\$1,056,273	\$1,323,239	\$1,239,097
Expenses	467,798	371,339	535,255	482,405
Community Center	78,789	41,024	78,550	76,550
Capital Outlay+	-	-	32,000	-
Total	\$1,739,395	\$1,468,636	\$1,969,044	\$1,798,052

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 10: APPROPRIATE THE FISCAL YEAR 2022 BROOK SCHOOL APARTMENTS ENTERPRISE BUDGET

Mr. Houston moved that that the Town appropriate \$1,140,440, allocated by line item as shown in the column "Recommended FY22" as printed in the warrant, to operate the Brook School Apartments during Fiscal Year 2022, under the provisions of Chapter 76 of the Acts of 2009; and that said \$1,140,440 be funded as follows: \$1,242,053 from Brook School rental and other receipts and \$100,000 from Brook School Apartments Enterprise Fund retained earnings.

To raise and appropriate and transfer from receipts and retained earnings the following sums of money to operate the Brook School Apartments during Fiscal Year 2022, under the provisions of Chapter 76 of the Acts of 2009 and M.G.L. Chapter 44, section 53F½:

	Expended FY19	Expended FY20	Appropriated FY21	Recommended FY22
Salaries	\$169,598	\$184,725	\$199,320	\$197,755
Expenses	372,848	313,383	401,600	392,250
Payments in Lieu of Taxes	23,949	24,548	25,162	25,791
Debt Service	265,133	256,568	247,874	239,354
Repairs & Replacements+	160,835	69,408	174,802	185,290
Capital Improvements+	24,134	73,096	100,000	100,000
Total	\$1,016,496	\$921,727	\$1,148,758	\$1,140,440

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 11: APPROPRIATE FISCAL YEAR 2022 PUBLIC ACCESS OPERATIONS

Mr. Houston moved that the Town appropriate the sum of \$253,499 from the PEG and Cable Related Fund as a grant to Weston Media, Inc., for Cable Access and PEG purposes for FY2022, and to authorize the Town Manager to enter into a grant agreement with Weston Media, Inc. upon such terms and conditions as the Town Manager deems appropriate, or take any other action relative thereto.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 12: DEPARTMENTAL REVOLVING FUNDS - AMMEND GENERAL BY-LAWS & AUTHORIZE SPENDING LIMITS

Mr. Houston moved that the Town consistent with the provisions of G.L. c.44, §53E ½, amend Article XXXIV of the By-laws of the Town of Weston, Departmental Revolving Funds, by creating a new revolving fund for "Medical Testing" and, for such purposes to insert the following new row, as shown in bold italic text:

Program or Purpose	Representative or Board Authorized to Spend	Revenue Source	Use of Fund
<i>Health Services</i>	<i>Fire Department</i>	<i>Fees for providing medical services through the Fire Department, insurance reimbursements and federal/state grants or awards.</i>	<i>Program Costs and Operations Including Staffing</i>

And, further, to set the Fiscal Year 2022 spending limit for the Board of Health revolving fund at \$80,000 and the Medical Testing at \$175,000, with such expenditure limits to be applicable for each fiscal year until such time as Town Meeting votes, prior to July 1 for the ensuing fiscal year, to revise the same; provided, however, that in accordance with state law, the Select Board, with the approval of the Finance Committee, may increase the limit for that fiscal year only.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 13: SPECIAL ACT AMENDING AUTHORITY OF THE COMMISSIONER SOF TRUST

Mr. Houston moved that the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation, as set forth below, to allow trust funds held under the custody of the Commissioners of Trust Funds, to invest and reinvest the same, working with the Town Treasurer, in accord with the so-called Prudent Investor Rule, see G.L. c.203C;; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition: or take any other action relative thereto.

An Act Relative to Investment of Certain Trust Funds in the Town of Weston

SECTION 1. Notwithstanding section 54 of chapter 44 of the general laws, or of any other general or special law to the contrary, the town of Weston may invest trust funds in the custody of the treasurer in accordance with the prudent investment rule consistent with, and subject to, chapter 203C of the general laws.

SECTION 2. At the discretion of the commissioners and the finance director, said commissioners may employ a qualified bank, trust company, corporation, firm or person to advise it on the investment of trust funds under its control. Said commissioners may use trust monies, to the extent consistent with the intent of the donors of such funds, to pay for the advice and other services required to properly invest and reinvest such funds. Should the amount of such services exceed \$50,000, said commissioners, by and through the manager of said town of Weston, shall procure the same in accordance with section 6 of chapter 30B of the general laws.

SECTION 3. This act shall take effect upon its passage.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 14: APPROPRIATE FOR OPERATING CAPITAL ITEMS

Mr. Houston moved that Town transfer \$80,000 from Free Cash, \$350,000 from Article 7 of the November 2018 Special Town Meeting (Case House Construction), \$204,000 from Article 14 of the May 2009 Annual Town Meeting (DPW Facility), to be spent under the direction of the Town Manager.

To appropriate a sum of money to pay for the costs of purchasing and equipping the following items, including all incidental and related expenses:

- 1) Cherry Brook Culverts Improvement \$124,000

2) Sherburn Circle over Bogle Brook Culvert Improvement	80,000
3) Middle School RTU-3 Replacement	350,000
4) Shift Commander Vehicle Replacement for Fire Department	<u>80,000</u>
	\$634,000

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 15: APPROPRIATE FOR DRAINAGE IMPROVEMENTS

Mr. Houston that Town appropriate the sum of \$450,000 to pay costs of constructing or reconstructing of surface drains, and all incidental and related costs, to be spent under the direction of the Town Manager, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor; and any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 16: APPROPRIATE FOR HIGH SCHOOL F-WING ROOF REPLACEMENT/REPAIR

Mr. Houston moved that the Town appropriate the amount of Nine Hundred Fifty-One Thousand Six Hundred Dollars (\$951,600) for the purpose of paying costs of replacing or reconstructing and equipping the F-Wing Roof at Weston High School, located at 444 Wellesley Street, Weston, Massachusetts, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of School Committee; and to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority; the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA; and, further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 17: APPROPRIATE FOR FIRE ENGINE (PUMPER)

Mr. Houston moved that the Town appropriate \$750,000 to pay costs for the purchase and equipping of a Fire Engine (Pumper), and all incidental and related costs, to be spent under the direction of the Town Manager, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor; and any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 18: APPROPRIATE FOR FISCAL YEAR 2022 COMMUNITY PRESERVATION COMMITTEE OPERATING BUDGET

Mr. Ober moved that that Town hear and act on the report of the Community Preservation Committee on the Fiscal Year 2022 Community Preservation budget and appropriate or reserve the following amounts from the Community Preservation Fund as follows:

Appropriations from FY2022 estimated annual revenues -

- \$132,000 for Community Preservation Committee administrative expenses

Reservations from FY2022 estimated annual revenues -

- \$524,000 for the acquisition, creation and preservation of open space including land for recreational use;
- \$885,000 for the acquisition, preservation, rehabilitation and restoration of historic resources; and
- \$310,000 for the creation, preservation and support of community housing

Appropriations for Debt Service Payments -

- \$5,280 from the Community Housing Reserve for the expansion of the Brook School Apartments, as approved under Article 19 of the May 2004 Annual Town Meeting;
- \$361,988 from the Historic Resources Reserve to preserve, rehabilitate, restore the Old Library as the Weston Art and Innovation Center, as approved under Article 1 of the November 28, 2017 Special Town Meeting;
- \$580,093 from the Historic Resources Reserve to preserve, rehabilitate, restore the Josiah Smith Tavern, as approved under Article 11 of the December 3, 2019 Special Town Meeting;
- \$331,096 from the Open Space Reserve for the purchase of the Case Estates land, as approved under Article 1 of the November 8, 2006 Special Town Meeting;
- \$192,775 from the Open Space Reserve for the 500 Wellesley Street Acquisition as approved under Article 24 of the May 6, 2019 Annual Town Meeting.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 19: APPROPRIATE FOR COMMUNITY HOUSING

Mr. Ober moved that the Town transfer \$7,000 from the Unallocated Allocation of the Community Preservation Fund to reserve for future appropriation additional sums of money for the acquisition, creation, preservation and support of community housing, as recommended by the Community Preservation Committee, and as funding therefor, to appropriate said sums from Community Preservation Fund Fiscal Year 2021 annual revenues.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 20: APPROPRIATE FOR COMMUNITY HOUSING - REGIONAL HOUSING SERVICES OFFICE & HOUSING TRUST STAFF SUPPORT

Mr. Ober moved to appropriate \$38,000 for community housing purposes under the Community Preservation Program in order to provide funds needed to participate in a regional housing services office and for staff assistance for the acquisition, creation, preservation, and support of community housing; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Community Housing allocation of the Community Preservation Fund.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 21: APPROPRIATE FOR OPEN SPACE - CASE ESTATES TREE PRESERVATION

Mr. Ober moved that the Moderator that the Town \$3,125 for open space purposes under the Community Preservation Program for the preservation of 2 trees located on Case Estates, including all related incidental costs; to be spent under the direction of the Town Manager, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 22: APPROPRIATE FOR HIGH SCHOOL/MIDDLE SCHOOL CAMPUS MASTER PLAN STUDY

Mr. Cobb moved that the Town transfer \$58,315 from Free Cash, \$21,685 from Article 21 of the May 2016 Annual Town Meeting (Proctor Field Design), a sum of money to pay costs for a series of feasibility studies at the High School and Middle School Campuses, as well as all incidental costs related thereto, to be spent under the direction of the Town Manager, the money so appropriated to be transferred from available funds or free cash.

The motion was approved by a majority vote

ARTICLE 23: APPROPRIATE FOR COMMUNITY HOUSING – CREATION OF AFFORDABLE HOUSING AT 8-10 BIRCH LANE BY WESTON AFFORDABLE HOUSING FOUNDATION, INC.

Mr. Ober moved that the Town transfer \$917,000 from the Community Housing allocation and \$103,000 from the Unallocated allocation of the Community Preservation Fund to for community housing purposes under the Community Preservation Program as a grant to the Weston Affordable Housing Foundation, Inc. in order to pay costs of creation of community housing at 8-10 Birch Lane, as shown on Assessors Map 028, Parcel 033, containing 0.92 acres, more or less, including all incidental and related costs, and to authorize a grant agreement between the Town of Weston and the Weston Affordable Housing Foundation, Inc. and to authorize the Town Manager to enter into such grant agreement upon such terms and conditions as he deems appropriate; provided, however, that such grant agreement shall contain a condition that the Weston Affordable Housing Foundation, Inc. convey to the Town of Weston an affordable housing deed restriction complying with the requirements of M.G.L. Chapter 184, Sections 31 to 33 and to authorize the Select Board to accept said restriction, and further that such deed restriction may also run to the benefit of a non-profit, charitable corporation or foundation with the right to enforce the restriction.

The motion was approved by a majority vote

ARTICLE 24: APPROPRIATE FOR LAND FOR RECREATIONAL USE – WALKWAY ON ASH STREET

Mr. Ober moved to appropriate \$400,000 for land for recreational use under the Community Preservation Program for the construction of a walkway on Ash Street to connect the Case Estates, property owned by the Town and purchased with Community Preservation Act funds, and the Legacy Trail to the Ash Street Reservoir, including all related incidental costs; to be spent under the direction of the Town Manager, provided that healthy tree removals as part of this project are documented by photographs and other identifying factors such as species, height and diameter, and as funding therefor, to transfer said sum from the Unallocated allocation of the Community Preservation Fund; and, further, to authorize the Board of Selectmen to acquire, by purchase, gift or eminent domain, fee or easement interests as may be required to create said walkway or foot path.

The motion FAILED to carry a majority vote

ARTICLE 25: APPROPRIATE FOR LAND FOR RECREATIONAL USE – BURCHARD PARK REHABILITATION

Mr. Ober moved that the Town transfer \$75,000 from the Unallocated allocation of the Community Preservation Fund for land for recreational use under the Community Preservation Program for the rehabilitation and restoration of 5 fields at Burchard Park, located at 269 Concord Rd., for recreational purposes, including all related incidental costs; to be spent under the direction of the Town Manager.

The motion was approved by a majority vote

ARTICLE 26: APPROPRIATE FOR LAND FOR RECREATIONAL USE – MEMORIAL POOL REHABILITATION DESIGN FEES

Mr. Ober moved that the Town transfer \$250,000 from the Unallocated allocation of the Community Preservation Fund for land for recreational use under the Community Preservation Program to design the rehabilitation of Memorial Pool for recreational purposes, including all related incidental costs; to be spent under the direction of the Town Manager.

The motion was approved by a majority vote

ARTICLE 27: ESTABLISH PARCEL BOUNDARIES FOR CASE ESTATES

Ms. Bent moved Moderator that the Town establish the boundaries of Parcels 1, 2, 3, 4, 5, 6, 7, 8 and 9 within the Case Estates as shown on the Subdivision Plans on file with the Town Clerk, said boundaries being substantially in conformance with the vote taken under Article 1 of the November 8, 2006 Special Town Meeting, said boundaries being shown on plans entitled “Subdivision Plan Case Estates Wellesley Street & Alphabet Lane Weston,

Massachusetts,” dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc. (Sheet 1 of 2); “Easement Plan Case Estates Wellesley Street & Alphabet Lane Weston, Massachusetts,” dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc. (Sheet 2 of 2) and “Subdivision Plan Case Estates South Lot Wellesley St., Newton St. & Ash St.,” dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc., said plans on file with the Town Clerk, as follows:

Parcel 1: Establish the boundaries of Parcel 1 as shown on the plans, subject to an “Access Road Easement – 35 Ft. Wide,” which access road shall be appurtenant to Parcel 7 as shown on the plans, said Parcel 1 to be held by the Conservation Commission, pursuant to G.L. c. 40, §8C, for conservation, open space and passive reservation purposes, and which shall be subject to Article 97 of the Amendments to the Constitution of the Commonwealth;

Parcel 2: Establish the boundaries of Parcel 2 as shown on the plans, said Parcel 2 to be held by the Conservation Commission, pursuant to G.L. c. 40, §8C, for conservation, open space and passive recreation purposes, and which shall be subject to Article 97 of the Amendments to the Constitution of the Commonwealth;

Parcels 7 and 8: Establish the boundaries of Parcels 7 and 8 as shown on the plans, reserving thereon a trail, which trail is shown on the plans as “Legacy Trail Easement – 35 Ft. Wide,” which trail shall be appurtenant to Parcel 1, said Parcels 7 and 8 to be held by the Select Board for general municipal purposes;

Parcels 3, 4, 5, 6 and 9: Establish the boundaries of Parcels 3, 4, 5, 6 and 9 as shown on the plans, said Parcels 3, 4, 5, 6 and 9 to be held by the Select Board for general municipal purposes and for the purposes of conveyance.

The motion was approved by a majority vote

ARTICLE 28: CONVEYANCE OF LOUISA’S WALL PARCEL AT CASE ESTATES (101 WELLESLEY STREET)

Ms. Bent moved to authorize the Select Board to convey a parcel of land, containing approximately 1652 S.F. ± of land and containing the tall, large-boulder wall known as “Louisa’s Wall,” said parcel of land as approximately shown on a plan entitled “Subdivision Plan Case Estates Wellesley Street & Alphabet Lane Weston, Massachusetts,” dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc. (Sheet 1 of 2), on file with the Town Clerk, being a portion of the property conveyed to the Town by a deed dated June 6, 2016, recorded with the Middlesex South District Registry of Deeds in Book 67393, Page 247, such conveyance to be made subject to a restriction obligating the new owner to maintain the wall in accordance with its historic nature; and, further, to appropriate a sum of money for the restoration of Louisa’s Wall to be paid on such terms and conditions as the Select Board shall deem appropriate, and to enter into such agreements and execute such instruments to effectuate the transaction subject of this vote.

The motion FAILED to carry a two-thirds majority vote as declared by the Moderator

ARTICLE 29: CONVEYANCE OF TWO PARCELS AT CASE ESTATES (226 ASH STREET)

Ms. Bent moved to authorize the Select Board to convey two (2) parcels of land, containing 4,074 S.F.± and 6,352 S.F.±, as approximately shown on a plan entitled “Subdivision Worksheet Case Estates South Lot Wellesley St., Newton St. & Ash St. Weston, Massachusetts,” dated April 9, 2021, prepared by R.E. Cameron & Associates, Inc., on file with the Town Clerk, being a portion of the property conveyed to the Town by a deed dated June 6, 2016, recorded with the Middlesex South District Registry of Deeds in Book 67393, Page 247, for a price of \$30,000 and on such other terms and conditions as the Select Board shall deem appropriate, and to enter into such agreements and execute such instruments to effectuate the transaction subject of this vote.

The motion was approved by a majority vote

ARTICLE 30: ZONING BYLAW – RESIDENTIAL AT RIVERSIDE ROAD

Mr. Boshart moved to passover and so dispose of.

The motion was approved by a two-thirds majority vote as declared by the Moderator to PASSOVER and so dispose of

ARTICLE 31: ZONING BYLAW – SCIENCE LIFE CENTER AT RIVERSIDE ROAD
MOTION TO BE MADE BY MR. BOSHART

Mr. Boshart moved to amend the Zoning By-law, Section IV., “Establishment of Districts and Boundaries” to create a new Office & Research and Development Districts (B), and to amend Section V., Use Regulations, Section VI., Dimensional and Other Requirements, and Section VIII., Vehicular Requirements to establish the allowed uses in and

dimensional and other requirements for the Office & Research and Development Districts (B), the text of which change is set forth below, with language to be inserted shown in bold italic (and any inconsistent existing language deleted) and all existing numbering and lettering adjusted accordingly.

SECTION IV. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES

A. DISTRICT DESIGNATIONS

For the purpose of this Zoning By-Law the Town is hereby divided into the following classes of districts to be known as:

1. Single Family Residence Districts (A)
2. Single Family Residence Districts (B)
3. Single Family Residence Districts (C)
4. Single Family Residence Districts (D)
5. Multiple Dwelling Districts (A)
6. Multiple Dwelling Districts (B)
7. Business Districts (A)
8. Business Districts (B)
9. Office & Research and Development Districts (A)
10. *Office & Research and Development Districts (B)*
11. Commercial Districts
12. Wetlands and Flood Plain Protection District (A)
13. Wetlands and Flood Plain Protection District (B)
14. Aquifer Protection Overlay Districts
15. Personal Wireless Service Overlay Districts

SECTION V. USE REGULATIONS

E. OFFICE AND RESEARCH AND DEVELOPMENT DISTRICTS A and B

1. By-Right Uses
 - a. Open space;
 - b. Public park and playground;
 - c. Wildlife and plant management by nonprofit organization;
2. By-Right Uses Allowed With Site Plan Approval
 - a. Office or office buildings of 5,000 square feet or less gross floor area;
 - b. Professional and management training facility of 5,000 square feet or less gross floor area
 - c. Personal service facility, such as cafeterias and banks, for the occupants of a development but not for the general public;
3. Uses Allowed With Site Plan Approval and By Special Permit
 - a. Office or office building of greater than 5,000 square feet gross floor area;
 - b. Professional and management training facility of greater than 5,000 square feet gross floor area;
 - c. Research and/or laboratory facility not involving manufacturing of product for sale in the normal course of business, and not creating a hazard to health, safety, or welfare.
 - d. *In Office & Research and Development District B only, All other lawful accessory uses consistent with a first class office and/or research and/or laboratory building are permitted, including, but not limited to, life science facilities engaged in biotechnology research, including testing and development in a biosafety level 1 or 2 as currently or subsequently defined equivalent by the U.S. Center for Disease Control, and proper storage and disposal of lab chemical and biological waste in accordance with state and federal laws and regulations as incidental to the primary use; however, lab facilities that exceed biosafety level 2 shall be prohibited; and lab facilities that include a vivarium will require a separate special permit.*
 - e. Private cemetery.
4. Prohibited Uses
 - a. *In the Office and Research and Development District B only, drive-in auto claim centers, walk-in retail investment centers, walk-in treatment centers, or other walk-in uses similar to the foregoing; a hospital, a health clinic, or an ambulatory care facility; principally and primarily 24 hour call centers; biosafety level 3 or 4 lab facilities; or principally warehouse and distribution facilities shall be prohibited.*

5. Pre-Existing Allowed Uses

- a.** *In the Office and Research and Development District B only, notwithstanding Section III.B, the use of 13 Riverside Road in existence, but vacant, on the date of the adoption of the Office and Research and Development District B may continue without a special permit required pursuant to Sections V.E.3.a or V.F.3.b provided the vacant building(s) are being marketed for re-tenanting.*

SECTION VI. DIMENSIONAL AND OTHER REQUIREMENTS

A. BUSINESS, OFFICE & RESEARCH AND DEVELOPMENT, AND COMMERCIAL DISTRICTS

1. Minimum Requirements.

Every lot in the Business, Office and Research and Development and Commercial Districts shall have the lot size, frontage and access on a street of at least the distance, and the width at the street setback line as specified in the following table. Every building or structure in such districts shall be so situated as to have at least the buffer setback from the street sideline and from all lot lines specified in such table. The ratio of the total area of the floor space of all buildings on any lot to the total area of such lot shall not exceed the ratio specified in such table. The total portion of a lot in such district covered by parking areas shall not exceed the percentage specified in such table.

2. Table of Dimensional Requirements.

	District				
	Business A	Business B	Office & Research and Development District (A)	<i>Office & Research and Development District (B) (f)(g)(i)</i>	Commercial
Min. Street Frontage	50 ft.	50 ft.	400 ft. (a)	50 ft.	50 ft.
Min. Street Setback	15 ft.	25 ft.	150 ft.	25 ft.	25 ft.
Min. Lot line Setback	10 ft.	10 ft.	200 ft. (b)	10 ft. (h)	20 ft.
Max. Bldg. Coverage	25%	25%	15%	25% (d)	25%
Max. Floor to Lot Ratio	1:2	1:2	1:2.5	1:2(e)	1:2
Max. Parking Coverage	50%	50%	25%	50%	50%
Min. Lot Size	-	-	600,00 SF (a)	-	-
Natural or Landscaped Buffer	-	-	65 ft. (c)	-	-

Notes for Office & R & D Districts Only

- (a) In reference only to applications for a Site Plan Approval for an Office and Research and Development District involving sites partly within the Town of Weston and partly in an abutting municipality the Special Permit Granting Authority for Site Plan Approval may vary the requirements for such projects in the following particulars only:
- (i) Frontage and access requirements may be satisfied in another abutting municipality in accordance with the requirements and standards of that municipality for Office and Research and Development districts when the area in the Town to be used for the project is with without frontage in the Town of Weston.
 - (ii) The requirement of a minimum lot area of 600,000 square feet may be met if the area of the total lot is equal to or exceeds 600,000 square feet of which not less than 300,000 square feet is located in the Town of Weston.
 - (iii) Parking requirements - see Section VIII "Vehicular Requirements."
- (b) The Special Permit Granting Authority for Site Plan Approval may reduce the minimum lot line setback to not less than 100 feet if topography and other natural features effectively screen the development from neighboring residential property, and shall reduce the minimum lot line setback to not less than 65 feet if the lot line is adjacent to permanently open land, a railroad or limited-access

highway.

- (c) No buildings, structures, parking areas or recreation facilities shall be located within the 65-foot buffer around the perimeter of the site except for access roads crossing the buffer
- (d) *In the Office & Research and Development District B, in calculating the Maximum Building Coverage, structured parking shall not be considered a Building.*
- (e) *In the Office & Research and Development District B, in calculating the maximum floor to lot ratio, the total area of all floors of all buildings shall exclude all parking areas, parking structures and the traditional roof appurtenances such as mechanical or utility rooms providing service to the building itself whether screened or fully enclosed.*
- (f) *In the Office & Research and Development District B, the following requirements shall apply regarding attenuation of noise:*
 - (i) *noise emanating from the property will not exceed 5 dBA above ambient at adjacent residential districts (not including overlay districts) or conservation land, including such residential districts across a public or private way between the hours of 9PM to 7AM, and will not exceed 40 dBA at the property line; and*
 - (ii) *operations at the property will not cause significant traffic on adjacent public or private ways between the hours of 9PM to 7AM.*
- (g) *In the Office & Research and Development District B, the following requirements shall apply regarding air quality:*
 - (i) *General laboratory exhausts shall be combined so that flows do not fall below 10,000 cfm, exit velocity is maintained above 3,000 fpm, and the exhaust stack height is a minimum of 10 ft above the highest roof on the building.*
- (h) *In the Office & Research and Development District B, the minimum building setback shall be 200 feet from existing single family residential uses (not including overlay districts) or conservation restricted land, including across a public or private way.*
- (i) *In the Office and Research and Development District B only, the following additional criteria shall apply to any site plan review under Section XI:*
 - (i) *The project shall comply with all Federal and State air quality laws and regulations, mitigate any harmful exhaust, and produce no unreasonable odors at the property lines abutting existing single family residential uses (not including overlay districts) or conservation restricted land, including across a public or private way. The project's compliance shall be reviewed by a third party contracted by the Town and paid for by the applicant.*
 - (ii) *The project shall incorporate Transportation Demand Management (TDM) measures to reduce vehicle traffic, particularly during peak hours.*
 - (iii) *The noise generated by both standard and special laboratory equipment shall be mitigated for both overall decibel level and for specific tonal sounds and shall be reviewed against a baseline standard measured by a third party contracted by the Town and paid for by the applicant.*
 - (iv) *Site lighting and lighting operations, including, but not limited to, overall lumens, lighting color, shielding, and lighting hours shall be designed to International Dark Sky Lighting Association Standards and to minimize light trespass and intrusion on to adjacent properties. The Planning Board will have the lighting scope reviewed by a peer reviewer, to be paid for by the applicant to ensure best practices are met.*

B. HEIGHT REGULATIONS

1. On all land located within the Town of Weston, no building shall exceed the height limitations set forth in the table below. In all cases, height shall be determined by measuring the vertical distance from the Grade Plane to the highest point of a building.

2. Table of Height Limitations

DISTRICT		HEIGHT LIMITATION	NOTES
Business A	Lots of less than thirty-five acres	35 Feet or 2 ½ Stories whichever is less	(a)
	Lots of thirty-five acres or more	52 Feet or 4 Stories whichever is less	
Business B	Lots of less than five acres	35 Feet or 2 ½ stories whichever is less	(a)

	Lots having at least five acres but less than thirty-five acres	45 Feet or 3 Stories whichever is less	
Office & Research and Development (A)		40 Feet	(b)
<i>Office & Research and Development (B)</i>		<i>45 Feet</i>	
Commercial, Single Family Residential (A, B, C, D), and Multiple Dwelling Districts (A & B)	Pitched Roofs	37 feet or 2-1/2 stories whichever is less	(a)
	Flat Roofs	32 Feet or 3 Stories	(a)

Notes:

- a) The height of all buildings located within this District shall be measured to the highest point of the entire building. Stories shall be measured from the floor level of the lowest story above grade. Attics in pitched roof construction shall constitute ½ story.
- b) In Office & Research and Development Districts ONLY, in the situation where a building used exclusively for office or research and development purposes is built with differing roof heights, each portion having a different roof height shall be considered as a separate building for purposes of height determination. For all other uses within an Office & Research and Development District, the entire building shall be considered a single entity for purposes of height determination.

3. Exceptions

- a) Except as provided in Section V.J. on any building located within any District, domes, cupolas and other ornamental features, solar collectors, chimneys, ventilators, skylights, tanks, bulkheads, machinery, antennas, transceivers, and other accessory features which are required above roofs may not exceed twenty (20) feet measured vertically from the highest point of the entire building.
- b) Parapets, and penthouses for stairs and elevators shall not be considered accessory features. In a situation where a parapet, staircase, elevator penthouse, or other element not considered an accessory feature extends above the level of the highest point of the roof, the highest of such elements shall be considered the highest point of the building.
- c) Freestanding antenna constructions not attached to a building including antenna for use by federally licensed amateur radio operator and not otherwise regulated, shall not exceed fifty (50) feet in height measured from the ground.
- d) On any building located within Business B and Office and Research and Development District (A) only, rooftop screens or fences erected to conceal equipment shall not exceed twelve (12) feet in height. *In the Office and Research and Development District (B) only, roof top screens and mechanical equipment, fully enclosed mechanical penthouses or fences erected to conceal equipment shall not exceed twenty-five (25) feet in height and shall not be included in the height calculation of the building, provided that such roof top screens and mechanical equipment, fully enclosed mechanical penthouses or fences are set back a minimum of one foot from the edge of the roof for every foot in height above the roof on building facades adjacent to residential districts (not including overlay districts) or conservation restricted land, including across a public or private way*

SECTION VIII. VEHICULAR REQUIREMENTS

9. Special Provisions for Office and Research and Development Districts (B)

- a) *In the Office and Research & Development District (B) only, all Office and Research and Development uses shall have a minimum number of parking spaces at a ratio of 1 parking space per 375 square feet of Gross Floor Area, but shall not exceed 850 total parking spaces in the District, provided that the Planning Board may allow an increase in the maximum number of parking spaces through the issuance of site plan approval.*

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 32: AMEND ZONING MAP - RIVERSIDE ROAD FOR PARK AND RIVERSIDE ROAD FOR TRANSIT ORIENTED MULTIPLE DWELLING OVERLAY

Mr. Boshart moved that the Town Passover and so dispose of.

The motion was approved by a two-thirds majority vote as declared by the Moderator to PASSOVER and so dispose of

ARTICLE 33: AMEND ZONING MAP - RIVERSIDE ROAD FOR RESEARCH & DEVELOPMENT

Mr. Boshart moved to amend the Town of Weston Zoning Map by rezoning Assessor's parcel 53-3 (9-15 Riverside Road) and Assessor's parcel 53-20 (20 Riverside Road) which contain several office buildings from the Commercial District and Business B District, respectively, to the Office & Research and Development Districts (B); or take any other action relative thereto.

The motion was approved by a two-thirds majority vote as declared by the Moderator

ARTICLE 34: FUR BAN BYLAW (as supplied by petitioners)

Ms. Nirva Patel moved to amend the Town of Weston General Bylaws by adding the following new Section XXXVIII providing as follows:

SECTION 1 - Purpose and Findings.

- a. The Town finds that animals that are slaughtered for their fur endure tremendous suffering. Animals raised on fur farms typically spend their entire lives in cramped and filthy cages. Fur farmers typically use the cheapest killing methods available, including suffocation, electrocution, gas, and poison.
- b. Fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including SARS coronaviruses, that threaten public health, including in the Town of Weston. COVID-19 infections have been confirmed at fur farms in Europe and the United States, and research is being done to see if SARS-CoV-2 variants associated with farmed mink may impact the effectiveness of vaccines. Scientific studies have linked mink, raccoon dogs, and foxes – the animals most commonly farmed for their fur – to a variety of coronaviruses.
- c. The fur production process is energy intensive and has a significant environmental impact, including air and water pollution. Runoff from the fur production process contains high concentrations of phosphorus and nitrogen, which are the most common forms of water pollution in the United States, including Massachusetts. In addition, the tanning and dyeing processes used in fur production use toxic chemicals and heavy metals like chromium and formaldehyde.
- d. Considering the wide array of alternatives for fashion and apparel, the Town finds that the demand for fur products does not justify the unnecessary killing and cruel treatment of animals, harm to the environment, and the public health risks to the people of the Town of Weston caused by these practices.
- e. The Town believes that eliminating the sale of fur products in the Town of Weston will decrease the demand for these cruel and environmentally harmful products and promote community awareness of animal welfare and, in turn, foster a more humane environment in Weston and enhance the reputation of the Town.

SECTION 2 - Definitions. For purposes of this Article, the following words and phrases have the definitions set forth next to them:

“Fur”: Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

“Fur product”: Any article of clothing or covering for any part of the body, or any fashion accessory, including, but not limited to handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” does not include any of the following:

- a. An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
- b. Cowhide with the hair attached thereto;
- c. Lambskin or sheepskin with the fleece attached thereto; or

d. The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.

“Non-profit organization”: Any corporation that is organized under 26 U.S.C. Section 501(c)(3) that is created for charitable, religious, philanthropic, educational, or similar purposes.

“Retail transaction”: Any transfer of title of a fur product for consideration, made in the ordinary course of the seller’s business, to the purchaser for use other than resale or further processing or manufacturing.

“Taxidermy”: The practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.

“Ultimate consumer”: A person who buys for their own use, or for the use of another, but not for resale or trade.

“Used fur product”: A fur product that has been worn or used by an ultimate consumer.

SECTION 3 - Prohibitions. Notwithstanding any other provision of the by-laws, no person shall sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Weston.

SECTION 4 - Exceptions. The prohibitions set forth in Section 3 of this Article do not apply to the sale, offer for sale, displaying for sale, trade, or distribution of:

- a. A used fur product by a private party (excluding a retail transaction), non-profit organization or second-hand store, including a pawn shop;
- b. A fur product required for use in the practice of a religion;
- c. A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or
- d. A fur product where the activity is expressly authorized by federal or state law.

SECTION 5 - Penalty. In addition to any other remedy provided by law, this Article may be enforced by police officers and animal control officers through any means available in law or equity, including but not limited to noncriminal disposition in accordance with G.L. c. 40, § 21D.

Any person violating this bylaw shall be liable to the Town in the amount of \$300. Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.

SECTION 6 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 7 - Effective date. This by-law shall become effective six months after passage.

The motion was approved by a majority vote

**A motion to dissolve the Annual Town Meeting was made, seconded, and adopted.
2021 Annual Town Meeting dissolved at 4:58 p.m**