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## **Section 2:**

# **Land Use, Planning & Zoning**



## REPORT ON THE CASE ESTATES

In 2020, the Select Board and the Conservation Commission continued to oversee land planning and land management initiatives at the 62.5-acre Case Estates property, which the Town purchased from Harvard University in 2016. Michael Harrity, a former Select Board member, was appointed by the Board to continue to serve as coordinator for Case Estates-related projects. The Conservation Commission has been tasked with overseeing the day-to-day maintenance of the property.

### Land Management

In 2020, the Conservation Commission worked with Mass Audubon's Ecological Extension Services to complete an Ecological Management Plan (EMP) to provide recommendations for the maintenance and stewardship of this unique property over the next seven years. It considers the ecological needs, community desires, and constraints and resources regarding Case Estates and recommends the following short-term goals:

- improve the meadows for pollinator habitat;
- reduce invasive plant infestations to minimize spreading and improve habitat quality;
- manage field edges to retain the extents of the fields;
- maintain stone walls for scenic qualities;
- protect specimen trees and shrubs, including both historic and recent plantings;
- welcome passive recreational users to the property, including users of all mobility levels; and
- accomplish the management activities as efficiently and economically as possible.

Following the completion of the EMP, Conservation staff began to seek funding and start work on the EMP's recommended actions and will continue with this work over the coming years.

Based on a recommendation in the EMP, the Conservation Commission and the Select Board voted to limit dogs to on-leash only at Case Estates to protect sensitive habitat, abutting properties, and the enjoyment of all recreational users. This limitation makes the trails at and abutting the Case Estates some of the few in Weston where dogs must be leashed.

Sadly, a section of the 100-year old "Louisa's Wall" collapsed this year. Louisa's Wall is reputed to be the largest free-standing dry wall of native stones in New England. Constructed in 1913, the wall is approximately 200-feet long, 10-feet high, and 4-feet thick (almost 6-feet in some sections) and was a birthday gift from Marion Case to her sister Louisa. The Select Board has been working cooperatively with the abutter to complete the needed repairs and arrange for the future care of the wall.

Field mowing, trail upkeep, monitoring of property boundaries, management of invasive species, and removal of downed trees and branches from the fields were conducted throughout the year. Land's Sake Inc. conducted forestry work to harvest firewood from the Pine Woods near the Woodland and Country schools.

### Legacy Trail and Connector Paths

In the late fall of 2020, construction was substantially completed on a new network of accessible trails at the Case Estates, the Legacy Trail, and two connector paths. The Legacy Trail is the result of many generous contributors during Weston's Tercentennial Anniversary in 2013, when the Tercentennial Steering Committee, also known as the Weston 300, raised the funds for this lasting gift. The trail was originally supposed to be located on the Case Campus, but after the 10-year acquisition battle for the Case Estates concluded in 2016, the Legacy Trail was relocated so everyone could enjoy the spectacular views of this historic property. Town Meeting in 2019 approved additional funding through the Community Preservation Act fund for the path connecting across the field from Wellesley Street to Ash Street.

The Legacy Trail and its connector paths meet US Forest Service Trail Accessibility Guidelines (FSTAG) standards and are permitted by the Massachusetts Architectural Access Board. The new paths include:

- the Legacy Trail (0.3 miles, paved);
- a connection to Wellesley Street (0.1 miles, stone-dust); and
- a path connecting Wellesley Street to Ash Street (0.3 miles, stone-dust).

The Legacy Trail also connects to other pre-existing trails at the Case Estates and on abutting Town land, allowing visitors to further explore this beautiful area. The Legacy Trail is dotted with dedication pavers and benches for resting along the way, a sitting area at a scenic overlook where the Summer House used to be located, and a compass rose dedicated to the memory of former Conservation Commissioner and treasurer of Weston Forest and Trail Association, George Bates. All five trail-head markers and the two pillars at the main entrance are made from historical granite repurposed from the old Sears Estate and the Field School. In the future, it is hoped that a new sidewalk on Ash Street will connect this trail network to the Weston Reservoir and the regional Weston Aqueduct Trail.

The Legacy Trail trailhead is located on Alphabet Lane across from the Council on Aging (Lower Community Center entrance), where parking is available. A kiosk with a map and other information is available at this trailhead.

#### Buildings and Parcels

Remaining work at the Case Estates includes 1) the formal subdivision of the property between municipal land parcels and conservation land, which is to be preserved as it was acquired with Weston's Community Preservation Act funds; and 2) the disposition of the two lots on Wellesley Street that contain the existing historic buildings. The subdivision process entails extensive survey and legal work, including 1) establishing the demarcation lines between conservation land and municipal land consistent with the 2006 Special Town Meeting vote; 2) creating an easement for the Legacy Trail where it lies within the municipal land in the Pine Woods; 3) excluding small parcels of land to be sold to abutters to resolve pre-existing ownership complications.



In 2020, the Historical Commission completed a detailed evaluation of the Rand House to determine how best to produce binding Preservation Restrictions that will be included with the deed when the property is sold. The goal of these restrictions is to preserve the historic Wellesley Street façade of this circa 1790s home but also allow an addition that accommodates re-use suitable for today's homeowners' needs.

Former Planning Board chair and Historical Commission member Al Aydelott volunteered his architectural skills to create a plan that accomplishes these two goals, and it was endorsed by both the Historical Commission and the Select Board. Mr. Aydelott and the Historical Commission are now undertaking a similar analysis of the School House and Barn for review by the Select Board. It is anticipated that these Preservation Restrictions can be finalized in the first half of 2021 for approval by the Select Board so that these two Case Estates properties and their historic structures can be offered for sale with these restrictions in place in the second half of the year.

## REPORT OF THE COMMUNITY PRESERVATION COMMITTEE

The Community Preservation Committee evaluates proposals submitted by Town boards and committees or community groups for use of funds that the Town receives under Article 31 of the Town By-laws and the Massachusetts Community Preservation Act (CPA), which the Town accepted in 2001. The Act provides for a participating municipality to adopt and dedicate a property tax surcharge of up to 3 percent to specified community preservation purposes, with the state matching a portion of local receipts.

In November, the Town received its 19<sup>th</sup> disbursement from the state's matching Community Preservation Trust Fund. The 176 communities participating in the program received a first-round match of 28.6 percent. The 76 participating communities that adopted the 3 percent, including Weston, received additional funding in the second and third round distributions. Weston received a total match of \$704,695, nearly 32 percent of the local surcharge. Importantly, after many years of CPA advocates' efforts seeking a higher and more stable funding source for the state fund, the fiscal year 2020 state budget authorized a 250 percent permanent increase in recording fees, the first such increase in fees since the CPA was enacted. The match Weston received in November was based on 10 months of the new, higher recording fees and two months of the old. From the program's inception through the end of fiscal 2020, the Town collected over \$14.1 million in CPA revenue from the state, nearly \$31 million in CPA revenue locally, and earned over \$3.3 million in investment income on these receipts.

Under CPA legislation, a community must spend, or set aside for future spending, a minimum of 10 percent of annual CPA receipts on open space, including recreational purposes; historic resources; and community housing. The remaining 70 percent of funds, the so-called "unreserved funds," may be allocated to anyone or a combination of the three main uses at the discretion of the Committee and subject to the approval of Town Meeting. Up to 5 percent of the annual CPA funds may be spent on the operation and administration costs of the Committee.

At the Annual Town Meeting in September 2020, the Committee presented its recommendations for fiscal 2021 as follows:

<b>Administrative Allowance</b>	Operating Expenses	136,000
<b>Open Space</b>	Debt Service on Approximately 13 Acres at 500 Wellesley St. (Acquisition Approved at May 2019 Annual Town Meeting)	200,153
	Debt Service on Case Estates (Acquisition Approved at November 2006 Special Town Meeting)	341,356
<b>Historic Resources</b>	Historic Town Cemeteries (Rehabilitation/Restoration)	140,000
	Debt Service on Josiah Smith Tavern - (Rehabilitation/Restoration approved at December 2019 Special Town Meeting)	74,940

	Debt Service on Old Library – WAIC Construction (Rehabilitation/Restoration Approved at November 2017 Special Town Meeting)	372,488
<b>Community Housing</b>	Staff Support and Regional Housing Services Office (Support)	32,000
	COVID-19 Emergency Rental Assistance Program (Support)	100,000
	Debt Service on Brook School Apts. (Creation Approved at May 2004 Annual Town Meeting)	5,395

All recommended appropriations were approved.

In 2020, rehabilitation began at the Josiah Smith Tavern, for which the first CPA Fund appropriation was made at the 2004 Annual Town Meeting. Also, in 2020, three new trail segments were constructed at Case Estates with CPA funding: 1) the accessible, 1/3-mile Legacy Trail, which begins on Alphabet Lane at the Community Center and terminates at a paved overlook facing southwest; 2) a path from the Legacy Trail, which connects to Wellesley Street; and 3) a path from Wellesley Street to Ash Street. Funding to construct a sidewalk on Ash Street, which will connect to the Weston Reservoir, is expected to be requested at the 2021 Annual Town Meeting. Construction of a sidewalk on Merriam Street, for which CPA funding was appropriated at the 2018 Annual Town Meeting, was also completed in 2020.

In September, Weston renewed its CPA-funded contract with the Regional Housing Services Office, which includes the neighboring communities of Acton, Bedford, Concord, Lexington, Lincoln, Maynard, Sudbury, and Wayland. This office provides a variety of housing services including lottery, monitoring, administration of the subsidized housing inventory, and consultation regarding specific projects in a more cost-efficient manner than the Town could otherwise provide. Additionally, staff support is provided to the Affordable Housing Trust.

In November, the Regional Housing Services Office, through a contractual agreement with the Affordable Housing Trust, made the first disbursement from a COVID-19 Emergency Rental Assistance Program. This relief program was established with CPA funds to provide temporary assistance to Weston residents and other eligible individuals and families suffering a loss of income resulting from the pandemic and ensuing business closures.

Finally, in late 2020, Weston began work on updating the Town’s Housing Production Plan with the use of the Committee’s administrative funds. The Plan is a proactive strategy for planning and developing affordable housing that enables a community to meet its affordable housing needs in a manner consistent with Chapter 40B regulations. The current Plan, also completed with CPA funds, expires in June 2021.

2020 Community Preservation Committee Members

Nina Danforth	Appointed by the Moderator	2023
J. Barry Tubman	Appointed by the Moderator	2023
Marcy Dorna	Appointed by the Select Board (Parks)	2022
Kenneth Newberg	Appointed by the Affordable Housing Trust	2022
Steven Wagner	Appointed by the Historical Commission	2022
Stephen W. Ober, Chair	Appointed by the Moderator	2021
Nathalie Thompson	Appointed by the Moderator	2021
Susan Zacharias	Appointed by the Planning Board	2021
Vacant	Appointed by the Conservation Commission	

The table on the following page details CPA fund revenues and appropriations through fiscal 2020.

**CPA FUND - Revenue and Appropriations through Fiscal Year 2020**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
<b><u>Community Preservation Act - Revenue</u></b>					
Prior Year Balance	6,102,236	7,969,785	8,963,289	8,878,808	9,337,213
Property surcharge	1,962,920	2,039,437	2,082,927	2,149,614	2,208,151
State match	601,956	434,742	375,780	431,879	562,757
Investment income	90,587	59,557	140,362	242,175	138,790
Donations/other					
Total Revenues	<b>8,757,699</b>	<b>10,503,521</b>	<b>11,562,358</b>	<b>11,702,477</b>	<b>12,246,912</b>
<b><u>Use of CPA Funds</u></b>					
<b>Open Space Allocation</b>					
Balance - beginning of fiscal year	749	74	39,839	127	271
Appropriation not used					
New allocation	432,000	422,000	334,000	365,000	353,000
Open Space subtotal	432,749	422,074	373,839	365,127	353,271
<b><u>Less: Appropriations for</u></b>					
Debt Service -- Case Estates	(432,675)	(382,235)	(373,711)	(364,856)	(352,596)
Balance at end of fiscal year	74	39,839	127	271	675
<b>Historic Preservation Allocation</b>					
Balance - beginning of fiscal year	165,649	442,160	96,160	160	28,848
Appropriation not used	269,511				
New allocation	262,000	261,000	271,000	282,000	386,000
Historic Preservation subtotal	697,160	703,160	367,160	282,160	414,848
<b><u>Less: Appropriations for</u></b>					
20 Young Rd.	(255,000)				
55 Coburn Rd.		(216,000)			
Case House		(27,000)			
Old Library - WAIC		(364,000)		(67,313)	(386,138)
JST Design			(367,000)	(186,000)	
Balance at end of fiscal year	442,160	96,160	160	28,848	28,710
<b>Community Housing Allocation</b>					
Balance - beginning of fiscal year	19	10,655	33,987	717	248,892
Appropriation not used					
New allocation	262,000	261,000	271,000	282,000	277,000
Community Housing subtotal	262,019	271,655	304,987	282,717	525,892
<b><u>Less: Appropriations for</u></b>					
Debt Service - Brook School Apts.	(235,017)	(221,505)	(6,040)	(5,825)	(5,610)
RHSD/Housing Staff Assistance	(16,347)	(16,163)	(19,230)	(28,000)	(29,000)
Affordable Homeownership Opportunity Funds			(279,000)		
Balance at end of fiscal year	10,655	33,987	717	248,892	491,282
<b>Administrative Funds</b>					
Allocated	117,000	118,000	120,000	120,000	123,000
Spent	(65,944)	(56,977)	(56,679)	(110,153)	(35,824)
Returned to unallocated Funds	51,056	61,023	63,321	9,847	87,176

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
<b>Unallocated Funds</b>					
Balance - beginning of fiscal year	5,935,819	7,516,895	8,793,303	8,877,804	9,059,202
New Unallocated Funds	1,582,463	1,471,736	1,603,069	1,774,668	1,770,698
Appropriation not used	92,558	88,649	151,246		6,500
Unexpended Administrative Funds	51,056	61,023	63,321	9,847	87,176
Unallocated subtotal	7,661,895	9,138,303	10,610,939	10,662,319	10,923,577
<u>Less: Appropriations for</u>					
Warren Ave. Design & Construction			(428,600)		
Farmers and Central Cemetery Restoration			(205,000)		
JST Design			(263,000)	(14,000)	
JST Construction					(7,800,000)
Recreation Paths/Sidewalks		(280,000)		(775,000)	(359,200)
Ash St. Design		(30,000)			
Merriam St. Additional Design		(25,000)			
Case Campus Walkways	(50,000)				
Warren Ave. Walkways					
Charles River Water Chestnut Removal	(10,000)	(10,000)			
126-128 Viles St.					
Dickson Riding Ring	(25,000)				
Community Gardens	(15,000)				
Town Center Improvements	(45,000)				
EHC Housing Feasibility/Design (14 Units)			(30,000)		
Warren Ave. - Design			(671,000)		
Rail Trail Cattle Passages (Historical)			(62,535)		
Rail Trail			(73,000)	(437,000)	(43,000)
Case Park				(45,117)	
71 Lexington St. PR				(81,000)	
120 Summer St. PR				(251,000)	
Balance at end of fiscal year	7,516,895	8,793,303	8,877,804	9,059,202	2,721,377
<b>Total all balances at end of fiscal year</b>	<b>7,969,785</b>	<b>8,963,289</b>	<b>8,878,808</b>	<b>9,337,213</b>	<b>3,242,044</b>

## REPORT OF THE CONSERVATION COMMISSION

The importance of our open spaces became clearer than ever during the COVID-19 pandemic. More people than ever before have flocked to our trails to explore, exercise, safely socialize, and enjoy the peacefulness of nature.

The Conservation Commission is comprised of seven residents appointed by the Select Board and is responsible for the protection and management of Weston's conservation land and the administration of the Massachusetts Wetlands Protection Act.

The Commission is assisted by four staff members, one full-time and three part-time, who are responsible for the day-to-day operation of the Conservation Commission. In January, a new Conservation Assistant position was added to assist with the wetland permitting duties.

The Commission relies heavily on dedicated volunteers and other partners to assist with numerous land management and stewardship projects including monitoring bluebird nest boxes, deer management, supervising the Community Gardens, and organizing equestrian events at the Dickson Riding Ring. The Commission is indebted to Weston Forest and Trail Association (WFTA) for its dedication and support in maintaining Weston's trail system. The Commission also benefits greatly from the continued involvement of Land's Sake Inc. maintaining several conservation land parcels in active agriculture and forest management and applauds its mission to connect people to the land to build community and inspire lifelong stewardship.



*Commission member Ellen Freeman Roth conducting site visits during COVID-19*

### Wetland Protection Act Administration

Persons contemplating any work in or within 100 feet of a wetland or within 200 feet of a stream that flows continuously throughout the year should seek information about the Wetlands Protection Act at the Conservation office in the Town Hall. Wetland Resource Areas and Riverfront Areas may sometimes appear to be dry and can be difficult to identify, so all landowners are encouraged to discuss any proposed work.

Due to restrictions stemming from the public health emergency, staff and Commission members learned how to run virtual public meetings, how to get an electronically signed permit recorded at the Registry of Deeds, and how to provide residents and applicants with the ability to review project files and permits remotely. Despite the pandemic, the Commission had one of the busiest wetland permitting years in recent past and included 21 public meetings where the following orders and determinations were issued:

- 24 Orders of Conditions;
- 1 Amended Order of Conditions;
- 2 Orders of Resource Area Delineation;
- 16 Determinations of Applicability;
- 3 Emergency Certificate;
- 15 Notices of Wetland Violation;
- 5 Enforcement Orders; and
- 21 Certificates of Compliance.









Lycott Environmental Inc. to clear Hobbs Pond of water chestnut. Solitude Lake Management used a weed harvester machine to remove the majority of the aquatic plants from the pond. Hand removal was conducted in the shallow portions along the pond shoreline.

*Invasive Aquatic Plant Removal – Kingsbury Cove* - Water chestnut in the Charles River was noticeably less dense and covered slightly less area in 2020 than in 2019. Charles River Watershed Association volunteers continued to aid in the successful removal of this invasive weed by hand-pulling in shallow areas and along shores not reachable by mechanical harvesters. The Commonwealth of Massachusetts, through the Department of Conservation and Recreation, contracted with Solitude Lake Management to remove the bulk of the infestation by mechanical harvesting. Though it appears the battle against water chestnut at this location is being won, the invasive milfoil and fanwort are rapidly taking their place. Either chemical treatment or periodic harvesting/mowing will be required to keep the coves navigable throughout the summer season.



*Commission member Rees Tulloss repaired the bridge over Cherry Brook in College Pond Conservation Area.*

*Invasive Japanese Knotweed Removal Efforts* - This summer, the Commission began active management of four patches of Japanese knotweed at 40-Acre Field, Case Estates, and Sunset Corner. Land Stewardship Inc. was hired to chemically treat these four isolated clumps of knotweed in an attempt to reduce the infestation. The clumps will be monitored and treated for an additional two years with the goal of elimination. A knotweed patch near College Pond, which was treated last year, only needed some spot treatment and hand pulling this year.

#### Education and Outreach

The Commission provided residents with many education and outreach opportunities through its quarterly e-newsletter, Conservation Connections. Additionally, several new trail map pamphlets were produced and made available at trailheads and [WestonMA.gov/Trails](http://WestonMA.gov/Trails). Due to restrictions on public gatherings, in-person educational classes were canceled.



#### Appreciation and Assistance

Many people have donated time and effort to Weston's conservation land. The Commission gratefully acknowledges the assistance of the following volunteers and organizations:

- Harvard Forest, for its work on setting up long-term vegetation monitoring plots at the deer enclosures
- Michael Harrity for his ongoing work coordinating projects at the Case Estates
- Laurie Bent, Betsy Gescheider, Emily Hutcheson, Madeleine Mullen, Michael Pappone, Jenna Vettel, and Land's Sake for monitoring bluebird boxes
- Kristin Barbieri, Bay Circuit Trail
- Paula Nicholas, Dickson Riding Ring Coordinator

- Gordon Smith, Deer Hunter Coordinator
- Reid Sullivan, Weston High School student;
- Land’s Sake Inc.
- Weston Forest and Trail Association

2020 Conservation Commission Members

*Appointed by the Select Board*

Joseph Berman	2021	Rebecca Lovey	2023
Alison Fronk Barlow	2022	Ellen Freeman Roth	2023
Cynthia Chapra	2022	Rees Tulloss	2021
Josh Feinblum	2021		

*Associate Members*

Jeri Cooper, Friends of Weston Reservoir; Brian Donahue, deer and forestry; Freddie Wiss, Community Gardens

**REPORT OF THE CRESCENT STREET HISTORIC DISTRICT COMMISSION**

The Crescent Street Local Historic District was established under MGL Chapter 40C and is the only such district in Weston. There are eight houses in the district. The five-member Crescent Street Historic District Commission is charged with reviewing proposed exterior modifications of structures and other features located within the district, in accordance with Article XXIV of the General By-law as enacted in 1993. Three Commission members are also district residents.

In 2020, the Commission reviewed proposed alterations of one property in the District. On November 13<sup>th</sup>, the Commission received an email from the owner of 16 Crescent Street requesting consideration of proposed modifications seeking to replace asphalt shingle roofing, certain windows, a brick chimney, and deteriorated wood shingle siding on a portion of one wall. The residence, which the applicant recently purchased, has been unoccupied and neglected for some time, and he intends to restore it. The original portion of the building was constructed in the mid-19<sup>th</sup> century, with a major addition ca. 1900 in the Craftsman Style. Subsequent modifications and additions occurred in the 1960s and 1990s.

A three-member quorum of the Commission held a duly-noticed meeting to consider the request on November 19<sup>th</sup> in compliance with state and local public health guidelines and requirements. After a presentation by the owner and deliberation, the Commission members present unanimously voted to grant a Certificate of Non-Applicability for the roofing replacement, and Certificates of Appropriateness for the chimney removal and siding replacement, all of which were issued on November 21<sup>st</sup>.

The Commission notes with great sadness the passing of Anna Pollock in December. Anna was a Commission member since its inception, a lifelong Crescent Street resident, and a wonderful neighbor. We will all miss her enormously.

2020 Members of the Crescent Street Historic District Commission

*Appointed by the Select Board*

Alfred Aydelott, Chair	2021	Anna Melone Pollock	2020
Catherine Adams Fiske	2022	Alicia Primer	2021
David Fixler	2020		

## REPORT OF THE FRIENDS OF THE JOSIAH SMITH TAVERN

The November 2019 Special Town Meeting approved \$12,960,000 for the construction costs associated with the preservation, rehabilitation, and restoration of the Josiah Smith Tavern. The Friends of the Josiah Smith Tavern (Friends), the Select Board-approved proponent of the project and non-profit organization, intends to lease shell space for a 105-seat restaurant in the barn, connector, and original taproom, and further, to provide subsidized rental space in the main building to the Weston Historical Society, Weston Forest and Trail Association, and the Women's Community League of Weston. There will be community space located in the Ballroom on the second floor of the tavern building. The Community Preservation Committee unanimously approved the proposal and suggested funding the project with \$7.8 million in cash from the Community Preservation Act fund and bonding \$5.16 million over 10 years. Because a portion of the project was being proposed for bonding, a two-thirds majority vote was required and attained at Special Town Meeting.



*Back view of the Tavern with construction underway*

This project scope includes bringing the base buildings and site up to current building codes and accessibility standards. The work is being implemented under the auspices of the Permanent Building Committee. Contracts for the project are with the firms of Baker Wohl Architects, Metrowest Engineering Inc., and Thomas Wirth Associates. M. O'Connor Contracting Inc. of West Roxbury was hired to perform the general construction services. Work commenced the first week of March 2020 and continued under the essential business requirements outlined by the governor. Weekly state-mandated COVID-19 Certifications were provided by M. O'Connor Contracting Inc.

Site clearing and contouring occurred in the spring of 2020. Retaining wall and septic component placement started in the fall. Interior demolition and connector foundation excavation ran in a parallel track. When work in the connector began, it was discovered to be structurally unsound due to the original foundation being 15-feet of cow manure and rubble. Formwork for a new slab floor in the connector was progressing by the end of the year. Interior barn framing, tavern structural work, and foundation work for the addition continue and completion of the base building is anticipated by late fall of 2021.

## REPORT OF THE HISTORICAL COMMISSION

The Historical Commission is charged with preserving Weston’s architectural, cultural, and landscape history; identifying and document town buildings, domestic architecture, and other local features of historical significance; and educating the public about the value of their preservation. The seven-member Commission, along with associate members, formally meets every three to four weeks, but members also engage in other aspects of the Commission’s work throughout the year. This year, because of the COVID-19 pandemic, site visits were curtailed for several months, and meetings were held virtually after mid-March. The following is a summary of the Commission’s activities for 2020.

### Demolition Delay Activity

The Historical Commission administers Weston’s Demolition Delay By-law, which requires the Commission to review every demolition application for buildings constructed before 1945 and that meets criteria for significance, to determine whether the proposed demolition, either partial or total, would adversely affect a historically or architecturally significant structure. If the building is deemed significant and the proposed demolition deemed detrimental, the Commission may impose a 12-month delay on demolition permitting to find a way to save the structure. A delay may be lifted if and when the proposed demolition is not deemed detrimental. If a structure built before 1945 is demolished without proper authorization, the building inspector is authorized to impose a two-year building moratorium on the site.

In 2020, the Commission received 8 percent more applications than in 2019. Of the 38 applications received, 79 percent were sent to an initial determination meeting and 63 percent of those went on to the public hearing process. The Commission imposed a 12-month demolition delay on one application, representing 3 percent of all applications received; this involved a total demolition application for a significant structure.

The following table tracks the Commission’s activity and the disposition of applications received since 2015. Information on the Demolition Delay, including applications, procedures, and the text of the by-law, can be found on the Commission’s web page at [Westonma.gov/Historical](http://Westonma.gov/Historical).

<b>Total applications</b>	<b>Applications allowed w/o initial hearing</b>	<b>Applications sent to initial determination hearing</b>	<b>Applications sent to public hearing</b>	<b>Applications with a 6-month demolition delay imposed</b>	<b>Applications with a 12-month demolition delay imposed</b>	<b>Two-year building moratoriums imposed by building inspector</b>
<b>2020</b>	38	8	30	19	1	
<b>2019</b>	35	7	28	12	- 5 (1 lifted)	0
<b>2018</b>	27	5	22	11	-	1 0
<b>2017</b>	37	14	23	9	-	2 0
<b>2016</b>	52	13	39	7	-	3 0
<b>2015</b>	46	7	39	18	5	1 0

### Structures with 12-Month Demolition Delay Imposed

This year, the Historical Commission classified one building proposed for total demolition as preferably preserved and impose a 12-month delay of demolition to work with the owner to find an alternative to total demolition. The goal is to encourage the preservation of the historical character of these significant houses and their neighborhoods. The Commission holds hope to find a way for this house to be preserved.



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Lorenzo N. Kettle House  
770 Boston Post Road (WSN. 156)  
Built 1892  
*Architect Samuel Mead*  
*Located in the Boston Post Road*  
*National Register Historic District*  
Demolition delay expires June 23, 2021

### Preservation Deed Restriction Activity

Commission work on Preservation Deed Restrictions continued this year but at a rather slow pace due to the pandemic.

*Fiske Law Office* - Efforts to finalize the Town-owned law office were unsuccessful this year. The 1805 building is prominently located in the Boston Post Road National Register Historic District and should be even more visible after the completion of the Town Center Project. Research on its deed is needed to complete the draft of the restriction, but the Registry of Deeds was closed because of the pandemic.

*Joel Smith House* - A draft Preservation Deed Restriction for the 1773 building located at 316 Wellesley Street was started this year. A 1997 variance issued by the Zoning Board Appeals stipulated a preservation deed restriction be executed, subject to review and approval by the Historical Commission; however, the stipulation had been neglected. The Commission anticipates the execution of the restriction in the coming year.

*Arvilla Stickney House* - A neighborhood group that owns the 1901 house at 261 Merriam Street approached the Commission about a possible Preservation Deed Restriction. An appraisal of the Queen Anne style property was performed using Community Preservation Act funds but has not advanced.

*The Case Estates Buildings: Rand House, Schoolhouse, and Barn* - Preservation guidelines for the three structures located along Wellesley Street are being developed in collaboration with the Select Board, to prepare deed restrictions for each structure. All of the buildings are historically important and are prominently sited within an iconic view scape, generally considered emblematic of Weston's overall character. While the Town currently owns the buildings and the land around them, the intent is to offer them for sale with conditions ensuring the preservation of essential architectural elements in perpetuity. To that end, the Town retained the firm of Existing Conditions Surveys Inc., to record the current configuration of the Schoolhouse and Barn. The Rand House has previously been recorded. These surveys will become the foundation for developing future adaptive re-use concepts and a baseline for determining preservation guidelines.

### Active Adult Residential Cluster Zoning By-law Amendment

Working in collaboration with the residents of The Silver Hill Group LLC, the Planning Board, the Select Board, and the developer SEB/Weston Village LLC, the Historical Commission established preservation guidelines for the existing structures at 255 Merriam Street, a property located within both the proposed multi-family zoning district and the Silver Hill National and State Register Historic District. The structures include an excellent example of a substantial early 20th-century residence in the Queen Anne style, a remarkable little one-room pump house, and a well-proportioned small carriage house. The residence and pump house are to be preserved as-is, with minimal changes on the street-facing sides. The carriage house is to be carefully documented and the street-facing facade reproduced exactly in approximately the same location on a new residence in the proposed development. The preservation guidelines were incorporated into the Town's agreement with the developer, and the proposed by-law amendment was approved by the September Annual Town Meeting.



*Presentation Drawing of Carriage House (Barn) Facade at 255 Merriam Street. The existing barn doors and lunette windows are to be carefully removed and reinstalled in the new structure.*

### Cultural Inventory Project

The Historical Commission continued working with architectural historian and consultant Pamela Fox to complete Form B documentation of all buildings listed on the current Weston Cultural Resources Inventory. The Inventory is the Town's list of pre-1945 buildings subject to the Demolition Delay By-law. The work includes historical narratives discussing the history of each building and the role(s) that the owner or occupants played within the community. It describes the architectural style of each building and reports the setting, village, neighborhood, architectural style, present and original uses, significance, designations, approximate construction date, and structural/building materials of each building as necessary. Photographs and any references or supporting documents to the information are also provided. Funds were appropriated by the December 2019 Special Town Meeting and the remaining documentation and survey work is expected to be completed by the end of 2021. The documentation will be included in the Massachusetts Cultural Resource Information System, which is a searchable database.

In 2020, the Commission decided to embark on a survey and inventory of Modern-era buildings in town. The Commission expects to put out a formal request for quotations for this work in the coming year.

### De-Accessioning Project

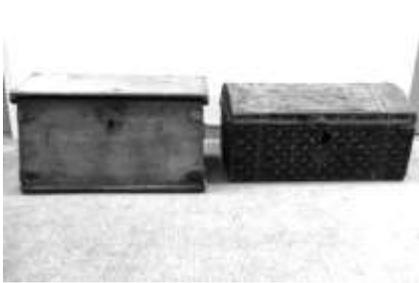
In 2018, the Historical Commission hired a consultant to catalog the collection of old and historical objects stored in the Josiah Smith Tavern and to help evolve a strategy for how to best use, preserve, develop or dispose of the items responsibly. The Commission decided that many of the objects should be dispersed into collections that can make them publicly accessible for interpreting history and that can sustain and preserve them for the future.

The Town donated a large number of the objects that relate to Weston history to the Weston Historical Society and a few additional items to the Golden Ball Tavern. Several other select items, not related to Weston history, were sent to auction at Skinner's. The most celebrated item of the group was a miniature Taunton blanket chest, which sold in November 2019 for a surprising \$42,500. Additional items sent to Skinner including a cased Spencer, Browning & Rust sextant, two hetchels, a kettle stand, two tin canisters, a blue-painted pine six-board chest, and a dome-topped trunk were sold at auction on March 12, 2020, for \$455. The auction sales minus Skinner's commission and fees netted the Town \$40,413.00.

At the 2020 Annual Town Meeting, these proceeds were dedicated to the Historical Commission, to be used toward the preservation of remaining historical/cultural objects or records, or toward educating the public on the Town's history, as befits the responsible and ethical disposition of material from historical collections.



*Two hetchels, a kettle stand,  
and two tin canisters pictured  
in Skinner's auction catalog*



*Blue-painted pine six-board  
chest and dome-top trunk, ca.  
19<sup>th</sup> century*



*Cased Spencer, Browning and  
Rust Sextant, retailed by  
Samuel Thaxter & Son, Boston*

#### Weston's Community Preservation Act Funds for Historic Preservation

*Cemetery Restoration - Phase III* - 2020 Annual Town Meeting approved a Community Preservation Act Fund (CPA) request of \$140,000 for the third and final phase of the Farmers' Burial Ground and Central Cemetery restoration project. Farmers' Burial Ground was established in 1703 and Central Cemetery was established on land the Town purchased in 1790. Both of these are located in the Town Center on Boston Post Road. The majority of the work in this third phase was focused on repairing the tombs at Central Cemetery, as well as the stone walls and gates at both cemeteries, and the tomb work was completed in the summer. The stonewalls and gates will be completed next.

Structures North Consulting Engineers Inc. was engaged as the Town's consultant on the project. The team prepared construction documents and inspected the contractor's work for compliance. Cali Corporation was hired to complete the restoration work on the tombs. The Historical Commission is grateful to Weston's Department of Public Works, which coordinated the restoration efforts.

### Case House Restoration

Last year's report detailed the work involved to restore the 1889 Victorian mansion (originally called Rocklawn) used to house the School Department for the last 50 years, and which was used by the Case Family 60 years before that. The house was in desperate need of upgrading to modern standards for a public use building and to restore its grand Victorian detailing.

The School and Facilities departments moved back into the building early in the spring of 2020. Unfortunately, due to indoor gathering restrictions, the public has not had an opportunity to tour the restored interior. A reception will be held hopefully in the near future but meanwhile, all can enjoy the restored exterior including the new porte-cochere, paint colors, and new plantings.

After moving back into the restored building, the superintendent of schools, Dr. Midge Connolly, wrote the following:

*The Central Administration and Buildings and Grounds Departments have moved back and settled comfortably into the renovated Case House. Although during COVID some of the larger meeting spaces have not been able to be utilized all other spaces are being used and the renovations have had a significant positive impact both aesthetically and practically. It has been wonderful to be back under the same (new) roof so that we are able to efficiently collaborate in a beautiful historical building. We will be creating a virtual tour a bit later in April to share with the larger Weston Community.*

The Historical Commission is grateful that the town of Weston, its people and its government, valued this beautiful structure sufficiently to undertake this difficult and expensive project.

### Town Center Improvement Project

The Town Center has three distinctive historic buildings as its gateway from the east: The First Parish Church Weston (1888), the Old Library (1899), and the eldest, the Josiah Smith Tavern (1757). Members of the Commission have invested time and expertise toward the preservation of the historical features of these landmark buildings. With the successful completion of the Old Library into the Weston Art and Innovation Center and the renovations of the Josiah Smith Tavern, the completion of the Town Center Improvement Project will envelop these structures into a cohesive community destination.

As the heavy construction winded down by the end of 2020, thoughts turned toward the landscaping and the placement of the trees around the three historic buildings. Representatives from the Commission and the Historical Society asked to meet with the Town Center Project Working Group and the Landscape Architect of the project to review the placement of the new trees planned for at the intersection of Church Street, School Street, and Boston Post Road to ensure the views of the Town Green and the three buildings were well represented.

### Historic Marker Program

The Commission sponsors the historic marker program to encourage architectural appreciation and to recognize historic buildings that maintain their fundamental architectural character. Markers have been awarded to buildings from the 1720s to the mid-1940s and range from high-style residences to storage buildings. They list the name of the original owner(s) and the date (or approximate date) of construction.



*The 1898 Ida White House at 106 Love Lane*

In 2020, the Commission authorized a new marker for the 1898 Ida White House at 106 Love Lane. About 1897 Ida White had the Victorian-era Colonial Revival house built near its intersection with Boston Post Road. She sold the property 15 years later to Arthur Hunt who lived there until the mid-1960s. Mr. Hunt operated the Golden Soap Company. For part of his business, he collected grease, fat, and garbage from

schools and institutions. Rendering of the fat was done in the barn and the garbage was fed to the pigs he kept. These activities are reported to have created an unwelcome aroma in the neighborhood.

### Outreach to Realtors

As part of the charge to preserve and protect the historic buildings and homes in town, the Commission developed a brief overview of its approval processes directed to real estate agents. This document can be found on the Commission's website. Also, a hard copy will be sent to real estate offices in Weston, Wellesley, Lincoln, and Wayland.

With the summary of the Town's rules and by-laws as they pertain to historic homes, real estate agents will be better informed and can pass the information on to their clients. Many new buyers are eager to make improvements to expand their new homes or even replace the existing house. The resources provided to the realtors clearly show the process involved with modifying or removing a historically significant house in Weston. We recommend real estate agents and their clients review the Commission's website for further information and we welcome all to contact us with any questions for further clarification

### Burgoyne Elm Site Sign

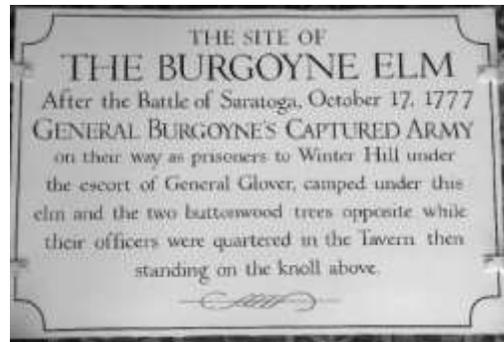
After the Battle of Saratoga in 1777, General Burgoyne and his captured British soldiers were escorted back to Boston. They traveled along Boston Post Road and camped under, and across the street from, the elm tree next to the Fiske Law Office. About 180 years later, during a time of patriotic enthusiasm, a hand-lettered sign with a colonial-style script was installed on the tree to commemorate the encampment. When the tree succumbed to disease in the 70s, the sign was affixed to a nearby pine tree. A few years ago, the sign fell, too worn by weather to be re-installed.

In early 2020, the Historical Commission procured a replacement for the Burgoyne Elm sign from craftsman Robert Leonard of Ould Colony Artisans. The new sign is identical in size, 24 inches by 36 inches, with a similar font. However, "The Site of" was added to the message.

The new sign will be installed on brackets attached to two black locust posts purchased for this use. It will be located in the vicinity of the Burgoyne Elm, just east of the Fiske Law Office.



*Original Burgoyne Elm Sign affixed to a pine tree*



*The New Burgoyne Elm sign*

### In Appreciation

The Commission is grateful to:

- John Field, Inspector of Buildings, for his careful oversight of Commission matters, his well-measured advice, and his always-ready and patient assistance.
- Dana Orkin, part-time administrative assistant, for communication skills, diligent scheduling, and readiness to help wherever needed.

- Tracey Lembo, Community Preservation Committee administrator, for her endless help with Preservation Restrictions and all the other projects where the Committee and the Commission overlap.
- Pamela Fox for her support of the Historic Markers program, for her enduring work on our Cultural Inventory Project, for her hands-on help with the De-Accessioning Project, and for continuing to share her deep knowledge of the Town’s history. The Commission congratulates Pam on the publication of her revised and expanded second edition of “Farm Town to Suburb: The History and Architecture of Weston, Massachusetts – 1890 – 2020.”
- Adrienne Giske, President of the Friends of the Josiah Smith Tavern, for shepherding the complicated process of restoring and revitalizing that building.
- Eric Dray, Historic Preservation Planner and Consultant, for stellar work preparing Preservation Deed Restrictions for the Commission.
- Cindy Bates, for her excellent research skills and help with various projects, including continuing research on the Melone Homestead and deed for the Fiske Law Office.

The Commission remembers with appreciation:

- Patricia Siek, for her work promoting the cemetery restoration project and for her other contributions to historic preservation in town.
- Anna Melone Pollock, who shared her recollections of growing up in the Melone Homestead and who donated to the town for the benefit of the Homestead.

2020 Historical Commission Members

*Appointed by the Select Board*

Phyllis Halpern, Co-chair	2022	Alicia Primer	2020
Steve Wagner, Co-chair	2022	Kathryn Scadden	2023
Alfred Aydelott	2021	Henry Stone	2022
Alan Fobes	2021		

**REPORT OF THE HOUSING PRODUCTION PLAN STEERING COMMITTEE**

The Housing Production Plan Steering Committee was formed by the Select Board in September of 2020 and was charged with overseeing the process to update the Town's current Housing Production Plan, which is set to expire on June 26, 2021. The Committee is tasked, along with a housing consultant and the Town Planner, to develop a plan that identifies housing goals and strategies to address local housing needs and meet the state’s housing production goals consistent with the Comprehensive Permit Regulations (760 CMR 56 promulgated under Massachusetts General Law Chapter 40B) as required by Department of Housing and Community Development for Housing Production Plans. Jennifer Goldson has been selected through the request for proposal process to be the Town’s consultant along with the Regional Housing Services Office, which will write the needs assessment component of the plan.

Committee meetings began in October 2020 and will likely continue through April 2021. A crucial component of developing the plan is community engagement. In addition to open meetings that were held via an online meeting platform, the Committee hosted a virtual public forum in December and, through the consultant, hosted a series of focus groups to solicit insight and feedback from residents. Following the public process, the final draft will be presented to the Planning Board and Select Board for approval before submitting it to the Massachusetts Department of Housing and Community Development.

The Housing Production Plan is a tool that enables communities to develop strategies to expand affordable housing while maintaining the municipality's essential character. If housing production goals are met, the Plan may be certified by the state. This certification enables the "safe harbor" status that allows the Town to deny Comprehensive Permits for 40B development projects while providing leverage to ensure developments meet the needs of the community. It is to that end that the Committee will continue its work in 2021 to ensure the creation of an updated Housing Production Plan that best meets the needs of Weston while fulfilling the regulatory requirements.

#### 2020 Housing Production Plan Steering Committee Members

*Selected by the Select Board*

Sarah Rhatigan, Chair, Representing the Affordable Housing Trust

Alice Benson, Representing the Housing Needs Committee of the Council on Aging

Harvey Boshart, Select Board Liaison

Alicia Primer, Representing the Planning Board

Cheryl Alpert, at-large

Chris Chandor, at-large

### **REPORT OF THE DEPARTMENT OF INSPECTIONAL SERVICES**

If there was one silver lining to the pandemic for this Department, it would be embracing the power of technology to solve problems. We kept connected to work together, often remotely, and kept improving the delivery of our service. Despite in-person gathering restrictions, we found success in adopting policies to conduct remote inspections, remote public meetings, and hearings, as well as processing permit applications, payments, and approved permits through electronic means. Like everyone, we adjusted to the changes to keep going with our day-to-day operations.

The Department's online permit application system is easy to use for both clients and staff and helps track the multi-step process of building permits. Approximately 85-90 percent of the building, electric, plumbing, and gas permits are received, paid for, and issued through this system.

The Inspectional Services Department is responsible for ensuring that buildings are constructed and used or occupied safely by enforcing the state building code, the Town's by-laws, and other applicable rules and regulations. The Department issues permits to allow for the construction, reconstruction, alteration, repair, and demolition of buildings and structures, as well as the installation of equipment and the location, use, and occupancy of all buildings, structures, and land.

The Department consists of the:

- Land Use Coordinator/Inspector of Buildings/Zoning Enforcement Officer
- Permit Administrator
- Building Department Assistant
- Town Planner and Assistant Town Planner/Historical Commission Administrator
- Conservation Administrator, part-time Land Stewardship Coordinator, and two part-time assistants to the Conservation Administrator
- part-time staff assistant to the Zoning Board of Appeals
- part-time staff serving as the Electrical Inspector, Plumbing and Gas Inspector, Sealer of Weights and Measures, and a Deputy Building Inspector

For the calendar year 2020, there was a slight increase in the number of building permits from 2019. Many applications were received for projects converting space into home offices and similar work-from-home spaces. With many people staying at home, a lot of construction was being done. This Department issued 654 building permits, 492 electrical permits, 495 plumbing and gas permits, 62 sheet metal permits, and 102 Chapter 106 occupancy permits (common area inspections). The estimated value of these projects was approximately \$104 million.

The Department works closely with the Board of Health, Fire Department, Stormwater Engineer, Conservation Administrator, and other Town agencies to ensure construction work is carried out in compliance with all appropriate codes, rules, and regulations. Staff performs building activity investigations and responds to complaints, including those other than construction, to monitor violations of the Town's By-laws. The 9<sup>th</sup> Edition of the State Building Code is used by the Department, which references many national and international sets of regulations that have been tailored to conditions unique to Massachusetts. The first uniform, statewide building code, the 1<sup>st</sup> Edition of the State Building Code, was adopted at the start of 1975. Before that, like almost every other city and town in the Commonwealth, Weston developed its own set of building codes.

Permitting numbers and collected fees for the last three years are outlined on the following spreadsheet.



**REPORT OF INSPECTIONAL SERVICES  
CALENDAR YEAR 2020 AND 3-YEAR SUMMARY REPORT**

	2020			2019			2018		
	Permits	Estimated		Permits	Estimated		Permits	Estimated	
	Issued	Value	Fees	Issued	Value	Fees	Issued	Value	Fees
	<i>(Number)</i>	<i>(Dollars)</i>	<i>(Dollars)</i>	<i>(Number)</i>	<i>(Dollars)</i>	<i>(Dollars)</i>	<i>(Number)</i>	<i>(Dollars)</i>	<i>(Dollars)</i>
Single Family Residence	22	\$ 30,977,058	\$ 310,141	14	\$ 24,815,330	\$ 247,829	19	\$ 22,879,907	\$ 227,994
New Building-Commercial/Municipal	2	1,375,000	13,750	0	0	0	3	13,894,992	138,549
Amended Building Permits - Res/Comm.	37/0	28,398,284/0	70,093/0	47/3	8555195/99545	80395/995	45/2	9,479,404	90,716
Remodel/Additions Residential	122	19,386,973	187,776	133	18,384,408	194,900	159	23,175,945	236,105
Remodel/Additions Commercial/Municipal	8	10,061,008	9,490	13	9,311,333	23,540	11	5,579,237	5,443
Demolition (incl. garages & homes)Res/Comm	25/0	412,826/0	6,263/0	17/1	357,500/110,000	3,710/200.	18/1	354915/8,500	4131./85.
Other Construction Residential	319	8,906,644	90,966	240	6,394,526	73,111	231	9,464,976	85,462
Other Construction Commercial/Municipal	17/1	1,129,063/147,000	8,293/0	38	3,258,340	13545./18490	38	1,257,539	10,817
Sheet Metal - Residential/Commercial	56/6	1,528,116/604,313	15,425/1,499	65/6	1,328,608/2,106,008	13,545/18,490	96/3	2081,276/21,331	51,500/515
Mechanical - Residential/Commerical	37/2	526,054/189,000	5,304/90.	42/2	650,334/73,460	5198./5276.	52/2	708,185/234,500	6,267/2,450
Total Building Construction	654	\$ 103,641,339	\$ 719,090	621	\$ 75,444,587	\$ 699,316	680	\$ 89,140,707	\$ 860,034
Certificate Occupany/Periodic Inspections	39/102			37/91			51/97		
Gas Permits	275		\$18,930	321		\$21,202	325		\$22,610
Plumbing Permits	220		27,230	260		29,660	266		34,310
Wiring Permits*	492		66,002	502		63,656	609		105,072
<b>Total Plumbing,Gas and Electric</b>	987		\$112,162	1,124		\$114,425	1,247		\$161,992
*Alarm Security Fee	38		\$5,615	41		\$4,215	47		\$10,245
<b>Weights and Measurers</b>	8		\$1,680	11		\$2,930	10		\$2,285
<b>Zoning Board of Appeals Applications</b>	17		\$31,000	36		\$48,700	32		\$6,625

## REPORT OF THE PLANNING BOARD

The Planning Board is responsible for the review of land division, either through the construction of a subdivision road or, where sufficient frontage exists, through submission of an Approval Not Required plan under the Subdivision Control Law. The Board reviews and approves proposals for new residential development constructed on officially designated Scenic Roads and/or exceeding certain square footage; commercial projects; and tree and stone wall removals or alterations in the Town's right-of-way on a Scenic Road. The Board also undertakes long-range planning activities, including proposed amendments to the Zoning By-law, master planning efforts, development of scenic roadway policies, and other land-use regulations.

In 2020 the Board held 22 public meetings, numerous public hearings, and site walks. More specifically, the Board:

- Reviewed and approved nine Site Plan Approval applications for new or replacement residential construction. Of these:
  - Three were reviewed due to meeting or exceeding the Residential Gross Floor Area (RGFA) review threshold – 15 Pinecroft Road, 31 Beech Road, and 95 Walker Street
  - Three were reviewed solely due to having frontage on a Scenic Road – 5 Colchester Road, and 240 and 183 Ridgeway Road
  - Three were reviewed due to having frontage on a Scenic Road and being larger than the RGFA threshold – 36 Church Street, 512 Glen Road, and 667 Wellesley Street
- Reviewed two additions to houses that were constructed after 1997 and triggered the RGFA threshold – 79 Black Oak Road and 140 Country Drive
- Reviewed and approved 13 amendments to previously issued approvals under the RGFA and/or Scenic Road provisions of the By-law
- Reviewed and approved one flexible subdivision for six building lots at 576 North Avenue
- Continued work on meeting the Town's obligations under MGL 40B to have 10 percent of the housing stock be affordable and counted on the Subsidized Housing Inventory. This included:
  - Town Planner, with Town Counsel, provided calculations to invoke safe harbor based on a 1.5 percent area land minimum
  - Town Planner and Board representative worked with Housing Production Plan Steering Committee to update the Town's Housing Production Plan
- Reviewed one application for Site Plan Approval for lighting at the Stonegate condominiums (formerly Jericho Village)
- Reviewed two Special Permit Applications for work in the Wetland and Floodplain Protection District – Boardwalk Amendment on Merriam Street over Cherry Brook and at 98 Pine Street
- Participated in other Town committees as representatives:
  - Town Center Project Working Group
  - Sustainability Committee
  - Community Preservation Committee
  - Housing Production Plan Steering Committee
  - Internal working groups to study public and private trees
  - Internal working group to study water usage
- Completed the commuting pattern survey and published results with suggested services
- Began work with the Weston Plant and Pollinator Alliance to select sites for low impact, high ecological value demonstration landscaping
- Worked with the Silver Hill Group to craft the Active Adult Residential Cluster Zoning By-law Amendment, which was successfully passed by Annual Town Meeting.

### Site Plan Approval for Residential Construction

As listed above, the Board reviewed 11 projects: nine new houses and two additions to houses built after 1998 and initially below the review threshold. These either exceeded the RGFA for a house greater than

10 percent of its lot size or greater than 6,000 square feet, had frontage along a Scenic Road, or were part of an approved Flexible Subdivision, or a combination of these factors. In each case, the Board placed conditions on Site Plan Approval, which included:

- the elimination of excessive exterior lighting
- maintenance of existing vegetation
- the addition of new vegetative buffers
- reduction in the amount of impervious surface, and
- management of stormwater.

Additionally, the Board granted amendments to 13 properties that previously were issued a Special Permit or Site Plan Approval.

#### Affordable Housing

A hearing was held by the Housing Appeals Court in March of 2020 regarding the Zoning Board of Appeals invoking safe harbor based on the General Land Area Minimum. This occurred at the opening hearing of a Comprehensive Permit for a 200-unit multi-family residential development proposed at 518 South Avenue. The Board of Appeals was represented by Town Counsel and the Town Planner served as the expert witness. The Court has not yet rendered a decision.

Court hearings began in November for the developer's appeal of the Comprehensive Permit denial decision made by the Zoning Board of Appeals in 2017 for a 175-unit multi-family project proposed at 104 Boston Post Road. Hearings carried over into 2021 with the Town Planner slated to serve as an expert witness.

#### Regional Activity

The Town Planner has been active with the MetroWest Regional Collaborative sub-region of the Metropolitan Area Planning Council, including serving as part of the External Advisory Committee for MetroCommon, the regional long-range plan.

#### Zoning By-law Amendments

The Town Planner and former Planning Board member Al Aydelott worked with the members of the Silver Hill and Merriam Street neighborhoods to create the Active Adult Residential Cluster (AARC). This was a compromise between the approved Village at Silver Hill Comprehensive Permit by the developer SEB and the Transit-Oriented Senior Development District proposed by the neighborhood. The AARC allowed for a density of eight houses and included a deed-restricted affordable unit, which would count toward the Town's Subsidized Housing Inventory. The AARC bylaw amendment was approved by Annual Town Meeting.

#### Long-Range Plans

The Town Planner managed two working groups studying trees, each of which included members of the Planning Board, Select Board, and the Tree Advisory Group. One group is focused on trees in the public rights of way and the other is focused on preserving trees on private land. The public tree group has turned its focus to improving the overall tree health of the right of way trees and providing maintenance guidelines, which include pruning, removals, and replanting. The private tree group is looking to present a bylaw amendment to prevent tree loss.

Following the Town's historical water usage analysis by the Metropolitan Area Planning Council, the internal water usage working group will reconvene and began education outreach on water conservation, including material in the town-wide property tax mailer and work with the Weston Plant Pollinator Alliance to create low-water, high-ecological demonstration landscape on the Mass Central Rail Trail.

The Town Planner, Planning Board Chair, Town Manager, and a member of the Select Board worked with Locality Studios to create design guidelines for town signage. The completion of the project was delayed due to limited Board meetings under public gathering restrictions but is expected to be completed in early 2021.

Work began on an update to the Town’s Housing Production Plan, which is set to expire in 2021. The Select Board convened a Steering Committee, which includes the Planning Board chair and staff assistance from the Town Planner. Meetings began in October 2020 and the project is expected to be complete in April 2021.

The Assistant Town Planner participated in a Municipal Vulnerability Preparedness Grant and the beginning work on the Town’s Climate Action and Resiliency Plan that is being developed under the purview of the Sustainability Committee.

Continuing Activities

Planning Board records are continuing to transition to an electronic format. All new applications are submitted with a digital copy that can be uploaded and archived to the Laserfiche digital archive. New Certificates of Action are also on this archive. The Town Planner and Assistant Town Planner have begun transferring digital archives from the Town’s website to the permanent Laserfiche digital archive system.

The Town Planning staff, Planning Board consultants, and Town Hall staff met informally approximately twice a month with applicants to answer questions about the Town’s bylaws related to their projects. The Town Planner and Assistant Town Planner met monthly with other Land Use staff to discuss projects that fall under the jurisdiction of multiple boards and with the Town Manager to discuss ongoing, long-range, and large-scale projects.

The Town Planner is a member of the Stormwater Permitting Authority, which is comprised of the Director of Public Health, the Conservation Administrator, the Town Engineer, and the Stormwater Engineer. The Authority oversees the Stormwater By-law that was approved by the 2011 Annual Town Meeting.

2020 Planning Board Members

After a five-year term on the Planning Board, Chair Anthony Flynn decided not to run for reelection. During his tenure, the Community Transportation Survey and Program Recommendations were completed, and the review to streamline the Planning Board process was started with stakeholders invited to provide input. With one year into her term, Alicia Primer succeeded him as Chair and Alex Selvig was elected to the vacant seat.

*Elected by the Voters*

Alicia Primer	2024
Leslie A. Glynn	2023
Stephen R. Oppenheimer	2022
Alex Selvig	2025
Susan Zacharias	2021

The Planning Board is assisted by consultants, Kimberly Turner, of KD Turner Design, and David Conway, of Nitsch Engineering, in landscape and stormwater (respectively) reviews of Residential Site Plan Approval and Special Permit applications. The Board is grateful for their expertise and counsel.

## REPORT OF THE RAIL TRAIL ADVISORY COMMITTEE

2020 – a year unlike any other. The bright side? The Mass Central Rail Trail - Wayside! Because of the many social restrictions in place, closed schools, restaurants, people working from home, etc., the Mass Central Rail Trail Wayside saw more activity than ever before. The rail trail was a great place to get outside and enjoy the fresh air and mitigate the cabin fever felt by so many.

The Massachusetts Department of Conservation and Recreation was able to follow up on the Phase I plantings, many of which did not survive 2019, and replace or plant additional plants along the rail trail. These newer plants seem to be doing well so far and we are optimistic that these will thrive and enhance the visual beauty of the trail and provide some degree of added privacy for the abutters as well as the users of the trail.

The 2019 Special Town Meeting approved \$43,000 in Community Preservation Act funds for the purchase and installation of additional plantings along Weston's portion of the rail trail. This request, referred to by the Rail Trail Advisory Committee as Phase 2 Plantings, involves the two stretches of trail. One is between Conant Road and Church Street, which was not done in 2019 due to construction access for the Conant Road underpass work. The other is between Concord Road and Gun Club Lane. Unlike the Phase 1 Plantings, this project will be managed directly by the landscape architect hired by Committee as well as Committee members and the Town Manager.

The Phase II Plantings however were not completed in 2020 as originally planned. A request for bids was issued in March of 2020 with the assistance of the Town's Procurement Manager but was met with no responses. We believe this was due to the pandemic and its impact on workforce availability and supply chain logistics. We expect to reissue the bid request in 2021.

The Committee has also been collaborating with the Weston Plant Pollinator Alliance who would like to plant a pollinator garden along the rail trail. The garden would be a native pollinator-friendly, low maintenance, and water-conserving demonstration garden. Planting would be done in the spring of 2021 and upkeep will be done by Weston Plant Pollinator Alliance and the Sustainable Weston Action Group volunteers, as well as any neighbors, friends, scouts, etc. that they can recruit. Members of the Committee met with representatives of Weston Plant Pollinator Alliance and determined an ideal location to be just east of the Concord Road trailhead, on the north side. Close by is a historic mile marker and timbers from the historic train platform that could be incorporated into the garden design.

### 2020 Members of the Rail Trail Advisory Committee

#### *Appointed by the Select Board*

Gail Palmer, Chair

Eli Mather, at-large

Paul Penfield, at-Large

#### *Appointed by Representing Committee:*

Meg Kelly, Weston Forest and Trail Association

Michael McCarthy, Traffic and Sidewalk Committee

Eric Rosenthal, Recreation Commission

Anne Benning, Open Space and Recreation Plan Committee

#### *Associate Members:*

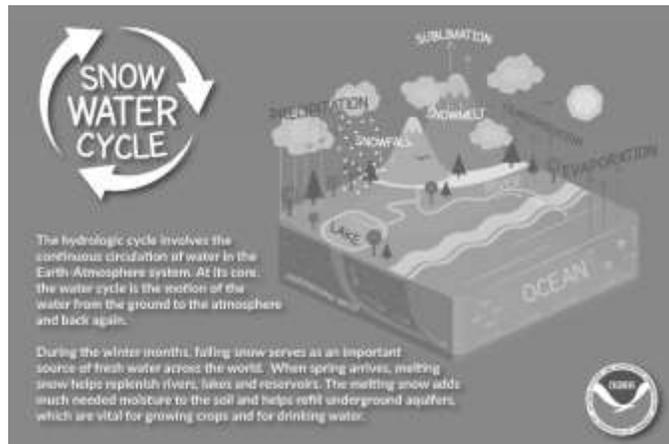
Ellen Freeman Roth, Conservation Commission

Phyllis Halpern, Historical Commission

## REPORT OF STORMWATER PERMITTING AUTHORITY

Weston's Stormwater and Erosion Control By-law, the Stormwater and Erosion Control Regulations, and the Stormwater Permitting Authority have been in place since 2012. The By-law was amended in 2014 and the Stormwater and Erosion Control Regulations were updated in April 2019.

The primary purpose of the By-law and Regulations is to protect the Town, including its residents, roadways, and the environment, from negative impacts caused by increases in stormwater runoff and its poor water quality and soil erosion from the disturbed soil on construction sites or other soil disturbance activities. Thresholds detailed in the By-law dictate when a Stormwater Management Permit is required, and the construction of a project cannot start until the permit is approved and issued. Before a permit can be approved, the hydrologic conditions for pre- and post-construction conditions for a project must be analyzed and submitted with plans. Those conditions must demonstrate no increase in stormwater runoff to abutters or roadways post-construction. Once a construction project starts, the project is monitored for increases in stormwater runoff, erosion, and sedimentation impacts. Inspections are conducted by the Stormwater Engineer.



*Educational materials were shared through social media and newsletters over the year to satisfy part of the MS4 permit requirements. Excessive leaf litter, ice melt, and dog waste were a part of the stormwater pollutants campaign.*

This year, 56 Stormwater Management Permit Applications were submitted and reviewed. Of those, 54 were approved and two were pending. There were 26 Minor Permit Applications and 28 Major Permit Applications approved. The majority of the applications are for residential development projects, such as an addition to a house or the construction of a new house, upgrading a septic system, driveway modifications, and the like. Furthermore, some non-residential projects and municipal projects can require a permit. The Case Estates Legacy Trail project required a Major Stormwater Management Permit due to the amount of soil disturbance.

Projects that are seeking Site Plan Approval through the Planning Board are not required to go through the Stormwater Management Permit process. These projects are reviewed and approved by the Planning Board with the aid of a consultant engineer.

The Stormwater Permitting Authority also provides outreach and education on stormwater and erosion control. Often, the staff gives stormwater presentations to Weston High School's environmental classes, or students are given a tour of the Public Works facilities to observe the stormwater management features and other green applications; however, due to the closure of public buildings and schools this year, no presentations or tours were conducted. However, the state's Think Blue Massachusetts campaign offered many stormwater educational opportunities through social media, which were shared by the Town through its social media channels, as well as through the weekly Public Works work update emails. Stormwater education was also offered through the quarterly tax bill insert and the occasional monthly e-newsletter issued through Town Hall.

The updated Environmental Protection Agency's (EPA) Massachusetts Small Municipal Separate Storm Sewer Systems Permit (MS4 Permit) went into effect in 2018 and updated in 2020, under which the Town of Weston is covered. The MS4 Permit has guidelines and requirements for each year of the Permit with

which municipalities, the Authority, the Public Works Department, and other Town departments comply. Weston prepares and submits its National Pollutant Discharge Elimination System (NPDES) Phase II Small MS4 General Permit Report to the EPA and the Massachusetts Department of Environmental Protection annually, as required under the MS4 Permit. The Annual Report for Year 2 of the new MS4 permit was submitted in September 2020. The report summarized how the Town maintained compliance with its MS4 Permit regarding stormwater runoff, stormwater quality-pollution, erosion and sedimentation, and education. These reports, and the Stormwater and Erosion Control By-law and Regulations, as well as additional stormwater-related information, are available for public review at the Town Hall, the Department of Public Works, and on the Town's website.

#### 2020 Stormwater Permitting Authority Members

Michele Grzenda, Chair - Conservation Administrator

Stephen Fogg, PE - Town Engineer

Wendy Diotalevi - Public Health Director

Imaikalani P. Aiu - Town Planner

Mario Alagna - at-large, resident (*appointed by the Select Board*)

Richard Sweeney, Jr., PE - Stormwater Engineer/Assistant Town Engineer

### **REPORT OF THE TOWN CENTER PROJECT WORKING GROUP**

The largest road project ever taken on by the Town of Weston continued this year, despite the disruption of the pandemic. Early on, Governor Baker designated construction as essential business, which allowed the project to move ahead, under prescribed safety measures of the public health emergency.

The Project limits include the east-west limits of the town center area of Boston Post Road extending from the parking lot side of First Parish Church to Linwood Avenue and envelops the watering trough at the intersection of Church Street and Boston Post Road back to the Conant Road intersection around to Town House Road back to Boston Post Road heading west. The streetscape around the Town Green will become an integral part of the project area.

The preservation and enhancement of the historical character and streetscape of the new Town Center will be achieved through the upgrades to our utility infrastructure; the consideration of traffic calming improvements; and, most importantly, the enhancement of pedestrian and vehicular safety in the town center. Further, the plan addresses the scale and function of important design elements, such as street lighting, sidewalk interconnectivity, the inclusion of plantings, street furniture, and the like to promote pedestrian and community activity. Accessibility, quantity, and location of parking will also advance the continued success of our local businesses is also a critical goal.

Last year, the majority of the subsurface utility infrastructure improvements were completed within the limits of the Project and this year focused on the new layout of the streetscape, including the roadway, curbing, sidewalks and accompanying crosswalks, and the creation of the new open space parks. Traffic was almost non-existent with so many people staying at home, which helped the progress of the roadway layout construction.

#### Progress

As of the date of the writing of this report, the construction of this project is on schedule. Under the terms of the construction contract, the work is to be completed by August 8, 2021. The following milestones were achieved:

- All the subsurface utility structures and distribution completed
- Final paving on Town House Road and a section of Church Street
- Binder course paving on Boston Post Road with final course awaiting utility pole removal and sidewalk and curb completion
- About 95 percent of the sidewalks and curbing installed. Some sections need to follow the removal of the utility poles
- All power transfers from overhead to underground were completed
- Comcast fiber transfers from overhead to underground were completed
- Verizon fiber transfers from overhead to underground nearly
- Town Fiber transfers from overhead to underground were completed, along with the removal of the existing wiring from utility poles
- New street lighting and poles installed
- Irrigation system primary feeds were completed. The secondary distribution follows the plantings
- Surface elements and streetscape infrastructure for the new Town Square, Knox Park, and the Terraces nearly completed



The following is anticipated to be completed in the spring and summer of 2021:

- Wood element installation of permanent open space furniture systems and walking surfaces at Town Square – spring 2021
- Removal of utility poles – early summer 2021
- Completing the installation of the remaining sidewalk sections and curbing
- Completion of irrigation system secondary distribution
- Planting installation and seeding – spring 2021
- Final paving and striping of Boston Post Road – summer 2021

### Team

The continuity of the team has been maintained from design to construction. It is led by Director of Public Works Tom Cullen, Deputy Director of Public Works Rich Sullivan, Weston Police Department Captain Thomas Kelly, and Nitsch Engineering’s field staff with the support of Richard Burck Associates and Utile. A weekly construction meeting is held with representatives of Nitsch Engineering’s field staff, Weston’s Department of Public Works, general contractor Gioioso, and a representative from the Town Manager’s office, as well as Working Group representation. Status and coordination meetings were held monthly with the public utilities and the team members referenced above.

Special appreciation goes to Tom Cullen, Public Works Director of Operations, for his knowledge of this project, his understanding of its engineering goals, and his dedication to its completion. Mr. Cullen continued to be intimately involved in the thousands of communicate, both simple and complex, and his expertise has been essential to the project’s successes to date and will be critical going forward; he is highly valued and the project could not have proceeded smoothly without his dedicated effort.

Town Center Improvement Project Working Group Members

*Appointed by the Select Board*

Stephen Larocque, Chair

Harvey Boshart, Select Board Representative

Jay Doyle, Traffic and Sidewalk Committee Representative

Michael Harrity

Neil Levitt

Kevin Sullivan

**REPORT OF THE ZONING BOARD OF APPEALS**

The Town of Weston adopted its first set of zoning regulations in 1928. Since then, the Zoning By-law has been amended periodically to promote the health, safety, convenience, morals, and welfare of the citizens of the Town. The By-law specifies certain building requirements, and it is the role of the Board of Appeals to determine whether relief from these requirements is warranted in certain situations. To that end, the Board of Appeals meets approximately twice per month, depending on caseload, and hears and makes decisions on applications for:

- Variances from zoning regulations;
- Special Permits for the reconstruction, alteration, or extension of pre-existing, non-conforming structures or lots;
- Special Permits for other purposes;
- Comprehensive Permits; and
- Appeals from the Building Inspector's decisions.

Details of the above application types are outlined on the Board's web page on the Town's website. The Board makes every effort to consider the opinions of the petitioners, their neighbors, and other interested Town entities, such as the Planning Board, the Select Board, the Historical Commission, the Conservation Commission, the Board of Health, the Building Inspector, and the Town Engineer when rendering decisions.

Chapter 40B Matters

Under Chapter 40B of the Massachusetts General Laws, all municipalities having less than 10 percent of their housing stock designated as affordable are subject to a streamlined process for overriding local zoning legislation, including by-laws regarding density and setbacks. The state's interest in promoting affordable housing generally outweighs local concerns when a community's affordable housing is less than the required 10 percent. Under the Chapter 40B process, a single application for a Comprehensive Permit is filed with the Zoning Board of Appeals in place of separate applications to applicable local boards. All Town departments review the application according to their specific areas of expertise and provide input to the Board of Appeals. The Board considers all these recommendations, as well as input from any interested parties, and professional consultants. Due to the complexity of these proposed developments, multiple sessions are required to collect all the information needed to reach a decision. The status of the Chapter 40B petitions recently heard by the Board of Appeals follows.

*269 North Avenue* - In April 2017, the Board granted a Comprehensive Permit with conditions to 269 North Avenue LLC, for the development of 16 rental units on 1.46 acres of vacant land on a major town roadway and near two rail stations. Two buildings are proposed to be sited on North Avenue, and three additional buildings in the rear of the lot; associated parking would be accessed via a central driveway. This decision was appealed by abutting neighbors. The appeal was denied on March 17, 2020, and the application for further appellate review was denied by the Supreme Judicial Court of the Commonwealth of Massachusetts on October 1, 2020. The Comprehensive Permit was recorded on November 13, 2020.

*104 Boston Post Road* - In October 2017, the Board denied the Comprehensive Permit for 104 Boston Post

Road requested by 104 Stony Brook LLC to build 150 rental units in a single, multi-story building on 2.1 acres. The Board found that the proposal would violate multiple local requirements and regulations on stormwater runoff and septic, which would adversely impact drinking water sources for the City of Cambridge. The Board determined the deviations from certain local requirements could not be adequately mitigated, and that the adverse impacts on the local community outweighed the regional need for affordable housing. This decision is under appeal in the Housing Appeals Court.

*751-761 Boston Post Road* - In June 2019, the Board opened the hearing on an application by Mill Creek Residential Trust Investments, an affiliate of Mill Creek Residential LLC for the property at 751-761 Boston Post Road requesting a Comprehensive Permit under MGL Chapter 40B for 180 rental housing units, 45 of which to be restricted as affordable under the terms of the Comprehensive Permit Guidelines. The Board conducted a site visit on July 2, 2019, and 17 public hearings were held through June 2020. The public hearing was closed in September 2020, and the Board deliberated over 18 public meetings. The Board issued a final decision approving the Comprehensive Permit with conditions on November 24, 2020. The decision is under appeal. The approval of this project certified Weston’s Housing Production Plan, which is effective for two years.

*518 South Avenue* - In August 2019, the Board opened the hearing on a Comprehensive Permit application made by 518 South Ave LLC regarding 510, 518 and 540 South Avenue. The request is under MGL Chapter 40B for 200 rental housing units, 50 of which will be affordable, in a five-story building on four and a half acres of land. At an open meeting on August 19, 2019, the Board invoked one of the Safe Harbor exceptions by voting unanimously to declare that the Town of Weston is consistent with local needs because the total area of the Town’s affordable housing sites exceeds 1.5 percent of the Town’s land area for Chapter 40B purposes. This conclusion was based on calculations provided by the Town Planner. The Town notified The Department of Housing and Community Development (DHCD) on August 27, 2019, of the Board’s finding that the Town had reached this Safe Harbor. On October 9, 2019, the DHCD issued a letter stating that the Town had not met its burden of proof to claim Safe Harbor. Following an executive session held by the Board on October 22, 2019, the Town appealed the DHCD decision on October 25, 2019. The matter remains under appeal.

Annual Business

In addition to the Chapter 40B hearings detailed above, the Board heard and decided 17 cases, of which:

- 5 cases involved Variance requests
- 10 cases involved Special Permits
- 2 cases involved granting an extension to a Special Permit

2020 Members of the Board of Appeals

*Appointed by the Select Board*

*Members:*

Jane Fisher Carlson, Chair	2022
Winifred I. Li	2021
Alan D. Rose, Jr.	2023

*Associate Members:*

Stephen J. Larocque	2021
Natalie B. Sawyer	2023
Sujit Sitole	2022