



**Town of Weston
Board of Selectmen**

Policy No. 2007.003

Appointments by Board of Selectmen

Date Approved/Revised: June 26, 2007

Revised: March 23, 2016

Chairman, Board of Selectmen

Policy: It shall be the policy of the Weston Board of Selectmen to take the following steps when appointing citizen volunteers to boards and committees of the Town. The purpose of this policy is to encourage and broaden participation in Town government by qualified and interested residents.

New Appointments:

1. Notices of vacancies shall be publicly posted for at least two weeks. Notices shall be sent to the Weston Town Crier, Boston Globe West Weekly and the Town website (www.weston.org) when a vacancy occurs on a board or committee. The notice will state the general duties of the board or committee along with a statement of desired qualifications.
2. Letters of interest shall be submitted to the Selectmen/Town Manager's Office.
3. Letters of interest may be forwarded to the chairman or remaining members of the applicable board or committee for their review and screening.
4. In the case of a newly created board or committee or an individual appointment (e.g. MBTA representative), the Board of Selectmen will screen the letters of interest.
5. The Board of Selectmen will interview in open meeting the recommended candidates for boards and committees. To the extent the number of applicants allows, the number to be interviewed shall be greater than the number of vacancies by one or more, as determined by the Board of Selectmen.
6. Members of the applicable board or committee, the public, and any others that the Board of Selectmen wishes to include may attend the interviews and ask questions, as permitted by the Chair.

7. A decision regarding the appointment will generally be made at the next regularly scheduled meeting of the Board of Selectmen.
8. Applicants not chosen for the board or committee will be sent a letter thanking them for their interest.
9. Exceptions may be made to this policy depending on the nature of the committee or position (e.g. Hurricane Katrina Committee, Public Spaces Committee-representation from garden clubs), the number and qualifications of applicants for the position in question, or the urgency of the need for filling vacancies.

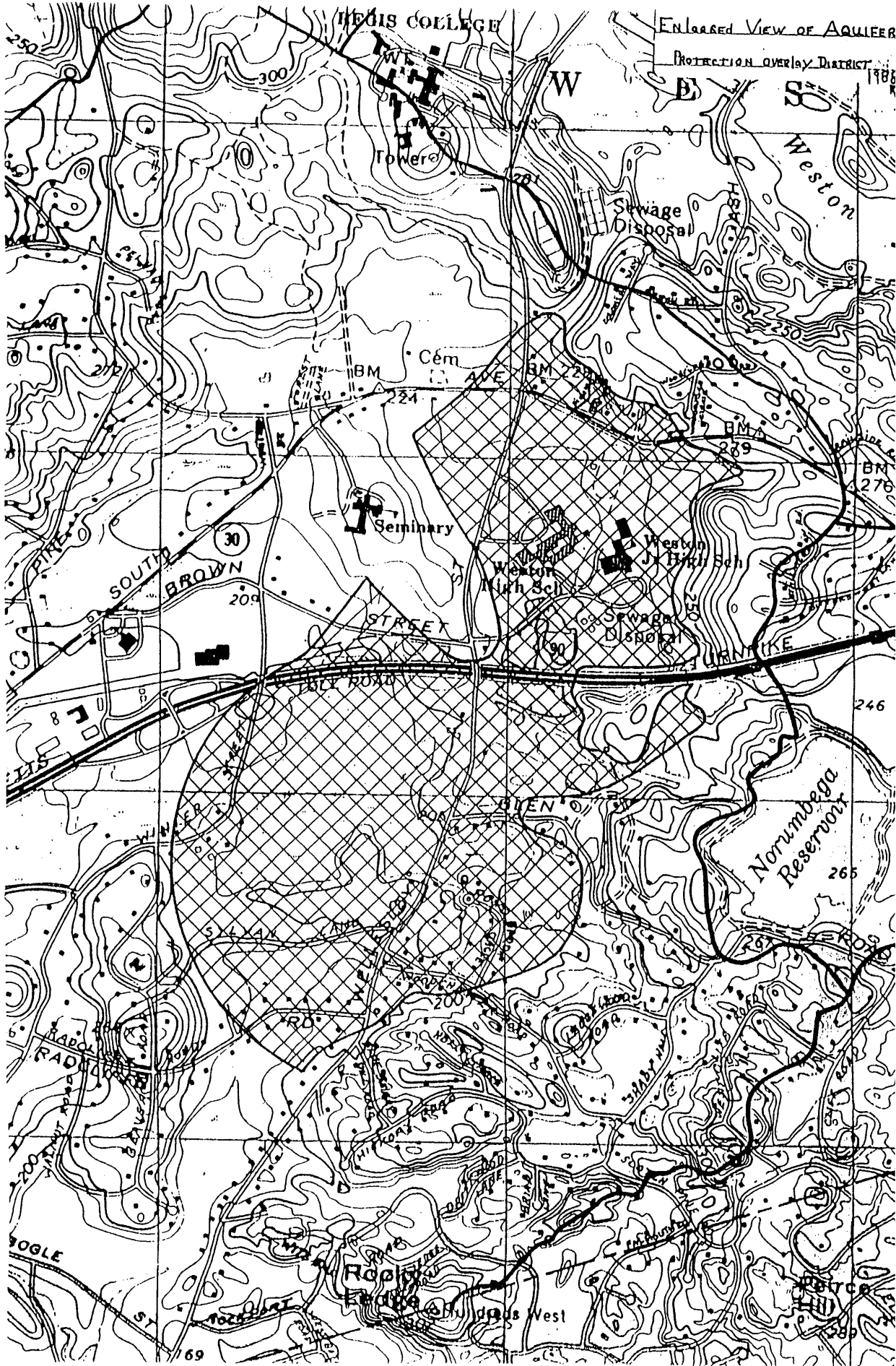
Reappointments:

1. In the case of someone who has been serving on a committee and whose term is expiring, a notice will be sent to the person asking them to respond to the Board of Selectmen indicating whether or not they are interested in being reappointed.
2. The Board of Selectmen, at its discretion, may elect not to reappoint a member of a committee with an expiring term, or request that such member reapply for appointment, in which case such member shall be interviewed in open meeting together with other recommended candidates for the position.
3. Approximately six to eight weeks before the expiration date of a term on any board or committee, the Board of Selectmen shall publicly solicit from residents (including the current members of such board or committee) any questions, comments, or other relevant feedback regarding the charge, procedures and activities of such board or committee, as well as any informal expressions of interest in serving on such board or committee either currently or in the near future. Such solicitations should mention that any written or emailed response should be accompanied by a name and not anonymous and may be subject to disclosure under state open records laws. Responses to such solicitations may be used by the Board of Selectmen, in their discretion, in considering whether or not to open a reappointment and solicit formal letters of interest as described above. Such responses may also be used by the Board of Selectmen, in their discretion, in considering whether to potentially revise the membership, scope, charge, or duties of a board or committee and in recommending priorities or activities for a board or committee to consider or pursue.

(section added March 23, 2016)

Chairmanship:

It is the Board's policy that the chairmanship of the Board of Selectmen shall rotate on an annual basis. The Board recommends that all committees follow the same practice.



Chapter VI of the Weston Board of Health Regulations provides guidelines for septic system design and installations. All systems must comply with the Massachusetts Department of Environmental Protection Title V

CHAPTER VI – SEWAGE DISPOSAL SYSTEMS

PREAMBLE

This chapter was approved by the Weston Board of Health at their meeting on December 5, 2001 in accordance with the provisions of Massachusetts General Law, Chapter 111, section 31. Section 1.8a was amended September 18, 2002. Earlier versions of these regulations were dated 1992, 1996 and 1999 in accordance with changes in the Massachusetts Department of Environmental Protection Title 5, CMR 310 15.000. Much of Weston is located within the city of Cambridge watershed requiring an enhanced level of wetland protection. These regulations are a more environmentally restrictive code for the design and construction of subsurface sewage disposal systems than required by Title V.

The requirements of Title V and other governmental agencies must be considered as part of the design and construction process. Applicants for sewage disposal construction permits are responsible for compliance with all such regulations, statutes, or bylaws whenever applicable. Where the regulations adopted by the Weston Board of Health are more conservative than those of Title V, they shall govern. In addition, all new systems and all upgraded systems must be designed in compliance with 310 CMR 10.03 (The Rivers Act).

SECTION 1 - PERMITS

1.1 Sewage Disposal Permits - New Construction.

No building permit shall be issued for the construction of any building to be used for human occupancy unless an Application for Disposal System Construction Permit has been submitted and a Disposal System Construction Permit has been issued by The Weston Board of Health. The basic standards applying to all sewage disposal permits will be in accordance with Title 5 of The State Environmental Code. No habitation of any newly constructed building will be permitted until a Certificate of Compliance is issued by the Board of Health,

1.2 Additional Construction.

The Town of Weston will not issue a building permit for the addition or alteration to any building that will increase the sewage flow without first obtaining either Board of Health

approval of the existing sewage disposal system or a permit from the Board of Health for the alteration or reconstruction of the existing system. If it is necessary to alter or replace the system the addition shall not be occupied until a certificate of compliance is obtained. Any existing system which is not designed in accordance with 310 CMR 15.100 through 15.293 (Title V) must be redesigned in accordance with 310 CMR 15.404, Maximum Feasible Compliance.

Applications for additional construction for which there will be no additional sewage flow must include the results of an inspection of the existing system by a licensed septic system inspector. The inspection must have been made within the past year. Systems which are no longer functioning must be upgraded in accordance with 310 CMR 15.100 through 15.293 (Title V).

1.3 Time To Construct Sewage Disposal Systems.

Construction of subsurface sewage disposal systems shall not be allowed from the first day of December through the last day of February. The Board or its agent may allow exceptions for buildings currently in use as a residence if the Board or its agent deems existing conditions pose a hazard to the health and safety of the occupants or the public.

1.4 Permanent Privies.

No permanent privy shall be constructed in the Town of Weston.

1.5 Temporary Toilet Facilities.

Chemical toilets to be used more than three days require a permit from the Board of Health. The life of the permit is six months from the date of issue. Chemical toilets shall be located so as not to cause any annoyance to adjacent residents or pollution to any watercourse. Toilets shall be maintained in a sanitary state and shall be removed from the premises immediately upon completion of work on the site or termination of the special event necessitating its use.

1.6 Disposal Works Installer's Permit.

Disposal Works Installer's Permits shall be renewable annually. Initial applicants for a Disposal Works Installer's Permit shall submit a list of references and pass a qualifying examination. Anyone who has not held such a permit in the Town of Weston for more than one year shall be required to pass a repeat examination.

All installers must demonstrate knowledge of the Weston Board of Health regulations and 310 CMR 15.00 (Title 5). Installers for commercial or large (>2000 gpd) pressure dosing systems must be able to provide the one of the following:

- a. Documentation of the successful installation of at least three pressure dosing systems similar to the type of system to be installed.

- b. A minimum of three references from other Boards of Health with regard to pressure dosing systems similar to the type of system to be installed.
- c. Demonstrate to the Board of Health's satisfaction a complete and thorough understanding of the system installation requirements.

The licensed installer is responsible for all aspects of a subsurface sewage disposal installation and must be physically present at all inspections required by the Board of Health.

1.7 Disposal Works Construction Permits Requiring A Variance.

The Board may vary either its own regulations, or Title 5, except where expressly forbidden, when, in the opinion of the Board, strict enforcement of the requirements would be unreasonable. Any variance granted shall maintain an acceptable level of environmental protection consistent with the intent of state and local regulations, and shall require the application of all appropriate regulations to the maximum extent permitted by site conditions. Any variance granted shall be stated in writing and shall become part of the permit itself. All such requests must be made in writing, and include the article number and description of the state or local regulation that cannot be met and the article and description of the state code granting local Board of Health authority to grant that variance.

1.8 Permitting Procedure.

In order for the Board of Health to take action on an application for a permit for the construction of sewage disposal system, it is necessary that the applicant take the following steps:

- a. All fees are due before processing or inspections can be scheduled and performed. A full refund may be granted for soil testing if cancellation is made at least 7 days prior to the scheduled test date. Otherwise, all fees are non-refundable.
- b. Applicant's Registered Professional Engineer or Registered Sanitarian shall submit a Soil Test Application with the appropriate fee to the Board of Health to schedule a soil testing date.
- c. Submit one copy of the designer's plans which include all of the data listed in Section 2 of these regulations together with the completed Application for Disposal System Construction Permit with the appropriate fee.
- d. Following Board of Health review of the plans, the applicant will be notified. If approved, the applicant will provide the Board with three copies of the plans which will be stamped with the Board of Health Approval and will be made available to the applicant. The review copy will be filed. If the plans are disapproved, the applicant will be notified in writing of the reason(s) for disapproval. A Disposal Works Construction Permit will be granted to the system installer (1.8-5) if the application and data submitted meet the requirements of all applicable regulations. Approval or rejection of the application shall take place no

later than 45 calendar days from submission of a completed application. The timing may be extended if all involved parties agree.

- e. The system installer shall obtain a Disposal Works Construction Permit. Construction shall be by firms or individuals who have obtained a Disposal Works Installer's Permit from the Board of Health to perform such services. The installer is responsible for constructing from a Board of Health stamped, approved plan. The installer is also responsible for the quality of all work performed and for the quality of the materials used in the construction of the disposal system. Inspections in accordance with Section 4.0 shall be requested by the installer through the Board of Health office. The installer shall notify the Board of Health at least one working day prior to the start of construction. A preconstruction conference may be required.

1.9 Repair Permits.

All repairs or modification of a subsurface sewage disposal system shall be reported to the Board of Health and may require a permit from the Board of Health.

1.10 Emergency Repairs.

An emergency repair shall be defined as one requiring immediate action to prevent sewage backup into an occupied building, sewage breaking out on the surface of the ground, or, in the judgment of the Board of Health, one that presents imminent danger to public health.

1.11 Life of a Disposal Works Construction Permit.

Disposal Works Construction Permits for single dwellings may be renewable by the Board or its agents. To be considered for renewal an applicant must apply in writing at least 60 days before expiration of the original permit to the Board who may grant a renewal if:

- a. The plan is still in compliance with applicable regulations and standards,
- b. There have been no changes in topography, soil or water conditions at the site or adjacent land which would adversely affect or prohibit operation of the sewage disposal system, and there is no change in design affecting the volume of sewage flow.
- c. Payment of renewal fee.

1.12 Tight Tanks.

All tight tanks require permitting by the Board of Health

SECTION 2 - REQUIREMENTS FOR DESIGNING SEWAGE DISPOSAL SYSTEMS

2.1 System Location.

A sewage disposal system shall be located on the same lot as the structure it serves

2. 2 Plan of Sewage Disposal System.

All plans must be stamped and signed by a Registered Professional Engineer, Registered Sanitarian and/or Registered Land Surveyor when required. These stamps and signatures shall serve as the certification that the plans and specifications reasonably represent existing and proposed conditions and the plans and specifications have been completed in accordance with local and state regulations

Plans and specifications will be accepted for review by the Board of Health only if the plans include all the requirements of 310 CMR 15.220 as well as the following:

- a. Lot or street number, street name and town atlas page and lot number
- b. A locus plan from the town atlas
- c. Names of abutters from recent tax map including lot and/or street
- d. Name, address and telephone number of the designer
- e. Date on which the plan is drawn and date of any revisions (list all revisions in title box of plan)
- f. Owner and applicant name and address
- g. Existing and proposed topography and contours
- h. Sufficient information to determine property boundaries and offsets
- i. Location of all existing and proposed utilities including water, gas, electric, storm drains, utility poles, irrigation systems, etc.
- j. Physical site features such as ledge outcrops, stone walls, and large trees.
- k. Location of all existing and proposed buildings, driveways and parking areas
- l. Location of all wetland resources within 200 feet of sewage disposal system as defined in 310CMR10.00.
- m. Location elevation and results (soil description and perc. Tests) of all test holes excavated, including those conducted beyond the perimeter of the proposed system.
- n. One or more bench mark with location and elevation
- o. All existing and proposed wells within 200 feet of sewage disposal system
- p. Any water supplies or tributaries within 400-feet of sewage disposal system, together with a statement describing if the system is or is not located in a nitrogen sensitive area.
- q. Design flow calculation and system sizing
- r. Final grading with sufficient detail to demonstrate proper surface drainage and breakout requirements
- s. Sufficient detail to demonstrate compliance of all components with Title 5 including septic tank, pump chamber, distribution box, leaching area, pumps and electrical components, piping and all other system components.

- t. All variances requested including both Title 5 and these regulations
- u. Town of Weston electrical permit number if a pump is to be used in the system.

2.3 Hydrological Survey.

A hydrological survey to determine any impact on subsurface waters may be required where the design flow for the subsurface sewage disposal system exceeds 2000 gallons/day or where sewage discharged to the system is non-residential, as would be the case for research laboratories or light industry.

2.4 Garbage Grinders.

Garbage grinders are inherently destructive to soil absorption systems. Consequently, the use of garbage grinders is discouraged. However, all residential sewage disposal systems shall be designed for an increase of 150% over that required by title V. This increase is to prolong the life of a septic system in the event that a garbage grinder is used or installed in the future.

2.5 Distance Requirements.*

No part of the structural components of a leaching facility shall be located within 100 feet of a wetland as defined in M.G.L. chapter 131 section 40 (Wetland Protection Act).

A minimum distance of 100 feet shall exist between a well and a leaching facility.

No foundation wall or footing shall be located within 20 feet of a leaching facility or 10 feet of a septic tank. A minimum horizontal distance of 10 feet shall exist between all subsurface sewage disposal components and any permanent building foundation or footing except for a building sewer.

** In addition to this section the Weston Zoning Bylaws contain additional requirements for the protection of floodplains and the provisions of the Weston Zoning Bylaws, the Aquifer Protection Overlay District (pg. 21 Zoning Bylaw).*

2.6 Distribution Boxes.

Distribution box access manholes shall not be more than twelve or less than six inches below finished grade. All distribution boxes shall be capable of withstanding H-20 loading. All unused piping knockouts shall be filled with mortar.

2.7 Manholes.

All sewage disposal access manholes shall be no more than six inches beneath the finished grade.

2.8 Leaching Trenches.

The ends of distribution pipes shall be capped or connected. A minimum depth of four inches of clean sand shall be placed in the bottom of trenches to protect soil from compaction during the placement of the stone, except when placed in natural sandy soil.

2.9 Piping.

All piping shall be, at a minimum, schedule 40 PVC pipe. Pipe crossing areas subjected to vehicular traffic shall be schedule 80 PVC pipe.

2.10 Leaching Aggregate.

There shall be a minimum of six inches of double washed stone beneath all distribution pipes. Uncrushed gravel (natural stone) is the preferred type of aggregate. Soft aggregate, such as shale, which brakes down or slakes over time or through limited abrasion, shall be rejected. The Board of Health reserves the right to require any aggregate stone to be tested, using a bucket test or grain size analysis to demonstrate that the stone is free of fines.

2.11 Pump vents.

All systems utilizing a pump shall have filters on all vents so as to reduce potential odors.

2.12 Use of Fill.

Systems in fill above the natural occurring grade shall not alter surface runoff patterns in a manner so as to adversely affect any adjacent property. The design plan for any above ground system shall include a cross sectional scaled drawing of the filled area. No fill placed for an above ground system shall extend beyond the property boundary without a slope easement recorded on the property deed.

A layer of low permeability soil must be placed over the side slopes of any elevated system.

In any area of high ground water (<2 feet beneath the natural ground surface), that requires the system to be placed above grade, the maximum allowable waste-water loading per acre of land shall not exceed 660 gallons/day. The natural soil surfaces must be scarified before placement of any fill material using a method acceptable to the Board of Health. If a reserve area is designed to be placed on fill above the existing grade the design plan shall show final slopes and extent of excavation in cross-section and be drawn to scale.

2.13 Effluent Filters

Effluent filters shall be provided in the outlet tee of all septic tanks and grease traps.

2.14 Pressure Dosing

Pressure dosing systems shall meet the following minimum standards:

- a. The minimum distal pressure head shall be 2.5 feet, with 3.0 to 4.0 feet preferred.
- b. Orifice spacing shall not exceed 36-inches.
- c. Orifices shall generally be placed in the up, or 12-o'clock, position, with the exception of those orifices necessary to drain the system, which shall be placed in the down, or 6 o'clock position.
- d. Orifices shall be shielded and shields supported.
- e. The design shall include a means to pressure test the system both at start-up and on an annual basis.
- f. A duplex pump system shall be provided.
- g. Stepped trenches shall not be allowed unless alternative pump cycles are employed and all lines are at an equal elevation during each pump cycle.
- h. The leaching facility shall be vented to the atmosphere.
- i. All distribution lines shall be individually gated to allow for line isolation.
- j. A pressure test of the system must be performed prior to use with all components in place. The as-built plan of the system shall note the initial pressure head achieved for each distribution line.
- k. An operation and maintenance plan will be prepared and provided to the facility owner and the Board of Health.

2.15 Vent Filters.

All vents shall have a charcoal filter.

SECTION 3 - SPECIFIC REGULATIONS FOR SEWAGE DISPOSAL SYSTEM CONSTRUCTION

3.1 Protection of Excavations.

All excavations shall be protected with a substantial cover or fence when left unattended so as not to be hazardous to people or animals. All excavations shall be immediately backfilled to existing ground level after completion of inspection. The land owner or his authorized agent is responsible for complying with this regulation. Failure to comply with this regulation may result in a fine or loss of license.

3.1 Leaching Area Protection and Preparation during Construction.

The compaction of undisturbed soil by wheels of vehicles or the feet of workmen should be avoided and care should be exercised to prevent the smearing of leaching surfaces by trenching and excavating equipment. All leaching surfaces are to be hand raked.

Unprotected excavations that have been subjected to surface water runoff before construction is complete, shall be judged damaged by silt and not acceptable for construction in that condition. The bottom of leaching facilities shall be level.

3.2 Septic System Modifications for Vehicular Traffic.

When septic systems are constructed under areas subject to vehicular traffic, the septic system shall be capable of withstanding the load from construction equipment (H-20 wheel loads). Machinery which may crush or disturb the alignment of pipe in the disposal system shall not be allowed on any part of the disposal area while adding the cover material. Venting will be required if the area is paved, designed for dosing, and whenever located three or more feet below the ground surface.

3.3 Modification of Leaching Area when Constructing During Precipitation.

Work within a leaching area during periods of precipitation shall require the removal of a minimum of four inches of soil beneath the required bottom elevation and placement of clean sand to restore the required elevation.

3.4 As Built Drawing.

Prior to final approval of a new installation or repair of an existing system an as-built drawing shall be submitted to the Board. The as-built shall be prepared by the design engineer using the same scale as the approved plan.

SECTION 4 - INSPECTIONS

The following inspections are required, as a minimum:

- a. All test pits, including soil descriptions, ground water determination and percolation testing
- b. The leaching area excavation prior to placement of any materials
- c. Inspection of all system components prior to backfilling

SECTION 5.0 - MAINTENANCE AND REPAIR

5.1 Sewage Disposal Systems with High Combined Flow (>2000 gallons/day).

The owner of or agent for a structure relying on a pressurized subsurface sewage disposal system shall have pumps, alarms, and other equipment requiring periodic or routine inspection and maintenance inspected and maintained in strict accordance with DEP regulations and the manufacturer's specifications.

5.2 Proof of Inspection.

The owner of, or agent for such structure (see 5.1) is required to give proof of inspection and file a copy of the results of the inspection with the Board of Health.

5.3 Repair Requirement.

If the inspection shows improper functioning, the Board of Health shall be notified and the property owner shall make all necessary repairs in accordance with existing regulations

5.4 Use of Alternative Treatments.

The use of enzymes, degreasers, acids or other additives in any septic system is prohibited without specific written authorization by the Board of Health.

5.5 Demolition and Removal.

If a building serviced by an individual sewage disposal system is demolished or removed, the disposal system shall be removed or pumped and backfilled with granular soil to eliminate the possibility of environmental damage or risk to persons or animals.

SECTION 6 - SUBDIVISIONS

6.1 Residential Subdivisions.

The residential subdivision plan shall provide for each lot in a subdivision sufficient ground water and percolation test data to make possible a determination of the suitability of the soils to accommodate a subsurface sewage disposal system sufficient for a four bedroom house with a garbage disposal unit. The plan shall also include an outline of the possible location of the sewage disposal systems.

6.2 Nonresidential Subdivision.

Nonresidential subdivision plans shall provide sufficient soil test data to make possible a determination of the suitability of the soils to accommodate subsurface sewage disposal systems.

6.3 Subdivision Water Supply.

Subdivision plans shall indicate the source of water supply for all buildings. Evidence of inability to hook up to the municipal water system must be provided prior to review and approval of individual private potable water supplies.

6.4 Proposed Subdivisions with Existing Buildings.

Any lot containing an existing building serviced by a subsurface sewage disposal system may not be subdivided unless there is a reserve leaching area capable of

providing 100% replacement capacity for the building. The Board reserves the right to require soil testing as proof of the reserve area suitability.

SECTION 7 - PROJECT REVIEW FEES: SPECIAL MUNICIPAL ACCOUNT

When reviewing an application for, or when conducting inspections in relation to a Title V permit application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the permit. The Board may require that applicants pay a "project review fee" consisting of the reasonable costs incurred by the Board for the employment of outside consultants engaged by the Board to assist in the review of a proposed project.

In hiring outside consultants, the Board may engage engineers, planners, lawyers, urban designers or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, ordinances/bylaws and regulations and current policies. Such assistance may include, but not be limited to analyzing an application, monitoring or inspecting a project or site for compliance with the Board's decision or regulations, or inspecting a project during construction or implementation.

Funds received by the Board pursuant to this section shall be deposited with the municipal treasurer who shall establish a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures from this special account shall be made only for services rendered in connection with a specific project or projects for which a project review fee has been or will be collected from the applicant. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the permit.

At the completion of the Board's review of the project, any excess amount in the account attributable to a specific project shall be repaid to the applicant or the applicant's successor in interest. A final report of said account shall be made available to the applicant.

Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such appeal must be made in writing and may be taken only within 20 days after the Board of Health has mailed or hand delivered notice to the applicant of the selection. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest, or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in, or related to, the field at issue, or three or more years of practice in the field at issue or a related field. The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month

following the filing of such an appeal, the selection made by the Board of Health shall stand.

Effective Date: December 17, 2001

Voted December 5, 2001

Board Members: Marie Tobin, Chair

Nick Guerina, Treasurer

Peter Taylor, Secretary

**TOWN OF WESTON
CEMETERY REGULATIONS**
(Applicable to each cemetery of the Town)

**ARTICLE 1
GENERAL REGULATIONS**

Section 1. The Superintendent or his representative, acting under the direction and pursuant to the authority of the Board of Selectmen (in these Regulations called the Board), shall have charge of the grounds and buildings of the Cemetery and the use thereof, and shall have authority to enforce all regulations.

Section 2. Visitors are welcome from 7:00 AM to Sunset. No horseback riding is allowed. Dogs are not allowed except under specified circumstances. Dogs are not allowed in any Town-owned cemetery, except that a dog may attend the funeral of a member of its keeper's family and may accompany family members to visit the grave site of a deceased family member. Under these circumstances, the dog must be kept on a 6-foot or shorter leash. The dog may not urinate or defecate on grave sites or gravestones. No firearms are allowed except at military funerals or at Town organized celebrations on Memorial Day, Veterans Day, and/or similar Town organized events.

Section 3. Any persons disturbing the peace by unreasonable noise, driving over 15 miles per hour or any improper conduct, or who shall violate any of the Regulations will be compelled to leave the grounds and will be reported to the police for appropriate action.

Section 4. Charges for lots and services shall be fixed by the Board from time to time. All charges shall be payable in advance. All payments shall be made to the Town.

**ARTICLE 2
BURIAL LOT REGULATIONS**

Section 1. Lots shall held subject to applicable laws, and to these Regulations in their present form and as they may be amended or revised from time to time.

Section 2 Lots shall be numbered on the plan of the Cemetery which shall be on file at the Superintendent's office and which may be inspected by any lot grantee and his or her heirs at any reasonable time. Each lot shall be marked with suitable markers.

Section 3. (a) A lot for the purpose of these Regulations shall be: for full interments - a two grave lot of 75 square feet, more or less or multiples thereof; for cremations only - a four urn lot of 50 square feet

more or less, plus 25 square foot increments for each additional four urns.

(b) Lots shall be sold to individuals aged 65 years or older and may not be sold to anyone not a current resident of the Town of Weston at time of such sale. Lots may be sold to a current resident of the Town of Weston who is under the age of 65 in order to accommodate the interment of the owner's wife, husband, child, stepchild, parent, or parent in law. A maximum of a two-grave casket lot will be sold to an eligible resident. Lots of greater capacity or the sale of lots outside of the aforementioned conditions may be sold on a case by case basis as circumstances may warrant in the sole discretion of the Board of Selectmen, with a recommendation from the cemetery superintendent. In no case will a casket lot in excess of four graves be sold. Present or retired employees of the Town who are not residents may purchase a lot as described above.

(c) No body shall be interred in such lot unless the deceased was at the time of his or her death an owner of such lot or was by blood, marriage, or adoption the wife or husband, the child or stepchild or spouse thereof, or the parents or parents-in-law of the owner, or a lot is newly purchased by a qualified purchaser for the interment of eligible deceased. If the owner of the lot in question shall have deceased, the successor owner(s) shall be similarly limited except that persons who met the requirement of relationship to the previous owners shall remain eligible as of right to be interred in such lot. Deceased persons other than those above specified as of right may be buried in any lot if a written request is made to and approved by the Board, the owner(s) of the lot agree (if not a new lot) and the lot contains sufficient space for such interment. Any eligible person may waive and transfer his or her grave to another eligible person in the same family with the Board's approval.

Section 4. No interment shall be made in any lot, nor any work done on it until it is fully paid for. Lots shall not be used for any other purpose than as a place of burial of the human dead. No tree within the lot or border shall be cut down or destroyed without the consent of the Board. No change shall be made in the grade of a lot except with the Board's approval and under its direction. A change in grade shall be made when in the opinion of the Board such action is necessary for the improvement of the Cemetery.

Section 5. No fence or wall of any description may be installed around a lot or lots

Section 6. No trees or plants shall be planted on a lot without the approval of the Board. For other than annual plants such approval must be requested in writing.

Section 7. The Board reserves the entire control of every tree, shrub, plant or vine growing within the Cemetery, whether or not planted by the owner, including the right of removal or substitution of the same when it considers such removal or substitution advisable.

Section 8. Floral designs, flowers, and movable ornamentation may be removed by the Cemetery employees under the direction of the Superintendent as soon as they become unsightly.

Section 9. Flags will not be permitted upon lots or graves except for Memorial Day unless special written permission shall have been received from the Board. They must be placed by authorized representative of lodges, veterans' organizations, and the like, not more than one week before May 30th, and if not thereafter promptly removed, may be removed by the Cemetery employees. Any flag may be removed without notice if it becomes soiled, faded, torn or unsightly in any way.

Section 10. No lot shall be sold, or reconveyed to the Town, except with the approval of the Board and at the original sales price, and only if there have been no burials in it. This section shall not apply to conveyances to the Town in trust under General Laws, Chapter 11, Section 28.

ARTICLE 3 BURIAL REGULATIONS

Section 1. No burial shall be made in any lot for hire.

Section 2. No burial shall be made until all necessary deeds and documents relative to the purchase of the grave have been approved or ratified by a majority of the Board. The full Board shall sign and execute all required documents.

Section 3. No burial shall be made until all charges shall have been paid and all necessary documents relative to the death and burial shall have been delivered to the Board or its representative.

Section 4. Interment orders shall be furnished the Superintendent, unless waived, at least forty-eight hours, exclusive of Sundays and holidays, before the time of interment, and shall be accompanied by instructions as to the location of the grave. If such instructions are not received by the Superintendent, if they are indefinite, or if for any reason the interment cannot be made where specified, the Superintendent may determine the location in the lot for such interment.

Section 5. Openings for interment shall be made Monday to Friday, only. Interments are not made on Sunday, nor the following

holidays: New Year's Day, President's Day, Memorial Day, July Fourth, Labor Day, Columbus Day, Thanksgiving Day, Christmas Day, Veteran's Day, Patriot's day, Martin Luther King Day, December 24 after 11:00 A.M., and December 31 after 11:00 A.M. An opening for interment on Saturday is permitted if: 1) Frost in the ground does not prevent such opening. 2) The Superintendent has been able previously to determine that geological conditions will permit proper preparation without blasting. Such determination shall be done by the Cemetery Division only at the lot owner's written request and expense. 3) Properly qualified employees of the Town of Weston are available for the opening and closing of the grave and for supervision of the burial. 4) Additional charges for openings and closings on Saturday may be made at the direction of the Board and shall be paid prior to opening. No grave shall be opened for interment by any person not in employ of the Town. Arrangements for Monday interments must be made with the Superintendent or his/her designee by noon the previous Friday. Arrangements for Interments the day after a recognized holiday must be made with the Superintendent or his/her designee by noon the previous business day. The superintendent reserves the right to postpone an interment to a more convenient time if more than one interment is scheduled within the same time frame.

Section 6. No interment shall be made without the use of a suitable permanent container.

Section 7. Interment shall not be more than one deep.

Section 8. In addition to one full adult interment each grave may receive one cremated remains. The additional interment of small children whether or not cremated may be made in the same grave where feasible, as determined by the Superintendent.

Section 9. No disinterment or removal shall be made without (a) a signed order from the owner or representative of the lot or appropriate legal authority; (b) the consent of the Board; (c) such other permits as are legally required, unless such disinterment or removal is ordered by the Courts of the Commonwealth or the Attorney General

Section 10. No disinterment or removal shall be made on Saturday, Sundays, or holidays unless otherwise ordered by the Courts of the Commonwealth or the Attorney General.

Section 11. While a funeral or interment is being conducted nearby, all work of any description shall be suspended until the departure of the funeral party.

Section 12. The board may designate certain areas as suitable for cremations only. Deeds to lots in such areas will carry this restriction which may not be waived.

Section 13. All burials shall take place between 8 A.M. and 2 P.M. of the day scheduled.

**ARTICLE 3A
BURIAL REGULATIONS
SCATTERING GARDEN**

Section 1. Scattering of cremated remains will be subject to all regulations in Article 3, Sections 1-5.

Section 2. Burial Rights shall be sold to individuals aged 65 years or older and may not be sold to anyone not a current resident of the Town of Weston at time of such sale. Burial Rights may be sold to a current resident of the Town of Weston who is under the age of 65 in order to accommodate the interment of the owner's wife, husband, child, stepchild, parent, or parent in law. Present or retired employees of the Town who are not residents may purchase Burial Rights as described above. Burial Rights are not transferable.

Section 3. All interments shall be made under the direct supervision of a Cemetery Employee. No containers are allowed and the remains cannot be recovered. The sod may be lifted by shovel and the remains placed in the earth. Over time remains may be commingled with others.

Section 4. No individual memorials, plantings, containers, mementos, or other items will be allowed.

Section 5. (a) Ownership and maintenance of memorial stones shall remain with the Cemetery. Engraving of said markers shall be done under the control and direction of the Cemetery and shall be limited to full name, date of birth and date of death as space permits.

(b) Engravings will be done in a timely manner so long as weather and conditions beyond the control of the Cemetery allow. Engravings will take place only after interment with the exception of a spouse. Upon the interment of a spouse, the engraving of the date of birth and name of the surviving spouse will be allowed on the next line in succession on the memorial stone in so long as burial rights have been purchased for both. There will be an additional fee at the time of engraving to cover the cost of a second engraving for the date of death of the surviving spouse.

(c) Text for engravings shall be approved by a member of the decedent's family or a duly appointed representative. If no such

person is available the Cemetery will use the information supplied by the burial documents. The Cemetery shall not be held responsible for errors in text.

Section 6. One(1) American flag shall be placed at each memorial stone for the purpose of honoring the presence of United States Veterans within the Scattering Garden. Individual flags and markers will not be permitted.

ARTICLE 4 MEMORIAL REGULATIONS

Section 1. Only one monument is allowed on a lot. However, the Board on written application from the owner or representative of the lot may permit additional monuments but never in excess of one monument per twelve grave.

Section 2. Headstones are not permitted except on lots where there are already similar stones. Grave markers, flush with the grave, may be used.

Section 3. Designs, dimensions, materials, and locations for all monuments and markers must be submitted to the Board for approval. If any monument or other structure, or any inscription used thereon, shall be determined offensive or improper by the Board, it may be removed by the Board.

Section 4. Monuments shall not be more than three feet six inches above grade and shall be centrally located on the lot at a position designated by the Superintendent. Monuments shall not be more than twelve inches in thickness front to back at any location. Monument base dimensions shall conform to the following specifications: Single grave lot in which the side to side dimension is 6 feet or less - 2 feet by 1 foot; Two grave lot in which the side to side dimension is between seven and ten feet - 3 feet by 1 foot; four grave lot in which the side to side dimension is between seven and ten feet - 3 feet by 1 foot; four grave lot in which the side to side dimension is greater than 12 feet - 4 feet by 1 foot. Lots of any size not mentioned above shall be subject to size restrictions set forth by the Superintendent. Above ground monuments will not be allowed on lots that have been restricted to flush markers only.

Section 5. No mausoleum or tomb shall be constructed within the bounds of the Cemetery except by the Board for its exclusive operating use.

Section 6. The monuments and grave markers shall be set on solid concrete foundations. The building of all such foundations shall be done by the Cemetery employees. Orders for foundations must be signed by the owner or representative of the lot, and must be received by the Superintendent at least ten days before the foundations are wanted. If the ground is frozen or unduly soft the Superintendent shall have authority to postpone the building of a foundation or the erection of a monument. The Superintendent shall supervise the erection of a monument and see that the work is properly done, that the grounds are not damaged, and that all refuse material is removed and the grounds left in good order.

Section 7. No memorial work, including but not limited to installation and removal, inscription, engraving, and cleaning shall be done until such time as a proper permit issued by the Cemetery Division is signed by the authorized owner or representative of the lot and approved by authorized Cemetery personnel. All memorial work shall be done during business hours of the cemetery, and not before the cemetery office has been made aware of the date and time the work is to be done. The Superintendent may cease any memorial work if an interment or other such service is being conducted in the area. Memorial work will be allowed from 7:00 A.M. - 3:00 P.M. The Superintendent may give special permission for additional hours of work if it is deemed necessary. The placing of name plates or other means of advertisement of memorial work is prohibited.

ARTICLE 5 PERPETUAL CARE REGULATIONS

Section 1. No lot shall be sold without perpetual care.

Section 2. Perpetual Care provides for cutting grass, fertilizing, reseeding, and regrading when necessary. It does not include care or replacement of monuments or markers, or replacements or any planting

Section 3. Where the Board deems it to be in the best interests of the Cemetery, paved roads may be converted to grass. Such roads shall retain their designation as roads and may not be sold as lots.

Section 4. The Town shall not accept funds from individuals, estates, or corporations for the purpose of establishing memorial trust funds for individual grave sites.

ARTICLE 6

Unless the Board has been permitted or prohibited by previous provisions in these Regulations, the Board may waive any requirement of these Regulations but only in a medical, health or disaster emergency, which waiving would not violate law but would aid in the solution of the emergency.

ARTICLE 7

These Regulations shall supersede all previous regulations.

Weston Conservation Commission

CONSERVATION LAND USE POLICY & REGULATIONS

Adopted: March 18, 2014

Revised: October 13, 2015

MISSION STATEMENT

The Weston Conservation Commission shall endeavor: (1) to preserve open space for the enjoyment of the community; (2) to protect water, land, animal and plant natural resources for the health of the environment; (3) to manage Conservation Land in a sustainable manner; (4) to educate the community about natural resources and the role of human stewardship; and (5) to encourage community participation in town conservation issues.

Conservation Land Regulations

The following Rules and Regulations are intended to ensure that the conservation lands are managed and maintained in accordance with the requirements of the Conservation Commission Act (M.G.L. Chapter 40, section 8C) and the Mission of Weston's Conservation Commission (WCC). For the purpose of this document, "conservation land" is land under the jurisdiction of the Conservation Commission. Generally, the WCC allows, on conservation land, activities that do not harm natural resource values and functions and do not interfere with natural resource processes, wildlife, wildlife habitat, or passive public enjoyment of the land. Generally, activities that harm or interfere with these values, processes, or passive public enjoyment are prohibited. Activities that may promote certain of these values, processes, or passive public enjoyment to the detriment of other values, processes, or passive public enjoyment shall be evaluated and allowed if the WCC determines that the activity serves some overriding public interest. The Conservation Commission may undertake or contract with others to undertake all necessary management actions.

These Regulations may be made more restrictive for any specific parcels as deemed necessary by the WCC for the protection of the natural resources and the safety of the public. With regard to a particular proposed use, the WCC will evaluate the compatibility of the use with the WCC Mission Statement, these regulations, and the impact on wildlife and abutters.

Agriculture

Agriculture is a large part of Weston's past. Many conservation lands include former pasture and crop areas. Several parcels of conservation land were purchased by the Town for the purpose of continuing its agricultural traditions and maintaining the Town's historic character. Therefore, the WCC may periodically enter into "license" agreements with farmers for the purpose of keeping historic fields in continued agricultural use. Any fields licensed for farming will include the requirement that the farmer must permit public access to the land around the perimeter of the fields during the growing season and throughout the property outside of the growing season.

Forest Management

Much of Weston's conservation land is forested. A forest management policy has been implemented on select conservation land parcels to meet the following four goals: ecological protection, education, recreation, and wood production. Harvesting of trees for firewood and timber makes use of valuable renewable resources. By selection cutting and careful management, the Town's forests will be more productive in the long run and will also provide diverse wildlife habitat. WCC may enter into contracts with

organizations who will work with the Town to file appropriate Forest Cutting Plans with the State to allow for harvesting trees for timber and firewood on conservation land.

Section I. GENERAL INFORMATION FOR USING THE TRAILS

The conservation lands of Weston are open to the public for recreational use without charge or special permit unless otherwise indicated in these regulations. Users should observe the following:

- A. The trails which are open to the public for recreational use are identified by white trail markers with a tree symbol and the letter "W". Paths that are unmarked are generally private and not for public use.
- B. In case of an emergency, call the Weston Police at 911. For non-emergency communications, please call the Weston Conservation Commission at 781-786-5068.
- C. Most of Weston's conservation trails are for multiple uses. Depending upon the season, users may encounter walkers, runners, horses, dogs, bicyclists, skiers, snowshoers, and farmers using equipment. Please respect other users.
- D. Bicyclists should be mindful of the following:
 - 1. Bicyclists should stay on the fire roads as shown on the Trail map.
 - 2. Bicycle riding is discouraged on hillsides or in wet weather when the ground is soft.
 - 3. Bicycle riding can be dangerous; riders should be courteous and attentive to other trail users.
- E. Dog Walkers must comply with Weston's Dog Bylaw which requires that:
 - 1. Dogs must be leashed or under voice control at all times;
 - 2. Commercial dog walkers must get a permit at Town Hall which allows them to walk up to 5 dogs;
 - 3. Except for commercial dog walkers, persons walking more than three dogs must leash all of their dogs;
 - 4. Dog waste must be cleaned up and properly disposed of.
 - 5. The Animal Control Officer will enforce Weston's Dog Regulations and can be reached at 781-786-6200.
- F. Horseback Riding:
 - 1. Groups of more than five riders, and any organized horseback activities, require a permit from the WCC;
 - 2. Organized use of Dickson Memorial Riding Rings require a special Use Permit for Horse Events (attached);
 - 3. Riding is discouraged in wet weather when the ground is soft;
 - 4. Horseback riding can be dangerous and riders should be courteous and attentive to other trail users.
- G. Failure to observe these regulations and common courtesies may result in restrictions or prohibitions of public use.

Section II. Conservation Land Restrictions

The following restrictions shall be applicable to Town land under the care and management of the Conservation Commission (herein referred to as Conservation Land).

- A. The following activities are prohibited on Conservation Land, unless otherwise permitted in Section IIB:
 - 1. Using paintball guns;
 - 2. Swimming;
 - 3. Cutting, breaking, removing, defacing, defiling, or ill-using any building, structure, fence, or sign;
 - 4. Cutting, removing, defacing, or otherwise damaging trees, shrubs, flowers, fungus, grass, or other flora;
 - 5. Drinking alcoholic beverages;
 - 6. Disturbing the peace; and
 - 7. Depositing litter, yard waste, garbage, brush, excavated fill or any hazardous waste.
- B. The following activities are prohibited on Conservation Land without a written Use Permit from the Weston Conservation Commission:
 - 1. Conducting organized group events or activities;
 - 2. Starting fires;
 - 3. Camping overnight;
 - 4. Operating cars, trucks, motorbikes, snowmobiles, or power tools; and
 - 5. Collecting or removing mushrooms, plants, or wood.
 - 6. Cutting or removing trees for firewood or lumber, or tapping trees for their sap.
- C. The following activities are prohibited on Conservation Land except as expressly permitted in Weston's Bow Hunting Regulations promulgated by the Conservation Commission, as they may exist from time to time:
 - 1. Hunting or trapping;
 - 2. Carrying firearms; and
 - 3. Willfully disturbing or endangering wildlife.

Section III. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Article V of the By-Laws of the Town of Weston, in which case any police officer of the Town of Weston, the Conservation Commission, the Conservation Administrator, and such other persons as are authorized by the Commission shall be the enforcing person. If non-criminal disposition is used, the following fine schedule shall be applicable for any violation of this By-Law, or any regulation, order or permit issued hereunder and each day a violation exists shall constitute a separate violation:

- A. First violation: warning.
- B. Second violation: \$100.
- C. Third violation: \$200.
- D. Fourth and subsequent violations: \$300.

Section IV. General Use Permits

- A. Any activities and uses not set forth above require the permission of the WCC. For any activity seeking written permission, the WCC shall apply the following criteria to the activity:
 - 1. Does the activity contribute to the WCC's responsibilities under M.G.L. Chapter 40, section 8C and the WCC Mission Statement?

2. Will the activity promote or enhance the natural resource functions of the site?
 3. Will the activity promote or enhance the passive enjoyment of the property by the general public?
- B. Any individual or group requesting special permission from WCC shall fill out the attached Use Permit Application. Permits will be issued at the discretion of the WCC.
 - C. Use Permit requests for equestrian events will be reviewed by the Volunteer Dickson Ring Coordinator, and requests from other special interest groups (i.e., running races, bicycle events, canine events, etc.) will be reviewed by an appointee knowledgeable in the discipline, followed by a recommendation to the WCC as to the suitability of such events.
 - D. If the event will take place on a Sunday, the applicant must request a Commonwealth of Mass. "Permit to Hold Public Entertainment on a Sunday" with the appropriate fees for any Sunday activity. This permit form is to be submitted to the Board of Selectmen, and must be filed a minimum of 2 months prior to the proposed event.
 - E. Insurance - The organized group shall obtain, and maintain during the duration of the event, insurance coverage with companies licensed to do business in the Commonwealth of Massachusetts, at the limits acceptable to the Town.
 - F. Should trails on private property be used, the landowner's permission shall be sought.
 - G. An organized group's past use or abuse of the privilege of using Weston's Conservation Land may be taken into consideration.

Section V. Use Permit for Dickson Memorial Riding Rings

- A. All general use permit requirements listed above must be met in addition to the following requirements.
- B. An "organized use" is considered to be any activity hosted by an organization with a recognized presence. These activities may or may not be posted on public or private websites, or advertised via email blasts, mailings, or word of mouth.
- C. Any group wishing to run organized activities at Dickson Memorial Riding Rings must submit its request in writing to the WCC via the Conservation Administrator at least 3 months prior to the proposed event.
- D. Dates for approved activities based at the Dickson Memorial Riding Rings will be scheduled by the Volunteer Dickson Ring Coordinator.
- E. Events involving non-human participants (i.e., equine, canine, etc.) must be confined to the Dickson Memorial Riding Rings unless the Volunteer Dickson Ring Coordinator or an approved substitute agrees to oversee course design, landowner notification, and marking of trails.
- F. A suitable donation should be made as acknowledgement of gratitude for the use of the land. For equestrian activities or those based at the Dickson Memorial Riding Rings, donations should be made to the Weston-Wayland Open Spring Horse Show, Inc. to be used for the upkeep of the property. Donations for all other activities should be made to the Weston Forest and Trail Association Endowment Fund. (WCC suggests a donation of 10% of profits.)
- G. There will be no alcohol present.
- H. Foxhunting (live or drag) will not be permitted on the Weston conservation lands.

Filed with Town/City Clerk: October 14, 2015

Rules and Regulations for Emergency Alarms

ARTICLE I

Definitions

For the purpose of these rules and regulations, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning.

- (a) The term “Alarm Central Station” shall mean the person or company to which remote alarm and supervisory signals devices are directed, where personnel are in attendance at all times to supervise the circuits and, upon receiving initial direct notice of the activation of an Alarm System initiates an Alarm Dispatch Request.
- (b) The term “Alarm Dispatch Request” shall mean notification to a Dispatcher that an Alarm System, either manual or automatic, has been activated at an alarm site, and a request for a response thereto from the Fire Department and/or the Police Department.
- (c) The terms “Alarm System” or “Emergency Alarm System” mean an assembly of equipment or devices or a single device such as a solid state unit which plugs directly into a 110-volt AC line, arranged to signal the presence of a hazard requiring urgent attention and to which the Police Department, or Fire Department, or both, are expected to respond. Such hazards include, but are not limited to, suspected or actual unauthorized intrusion into a premises or an attempted robbery at a premises, suspected or actual fire, carbon monoxide, and medical emergency.
- (d) The terms “Alarm User” or “Emergency Alarm User” mean any person or entity other than the Town of Weston having ownership or control of a premises on which an Alarm System is maintained within the town except for alarm systems on motor vehicles. Excluded from this definition and from the coverage of this by-law are persons who use alarm systems to alert or signal others within the premises in which the alarm system is located. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside of the premises, such system shall be within the definition of “Alarm System” as that term is used in this by-law, and shall be subject to this by-law.
- (e) The term “Chief of Police” means the Chief of Police of the Town of Weston or his/her designated representative.
- (f) The term “Dispatcher” shall mean the individual or individuals in the Police Department or Fire Department to whom an Alarm Dispatch Request is made.
- (g) The term “Disturbance of the Peace” shall mean any interruption of the peace, quiet, and good order of a neighborhood or community, particularly by unnecessary and distracting noises.
- (h) The term “False Burglar Alarm” shall mean the activation of an Alarm System arranged to signal a criminal offense or the presence of a hazard other than heat,

carbon monoxide, smoke, fire, or medical emergency, but caused by negligence, mechanical failure, malfunction, improper installation, lack of proper maintenance, misuse by the Alarm User, or by a cause that cannot be determined.

- (i) The term “False Fire Alarm” shall mean the activation of an Alarm System arranged to signal the presence of heat, carbon monoxide, smoke, fire, or medical emergency, but caused by negligence, mechanical failure, malfunction, improper installation, lack of proper maintenance, misuse by the Alarm User, or any alarm activation thereof by a cause other than heat, carbon monoxide, smoke or fire.
- (j) The term “Fire Chief” means the Chief of the Fire Department of the Town of Weston or his/her designated representative
- (k) The term “Fire Department” shall mean the Town of Weston Fire Department or any authorized agent thereof.
- (l) The term “Master Box” shall mean an Emergency Alarm System device which connects a protected premises directly to the Town of Weston Fire Department.
- (m) The term “Police Department” shall mean the Town of Weston Police Department or any authorized agent thereof.

ARTICLE II

Control and Curtailment of Signals Emitted by Alarm System

Section 1 – Response to Alarm Activation

- (a) Every Alarm User shall submit to his Alarm Central Station the names and telephone numbers of at least two other persons who can be reached at any time, day or night, who are authorized to respond to an emergency signal transmitted by an Alarm System, and who can open the premises wherein the Alarm System is installed.
- (b) No interior inspection will be performed by the Fire Department as the result of a fire alarm activation other than for carbon monoxide or medical emergency in the absence of exterior evidence of a hazard unless access to the interior is provided by the Alarm User or occupant of the premises or persons designated by the Alarm User under paragraph (a) of this section, or alternatively, the Alarm User has purchased and installed at his own expense a lock box approved by the Fire Department and containing a key to the premises.
- (c) All Alarm Systems which use an audible horn or bell shall be equipped with a device which will shut off such horn or bell ten (10) minutes after activation of the Alarm System.
- (d) A police officer who responds to a False Burglar Alarm shall leave at the premises of the Alarm System a written report of such response, providing the date and time of the False Burglar Alarm and the response thereto.

- (e) A firefighter who responds to a False Fire Alarm shall leave at the premises of the Alarm System a written report of such response, providing the date and time of the False Fire Alarm and the response thereto.

Section 2 –Discontinuance of Alarm Signals

- (a) Any Alarm System emitting a continuous uninterrupted signal for more than one (1) hour which cannot be shut off or otherwise curtailed due to the absence or unavailability of the Alarm User or those persons designated by him under paragraph (a) of Section 1 of this Article, and which interrupts the peace, comfort or repose of a neighborhood or inhabitants of the area where the alarm system is located shall constitute a Disturbance of the Peace. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Chief of Police or his designee shall endeavor to contact the Alarm User, or members of the Alarm User family, or those persons designated by the Alarm User under paragraph (a) of this section in an effort to abate the disturbance. The Chief of Police shall cause to be recorded the names and addresses of all complainants and the time each complaint was made.
- (b) In the event that contact cannot be made with the Alarm User, or members of the Alarm User's family, or those other persons designated by the Alarm User under paragraph (a) of Section 1 of this Article, or if the aforesaid persons cannot or will not curtail the audible signal being emitted by the alarm system, and if the Chief of Police is otherwise unable to abate the nuisance, he may direct a police officer or a qualified alarm technician to enter upon the property outside the home or building in which the Alarm System is located and take any reasonable action necessary to abate the nuisance.
- (c) If entry upon property outside the home or building in which the Alarm System is located is made in accordance with this section, the person so entering upon such property 1) shall not conduct, engage in or undertake any search, seizure, inspection or investigation while he is upon the property; 2) shall not cause any unnecessary damage to the Alarm System or to any part of the home or building; and 3) shall leave the property immediately after the audible signal has ceased. After an entry upon property has been made in accordance with this section, the Chief of Police shall have the property secured, if necessary. The reasonable costs and expenses of abating disturbance in accordance with this section may be assessed to the Alarm User.
- (d) Within ten (10) days after abatement of a disturbance in accordance with this section, the Alarm User may request a hearing before the Board of Selectmen and may present evidence showing that the signal emitted by his Alarm System did not constitute a Disturbance of the Peace at the time of the abatement; that unnecessary damage was caused to his property in the course of the abatement; that the costs of the abatement should not be assessed to him; or that the requirements of this section were not fulfilled. The Board of Selectmen shall hear all interested parties and may in its discretion, reimburse the Alarm User for the repairs to his property necessitated by the abatement, or excuse the Alarm User from paying the costs of the abatement.

Section 3 – Tests of Alarms

- (a) Tests of any Burglar Alarm System may be conducted with the express permission of the Chief of Police, having first been applied for and received.
- (b) Tests of any Fire Alarm System may be conducted with the express permission of the Fire Chief, having first been applied for and received.
- (c) An unauthorized test of an Alarm System constitutes a False Fire Alarm if the Alarm System undergoing test is arranged to signal the presence of heat, carbon monoxide, smoke or fire if such test results in an Alarm Dispatch Request; an unauthorized test of an Alarm System arranged to signal the presence of any other hazard constitutes a False Burglar Alarm if such test results in an Alarm Dispatch Request.

ARTICLE III

False Alarm Cost Assessment Schedule

Fees for False Alarms responded to by the Police Department and/or the Fire Department shall be assessed against the Alarm User as follows:

- (a) For the third and fourth False Fire Alarms from an Alarm System occurring within a twelve (12) month period beginning at midnight on the date of the first False Alarm, the Alarm User shall be responsible to pay to the Town the sum of one hundred dollars (\$100).
- (b) For each False Fire Alarm from an Alarm System in excess of four (4) False Fire Alarms occurring within a twelve (12) month period beginning at midnight on the date of the first False Fire Alarm, the Alarm User shall be responsible to pay to the Town the sum of five hundred dollars (\$500).
- (c) For the third and fourth False Burglar Alarm from an Alarm System occurring within a twelve (12) month period beginning at midnight on the date of the first False Burglar Alarm, the Alarm User shall be responsible to pay to the Town the sum of one hundred dollars (\$100).
- (d) For each False Burglar Alarm from an Alarm System in excess of four (4) False Burglar Alarms occurring within a twelve (12) month period beginning at midnight on the date of the first False Burglar Alarm, the Alarm User shall be responsible to pay to the Town the sum of Five hundred dollars (\$500).
- (e) The number of False Burglar Alarms or False Fire Alarms may be adjusted based on
 - (1) Evidence that a False Alarm was caused by an Act of God;
 - (2) Evidence that a False Alarm was caused by action of the telephone company;
 - (3) Evidence that a False Alarm was caused by a power outage;

- (4) Evidence that the Alarm Dispatch Request was not a False Alarm; and/or
- (5) Evidence that the response from the Police Department or Fire Department was not in a timely fashion.
- (f) All assessments hereunder shall be made payable to the Town Treasurer for deposit in the General Fund.
- (g) All assessments hereunder shall be paid within thirty (30) days of the date of written notice thereof, with interest thereafter at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59 Section 57.
- (h) The Board of Selectmen shall have the authority to abate any assessment under this Article and/or any interest charges, in whole or in part.

ARTICLE IV

Fees and Notifications

- (f) Each Alarm User of an Alarm System the notice of activation of which is directed to an Alarm Central Station shall provide written notice thereof to the Police Department, including the name, address, and telephone number of his or her Alarm Central Station.
- (g) Each Alarm User of an Alarm System installed on or after the Effective Date of this Regulation shall pay to the Town of Weston a one-time initial fee of one hundred dollars (\$100).
- (h) Master Boxes
 - (1) Beginning with the Effective Date of this Regulation, each Alarm User who installs a Master Box shall pay a prior connection fee in the amount of \$150 (one hundred fifty dollars) to the Town of Weston.
 - (1) Beginning with the Effective Date of this Regulation, each Master Box Alarm User shall pay to the Town of Weston an annual fee of three hundred dollars (\$300) for each box, except that no single Alarm User shall pay more than a total of one thousand two hundred dollars (\$1200) annually. Notice of the fee due shall be sent by first class mail during the period January 1 to February 28 in each year to the Master Box Alarm User. Payment shall be made within thirty (30) days of the date of mailing of the invoice, with interest thereafter at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59, Section 57. Such fee when paid to the Town of Weston shall be for the period April 1 to March 31 following the date of notice.

ARTICLE V

Penalties

- (a) Violations of these Rules and Regulations shall constitute violations of the By-Laws of the Town of Weston and shall be punishable by a fine of one hundred dollars (\$100).
- (b) Each day during which the aforesaid violations continue shall constitute a separate offense.
- (c) The Board of Selectmen shall have the authority to abate any penalty under this Article, in whole or in part.

Adopted _____

Douglas Gillespie

To be effective June 1, 2003

Harold Hestnes

Joan B. Vernon

Filed in the office of Town Clerk _____, _____, 2003

At _____.

Elizabeth Nolan

Town Clerk

Weston Conservation Commission Policy: Response to Encroachment on Conservation Land

Approved: November 1, 2016

Preamble: Reasons to Delineate and Enforce Boundaries

1. It is part of the Conservation Commission's mission and legal obligation to protect the land it holds in trust for the citizens of Weston from intrusions and alterations such as the extension of lawns, the erection of structures, and the dumping of yard waste and other debris. All parcels held for conservation purposes are protected under Article 97 of the Massachusetts Constitution. Many parcels were donated to the Commission for conservation purposes, and the Commission is required to uphold the donor's intention. It is, therefore, the Commission's responsibility to delineate, mark, and manage these parcels. In cases of confirmed encroachment, the Commission will require removal of any indication of private intrusion. The encroached-upon area shall revert to the Commission's control to be maintained or naturalized as the Commission deems appropriate.
2. In many areas, encroachments, which are violations of the state constitution and the town's land use policy, result in diminished public access, reduced wildlife habitat value, and pollution.
3. Monitoring and enforcement of property boundaries will allow the Commission to restore these public lands to their natural condition. Enforcement of this policy and restoration of land to the Commission's control will provide wildlife habitat, stormwater control, and other natural resource values to the environment. Further, clearly defined boundaries will facilitate public access to land that is held in trust for public use.

The Conservation Commission's Policy

1. Commission members and its agents will maintain a professional and objective attitude regarding property boundaries at all times.
2. The Commission will delineate all parcel boundaries, identifying locations where encroachment is suspected.
3. The Commission will document as much information as possible about the boundary and will provide sources of information and conclusions that it has drawn.
4. The Commission will inform the abutting land owner of possible encroachments and gather information from him/her.
5. The Commission will determine (in concert with abutting land owner, if possible) the boundary line as well as possible using all available information (e.g., surveyed plans, abutting land owner information, as-built plans from the building inspector, wetland plans, etc.).
6. Once the boundary has been confirmed, the Commission may post boundary signs on trees or stakes close to the boundary.
7. If encroachment is confirmed, the Commission will determine how best to return the land to public use.
 - a. If lawn or landscaping has been extended onto Conservation land, the Commission will require of the abutting land owner that the encroaching lawn or landscaping area no longer be mowed/maintained and/or that the encroaching lawn or landscaping area be renaturalized as specified by the Commission.
 - b. If structures have been erected on Conservation land (fences, walls, play sets, sheds, etc.), the Commission will require that the encroaching structures be removed by the owner of such structures. In addition, the Commission may require this area be renaturalized.
 - c. The Commission may require that the cost of restoration be borne by the abutting land owner.
 - d. In the absence of cooperative development of a restoration plan, the Commission, as land owner, may develop and implement a restoration plan, or seek further legal remedies.

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

BY-LAWS

of the

TOWN OF WESTON

Includes additions and amendments through May 2017

TOWN OF WESTON, MASSACHUSETTS

GENERAL BY-LAWS TABLE OF CONTENTS

Article I	TOWN MEETING	1
Article II	POWERS AND DUTIES OF TOWN OFFICERS	3
Article III	POLICE REGULATIONS	6
Article IV	USE OF WAYS.....	8
Article V	PENALTIES.....	9
Article VI	BUILDING CODE.....	10
Article VII	GAS PIPING AND GAS APPLIANCES	10
Article VIII	ZONING BY-LAW	10
Article IX	BILLBOARDS, SIGNS OR OTHER ADVERTISING DEVICES.....	10
Article X	PLANNING BY-LAW.....	10
Article XI	MATERIAL REMOVAL BY-LAW.....	11
Article XII	EMPLOYEES' VACATIONS.....	11
Article XIII	PARK LAND	12
Article XIV	FIRE FIGHTER'S INDEMNIFICATION.....	12
Article XV	CONSERVATION LAND.....	12
Article XVI	(Accumulated Sick Leave)	13
Article XVII	COUNCIL ON AGING.....	13
Article XVIII	(Operation Of Ambulance Service).....	14
Article XIX	TEMPORARY REPAIRS ON PRIVATE WAYS	14
Article XX	DOG REGULATIONS	15
Article XXI	BURGLAR ALARMS	18
Article XXII	PERMANENT BUILDING COMMITTEE	19
Article XXIII	SCENIC ROADS BY-LAW	23
Article XXIV	CRESCENT STREET HISTORIC DISTRICT	26
Article XXV	DOOR TO DOOR SOLICITATION	31
Article XXVI	DEMOLITION DELAY	32
Article XXVII	STORMWATER AND EROSION CONTROL	35
Article XXVIII	WATER CONSERVATION.....	45
Article XXIX	COMMUNITY PRESERVATION COMMITTEE	48
Article XXX	FARM PRESERVATION.....	50
Article XXXI	ILLICIT DISCHARGE	51
Article XXXII	STRETCH ENERGY CODE	58
Article XXXIII	WESTON AFFORDABLE HOUSING TRUST FUND.....	58
Article XXXIV	DEPARTMENTAL REVOLVING FUNDS	60
Article XXXV	PLASTIC BAG BAN.....	62

Appendix 1	STATUTES ACCEPTED.....	A1
Appendix 2	SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT LISTING.....	A6
Appendix 3	SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT TEXT.....	A9

ARTICLE I

TOWN MEETING

SECTION 1. For the election of officers and the determination of matters by ballot the annual town meeting shall be held on such Saturday in March, April or May as the Selectmen shall fix. For the transaction of all other business the meeting shall be held on the next Monday after such Saturday. Special town meetings may be held at such times as the Selectmen may order.

SECTION 2. Subject to law, the Selectmen shall fix and state in the warrant for the annual town meeting the hour at which the meeting shall be called and the polls opened, and the hour at which they may be closed, on the Saturday fixed under Section 1 for the election of officers and the determination of matters by ballot; and an hour, not earlier than 7:00 P.M., on the next Monday after such Saturday for the holding of the meeting for the transaction of all other business.

SECTION 3. Notice of an annual town meeting shall be given by posting at the Town Hall a copy of the warrant therefor not less than seven days before the day named in the warrant for said annual meeting and notice of a special town meeting shall be given by posting at the Town Hall a copy of the warrant therefor not less than fourteen days before the day named in the warrant for said special town meeting, and for every town meeting by posting at least two other copies at such other places in the Town as may hereafter be fixed by vote of the Town, or by vote of the Selectmen in case the Town has taken no action in the matter. The foregoing shall be deemed to be legal notification of such meeting, and the legal service of such warrant. In addition, the Town Clerk shall cause a copy of the warrant to be delivered or mailed, postage prepaid, to every residence in the Town at least seven days prior to the time named in the warrant for holding the meeting, but such delivering and mailing shall not be deemed to be a part of the legal service of the warrant and failure on the part of the Town Clerk to comply with this by-law shall not be considered a default of legal notice of said annual or special town meeting.

SECTION 4. In the event a town meeting, whether an annual town meeting or a special town meeting, fails to complete the business required by the warrant to be acted upon on the date designated in the warrant, the town meeting shall be adjourned from time to time, as designated, by vote of the meeting, Saturdays, Sundays, and holidays only excepted, until such business is completed.

SECTION 5. Notice of the adjournment of any town meeting, stating the time and place to which the meeting has been adjourned, shall be posted by the Town Clerk at the Town Hall as soon as practicable after the adjournment.

(Sections 1 - 5 amended effective 9-4-73.)

(Section 3 further amended effective 9-23-93.)

(Section 2 further amended effective 3-26-2-15.)

SECTION 6. The number of voters necessary to constitute a quorum at any town meeting shall be eighty (80), but any number may adjourn any meeting to a stated time and place. The Moderator shall determine and announce the presence of a quorum, and his determination shall be conclusive upon the question of fact unless his determination be doubted by a registered voter, in which case a count shall be taken and recorded in the records by the Town Clerk.

(Amendment Effective 9-11-12.)

SECTION 7. All articles in the warrant shall be acted upon in their numerical order unless the meeting by vote of two-thirds of the registered voters present and voting shall otherwise determine.

SECTION 8. After any article in the warrant has been acted upon, and disposed of, or passed over and so disposed of, such article shall not be considered at the same session of an annual or special town meeting except by vote of two-thirds of the registered voters present and voting on a motion to reconsider. A motion to reconsider may be made by either the prevailing or losing side but may not be entertained by the moderator unless made not later than the same session of the meeting at which all action is completed on the article under which the vote to be reconsidered has taken place. *(Effective 8-30-86.)*

SECTION 9

A. Voting Procedures. All votes on all motions, unless otherwise mandated by the laws of the Commonwealth or otherwise provided hereinafter, shall be taken initially by display of official voting cards or by such other methods or procedures, which may include the use of any electronic tally system, as may be voted from time to time by Town Meeting. Town Meeting may use an electronic tally system to provide for individually counted and reported votes on all motions or only on those motions that would require a supermajority greater than 2/3, or otherwise as may also be voted by Town Meeting.

B. Counting Votes.

i. The Moderator shall declare all votes, regardless of required quantum. If a supermajority is required by statute, such vote shall be individually counted using a standing vote count or an electronic tally system or otherwise; provided, however, that the Moderator shall have authority to declare a 2/3 vote without a count. If the Town uses an electronic tally system with individual votes counted and reported, the count shall be declared by the Moderator with the vote, even if a count is not otherwise required.

ii. Notwithstanding any other provisions of this Section 9, if any voter calls for a count immediately after the Moderator's declaration of the vote, or if the Moderator deems a count necessary or advisable for any reason, the Moderator shall call for a count using a standing vote count or an electronic tally system or otherwise and declare the outcome of the count. For any such vote initially taken using an electronic tally system, the Moderator shall manually tally the electronically recorded votes, if the electronic tally system so permits, order another electronic tally to be taken that provides a count of individual votes, or call for a standing vote count. In lieu of a complete vote count, the Moderator may choose to count the voters who appear to the Moderator to be in the minority first and then count the voters who appear to the Moderator to be in the majority only or at least to the extent necessary to determine the result of the vote, based on the required quantum.

iii. If the Moderator has reason to question the validity or accuracy of any kind of voting system, the Moderator may instead call for voice votes, standing vote counts, and/or ballot votes.

(Amendment Effective 5/15/2013)

(Amendment Effective 5/8/2017)

SECTION 10. When a question is before the meeting, the following motions, to wit:

To adjourn,
To lay on the table,
For the previous question,
To postpone to a time certain,
To commit, recommit, or refer,

To amend,
To postpone indefinitely,

shall be received and shall have precedence in the foregoing order, and the first three shall be decided without debate.

SECTION 11. The procedure in town meetings when not otherwise prescribed shall be governed by the latest published edition of Town Meeting Time so far as applicable.

(Amendment Effective 5/12/2014.)

ARTICLE II

POWERS AND DUTIES OF TOWN OFFICERS

SECTION 1. The Selectmen shall have general direction and management of the property and affairs of the Town in all matters not otherwise provided by the law of the Commonwealth or by these by-laws.

SECTION 2. In all cases not otherwise provided for by law, the Selectmen may bring suit in the name of the town against the principal and sureties named in any bond given to the Town by any officer, agent, contractor, or other person for breach of the condition of such bond. The Selectmen shall cause the appearance and answer of the Town to be entered and made in all suits brought against the town at law or in equity, and may employ counsel to defend the same. They may commence and prosecute suits at law and in equity in the name and behalf of the Town in all cases not otherwise provided for by law, and may employ counsel therein. The Selectmen shall consider all claims made against the Town and may authorize the payment of any amount not exceeding twelve hundred (\$1,200.00) dollars in settlement of any such claim, and to effect such settlement the Selectmen may authorize the necessary payment from the town treasury of any funds not otherwise appropriated.

(Amendment effective 8-16-72.)

SECTION 3. Within forty-eight hours after the dissolution or adjournment without day of any town meeting, the Town Clerk shall transmit to the Selectmen, to the Town Treasurer, to the Auditor, and to the Assessors respectively, a certified copy of all votes appropriating money or authorizing the expenditure of money or otherwise affecting the finances of the Town, and within the same period the Town Clerk shall transmit to all other town officers or committees a certified copy of any vote of the Town affecting their respective powers or duties.

SECTION 4. The annual town report shall be printed and bound under the direction of the Board of Selectmen. It shall contain the reports of town officers and committees required by law, and such other reports or materials as the Town or the Board of Selectmen may direct. All Town officers and committees of the Town shall, unless otherwise directed, file their reports by the date determined by the Board of Selectmen.

(Amendment effective 10-10-02.)

SECTION 5. All Town officers and committees who intend to recommend appropriations or expenditures of money for the new fiscal year shall file such recommendations with the Selectmen not later than the twentieth day of December, and shall accompany such recommendations with all such information as may be requested by the Selectmen. The Selectmen in their annual report shall recommend a budget for the new fiscal year. This budget shall include in detail definite recommendations of the Selectmen relative to the amounts which

should be appropriated by the Town for all public purposes, and may include recommendations as to the financing of the expenditures recommended.

SECTION 6. The Town Clerk shall post the annual town report on the Town's website and shall cause a sufficient number of printed copies of the annual town report to be made available for Town residents desiring copies at the Town Library, Town Hall and at other such locations determined by the Board of Selectmen, not less than seven days before the day fixed for the annual town meeting.

(Amendment effective 12-1-08.)

SECTION 7. The Collector of Taxes shall cause to be printed upon each tax bill a statement of the law relative to the date when taxes are payable, the rate of interest charged on unpaid taxes, and the valuation upon which such tax is based.

SECTION 7A. Interest Charges-Past Due Bills. The due dates for the payment of all municipal charges and bills shall be 30 days after the charge or bill is issued by the Town, unless otherwise specified by a general law, special act of the Commonwealth or by the Board of Selectmen. Interest accrues at the same rate as charged on tax bills under the provisions of M.G.L. Chapter 59, Section 57. The Collector shall have the authority to waive interest totaling up to \$10. The Board of Selectmen shall have the authority to abate any such interest charges, in whole or in part.

(Effective 11-24-03.)

SECTION 8. Except as otherwise provided by law, no property of the Town shall be sold, exchanged, or otherwise disposed of, except with the written approval of the Selectmen duly recorded in their records.

SECTION 8A. The Selectmen may sell or authorize Town Committees or Officers to sell personal property of the Town of value not greater than two thousand (\$2,000.00) dollars. All other sales of personal property of the Town shall be made by the Selectmen either: (1) for the amount offered by the highest bidder after advertising such personal property for sale for one week in any newspaper having general circulation in the Town or (2) for an amount consistent with the value of the personal property as established by an up-to-date appraisal of such personal property obtained by the Selectmen prior to sale.

(Effective 9-30-77.)

SECTION 9. Except as otherwise provided by law, the Treasurer shall have custody of deeds, bonds, contracts, insurance policies, and other similar documents owned by the Town, except that the bond given by the Treasurer to the Town shall be in the custody of the Selectmen.

SECTION 10. There shall be a Finance Committee composed of nine voters of the Town who shall serve without pay and shall not, while serving on said committee, hold any other town office. Within thirty days after the adjournment of the annual town meeting, the Moderator shall appoint three persons to serve on said committee for a term of three years, ending with the final adjournment of the third annual town meeting thereafter held. The members of the committee shall hold office until their successors are appointed and qualified, and any vacancy shall be filled by the remaining members of the committee and the Town Clerk. The committee shall choose a chairman and a secretary, and shall, prior to the annual town meeting, confer with the Selectmen for consideration of the annual budget, and may confer with other town officers, and may hold public hearings. The committee may consider all financial and other questions coming before the Town for action or affecting the interests of the Town, and may at any time make reports or recommendations in print or otherwise to town officers or committees or to the voters,

and all such reports and recommendations shall be printed at the expense of the Town, if the committee so requests.

SECTION 11. The Collector of Taxes shall collect under the title of Town Collector all accounts due the Town, except the collection of interest on investments of sinking or trust funds. All bills for accounts due the Town shall state that all checks, drafts, or money orders shall be made payable or to the order of the Town of Weston and not to or to the order of any officer, board or commission.

SECTION 12. All town officers shall pay into the town treasury all fees received by them by virtue of their office.

SECTION 13.1 The town collector or other municipal official responsible for records of all municipal taxes, assessments, betterments, and other municipal charges, hereinafter referred to as the collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

SECTION 13.2 The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the collector; provided, however, that written notice is given to the party and the collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the licensing authority receives a certificate issued by the collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as of the date of issuance of said certificate.

SECTION 13.3 Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

SECTION 13.4 The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or

stockholders, if any, or members of his/her immediate family, as defined in section 1 of Chapter 268A in the business or activity conducted in or on said property.

Section 13 shall not apply to the following licenses and permits authorized by the following Massachusetts General Laws: open burning, section 13 of chapter 48; bicycle permits, section 11A of chapter 85; sales of articles for charitable purposes, section 33 of chapter 101; children's work permits, section 69 of chapter 149; clubs, associations dispensing food or beverage licenses, section 21E of chapter 140; dog licenses, section 137 of chapter 140; fishing, hunting, trapping licenses, section 12 of chapter 131; marriage licenses, section 28 of chapter 207 and theatrical events and public exhibition permits, section 181 of chapter 140.

(Effective 5/12/2004)

SECTION 14. The Town Manager shall, pursuant to the provisions of G.L. c. 82A and 520 CMR 14.00, designate a board or officer to issue permits for trench excavations and to establish fees therefor.

SECTION 15. The first 10 minutes of each meeting of every Town of Weston board and committee be made available for resident questions and comments, whenever possible, in the discretion of the chair.

(Effective 4/12/2008)

(Amendment Effective 5/20/2013)

ARTICLE III

POLICE REGULATIONS

SECTION 1. No person shall affix, or in any way attach any poster, handbill, notice, figure, or advertisement to, or otherwise deface any wall, fence, tree, post, building, or structure within the limits of any highway, park, or other public property in the Town.

SECTION 2. No person shall throw, scatter, or place, or cause or permit to be thrown, scattered or placed within the limits of any highway, park, or other public property, or in any public building, or on any private property, except with the consent of the owner thereof, any ashes, garbage, papers, glass, crockery, metal, cigars, cigarettes or matches or any other form of rubbish, refuse or waste material, or within the limits of any highway, except with the approval of the Superintendent of Streets, any rock, stone, crushed stone or gravel.

SECTION 3. No person, except by authority lawfully given by a public officer, shall cut, prune, or trim any trees, shrubs, or plants within the limits of any highway, path, or other public property, whether for the purpose of erecting poles and wires thereon or otherwise, without the consent in each instance of the Tree Warden, or on any private property without the consent of the owner thereof.

SECTION 4. No person shall pasture cattle or other animals, or tie or fasten any horse, cattle or other animal to any tree or shrub within the limits of any highway, path, or other public property.

SECTION 5. Every person operating or in charge of an automobile, motorcycle, or other vehicle with the limits of any highway, park, or other public property in the Town shall, upon request of any constable or police officer, forthwith move the same as directed by said officer.

SECTION 6. No person shall fire or discharge any firearms or explosives of any kind within the limits of any highway, park, or other public property, or on any private property, except with the consent of the owner or legal occupant thereof; provided, however, that this by-law shall not

apply to the lawful defense of life or property, nor to any discharge of firearms in accordance with law.

SECTION 7. No person shall use any highway for any game except with the written permission of the Selectmen.

SECTION 8. No person shall distribute or display posters, handbills, placards, pamphlets, or other advertising matter within the limits of any highway, park, or other public property in the Town, without first obtaining a written permit therefor from the Selectmen.

SECTION 9. No person shall collect or otherwise deal in junk, old metals, or second-hand articles, without a written license granted by the Selectmen and signed by the Town Clerk.

SECTION 10. No person shall loaf or loiter within the limits of any highway, park, or other public property after having been requested by a constable or police officer to move.

SECTION 11. No person shall sell, or display or advertise for sale any articles, goods, wares, or merchandise of any description whatsoever within the limits of any highway, park, or other public property without a written permit from the Selectmen.

SECTION 12. No person shall operate a bicycle in violation of M.G.L. Chapter 85, section 11B, or of any regulations issued by the Board of Selectmen with regard to the equipment and operation of a bicycle. Violations of this bylaw and of any regulation of the Board of Selectmen adopted hereunder may be enforced by any available means in law or equity by the Board of Selectmen or its respective designee, and by any Police Officer of the Town of Weston; provided, further that any police officer of the Town may also, pursuant to M.G.L. Chapter 85, section 11C, enforce by non-criminal ticketing violations of this section and of any regulations adopted hereunder.

Penalties

1. Refusal to State Name and Address when Requested to Do So: \$50.00
2. All Other Violations: \$20.

SECTION 13. Construction activity shall be permitted Monday through Friday, 7:00 a.m. to 6:30 p.m. Construction activity shall also be permitted on Saturdays from 7:00 a.m. to 5:00 p.m.; provided however that such activity shall be limited to interior work only, and may be undertaken only when the home or structure is constructed to the point where such activity cannot be heard outside the home or structure. No outside construction activity shall take place on Saturdays except between the hours of 8:00 a.m. and 3:00 p.m. No outside construction activity shall take place outside the specified permitted hours or on Sundays or New Year's Day, Memorial Day, July Fourth, Labor Day, Thanksgiving, Christmas, or other legal holiday, except as may be permitted on a case by case basis by the Chief of Police, or his designee, based on unusual circumstances.

For purposes of this by-law, the term "construction activity" shall include those activities requiring a building permit or any site preparation, seismic surveys, grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property, as well as the noise and other impacts caused by arrival on, and departure from, a site by laborers and equipment.

This by-law shall not apply to: (1) residents of the Town of Weston personally undertaking construction activities on the homes in which they reside or the property upon which such homes

are located; (2) routine gardening and landscaping services; or (3) the Town of Weston acting in response to an emergency.

If construction activity occurs at a time other than during the hours authorized herein for such activity, the person found to be in violation, or the owner of, or the person with responsibility for, property on which construction activity occurs, including but not limited to a general contractor overseeing a project, shall be deemed to have violated this by-law.

This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition.”

(Effective 5/12/2004)

(Amended effective 5/18/2009)

ARTICLE IV

USE OF WAYS

SECTION 1. No person shall excavate or dig up any portion of the ground within the limits of any public way for the laying of wires, pipes, or conduits, or for any other purpose, or move any building along such way, or use or occupy any portion of such way for staging or other structures or for the storage of building or other materials without a written permit from the Department of Public Works. Such permit shall be in such form and for such duration as the Director of Operations may determine, and shall be upon condition that the permittee maintain suitable lanterns, danger signals, and barriers for the protection of the public, and restore such way to its original condition or to a condition approved by the Director of Operations. The Director may require that before any such permit is granted, the applicant therefor shall give a bond to the Town, in form and with sureties satisfactory to the Director, to indemnify and save harmless the Town against any and all damage, cost, and expense on account of the issuance of such permit and the work to be done thereunder, and to guarantee the proper performance and completion of said work.
(Effective October 9, 1997)

SECTION 2. The Selectmen shall have authority to make rules and regulations with regard to the excavation and use of public ways and with regard to the parking of automobiles and other vehicles upon land owned by the Town and upon highways and streets of the Town; said regulations to establish fees for permit application and inspection, and penalties for violation of said regulations.
(Effective October 9, 1997)

SECTION 3. The Superintendent of Streets shall have authority for the purpose of removing or plowing snow, or removing ice from any public way, to remove, or cause to be removed, to some convenient place, including in such term a public garage, any vehicle interfering with such work and the owner of such vehicle shall be liable to the Town for the cost of such removal and storage charges.

SECTION 4. No person shall operate a motor truck or other vehicle within the limits of any highway in the town for the purpose of collecting and disposing of ashes, rubbish, garbage, or other refuse unless such truck or vehicle is supplied with a suitable cover of wood, canvas or other material satisfactory to the Selectmen.

SECTION 5. No person, other than an employee or other person in the service of the Commonwealth of Massachusetts or the Town of Weston shall direct, discharge, dump, shovel, pile, push, blow, plow or deposit snow, ice or water under conditions where water would be subject to freezing onto, into or across any public way, including sidewalks, or public property, or cause, direct, sanction or authorize any such activity involving snow, ice or water on a public

way or public property. No person shall discharge, cause the discharge, or divert a natural flow of surface or ground water in such a manner that it will cause an icing condition on a way.

This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition.

(Effective May 18, 2009)

ARTICLE V

PENALTIES

SECTION 1. A violation of any Town Bylaw may be enforced by any means available in law or in equity. When enforced on indictment or on complaint before a district court, any person violating any provision of these by-laws shall be punished by a fine of not more than three hundred dollars for each offense.

SECTION 2. Non-Criminal Disposition

(a) Scope and Authority

This Bylaw provides for a non-criminal disposition of a violation of any Town Bylaw, the violation of which is subject to a specific penalty. This Bylaw is enacted in accordance with MGL c. 40, § 21D.

(b) Enforcing Person

"Enforcing person," as used in this Bylaw, shall mean any police officer of the Town of Weston, with respect to any offense; the Fire Chief and his or her designees; the Building Inspector and his or her designees; the Public Health Director and his or her designees; the Director of Operations, Department of Public Works and his or her designees; the Sealer of Weights and Measures and his or her designees; the Dog Officer; and such other officials as the Board of Selectmen or Bylaw may from time to time designate, each with respect to violation of Bylaws within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

(c) Fines

Notwithstanding any other provisions of this article, when enforced pursuant to the non-criminal disposition procedures of MGL c. 40, § 21D, the following shall be the fines applicable to the listed offenses, unless otherwise specifically provided by Bylaw:

First violation: Warning

Second violation: \$100

Third violation: \$200

Fourth and subsequent violations: \$300

Each day a violation exists shall constitute a separate violation."

(Effective 11-28-2008)

ARTICLE VI
BUILDING CODE

Superseded by State Building Code

ARTICLE VII
GAS PIPING AND GAS APPLIANCES

The Selectmen shall appoint an Inspector of Gas Piping and Gas Appliances, and may appoint a Deputy Inspector to act in instances of inability of the Inspector to act. The Selectmen shall fix the terms of office and the compensation, if any, of the Inspector and the Deputy Inspector.

ARTICLE VIII
ZONING BY-LAW

(Printed separately)
Last revision effective as of May 2017

ARTICLE IX
**BY-LAWS REGULATING BILLBOARDS, SIGNS
OR OTHER ADVERTISING DEVICES**

(Not available in print for distribution)

ARTICLE X
PLANNING BY-LAW

SECTION 1. Board of Appeals. The Board of Appeals established under the Zoning By-Law, Article VIII of the By-Laws, shall also act as a Board of Appeals under this By-Law (Article X) pursuant to General Laws, Chapter 41, Section 81 I.

SECTION 2. Approval of Plat. Before approving a plat under Section 81 F of said Chapter 41, the Planning Board shall consider and may require such provision of street development and utilities as in its opinion will justify the subdivision, and may in its discretion require a bond, with or without sureties, to be furnished to the Town in an appropriate penal sum, conditioned upon proper and reasonable performance of any such requirements.

SECTION 3: No building or structure within the municipal boundaries of Weston shall be connected to any sanitary sewer system in order to discharge wastewater outside the Town of Weston, and no building or structure with an existing connection to such a system shall be enlarged so as to result in an increase in its design flow capacity as defined in 310 CMR 15.203, or changed in use unless such discharge is authorized by vote of the Town, except for such discharges as may be already authorized for traditional educational uses under Sec. 619 of Chapter 151 of the Acts of 1996.

SECTION 4: Upon receipt of any request from any party for authorization by Town Meeting for discharge to a new sewer connection, or enlargement of an existing sewer connection, under Section 3, above, the Board of Selectmen shall forward such request to the Planning Board for hearing, recommendation and report. Following said hearing the Board of Selectmen shall place the request for discharge on the warrant for the next special or annual town meeting.

The Planning Board shall (1) give notice of the date, time and place of a public hearing on the request, the first of two notices being at least two weeks in advance of the hearing date, published in a newspaper of general circulation in the town, (2) specify information that must be available at least two weeks prior to the hearing date, (3) conduct the hearing and (4) make a recommendation and report to the Town Meeting at which such request is to be considered.

(Sections 3 & 4 added effective 10-10-2002)

SECTION 5. Notification of Watercourse Alteration. In a riverine situation, the Conservation Commission or Agent shall notify the following of any request received by the Conservation Commission to alter or relocate a watercourse:

- Adjacent communities
- National Flood Insurance Program (NFIP) State Coordinator
- National Flood Insurance Program (NFIP) Program Specialist

(Section 5 added effective May 12, 2010)

ARTICLE XI

MATERIAL REMOVAL BY-LAW

SECTION 1. The removal of soil, loam, sand or gravel from any land in the Town not in public use is prohibited.

SECTION 2. The preceding section shall not prohibit such removal in any instance where it is expressly allowed by the provisions of Section V, Subsection I.3 of the zoning by-law of the town or in any instance where it is authorized by the Board of Appeals or Planning Board by special permit granted thereunder and is in accordance with the terms of such permit.

SECTION 3. The penalty for violation of this by-law (Article XI) shall be a fine of fifty dollars for the first offense, one hundred dollars for the second offense, and two hundred dollars for each subsequent offense.

ARTICLE XII

EMPLOYEES' VACATIONS

Excepting employees appointed by the school committee, all regular full-time employees of the Town may be granted reasonable vacations with pay in the discretion of the officer or officers appointing or employing such employees, respectively, provided that vacations shall be granted for at least the periods required by any applicable statutes and shall be granted for at least three weeks in each year to employees who have been continuously in the service of the town for ten years or more.

ARTICLE XIII

PARK LAND

Any petition to the General Court for the enactment of legislation relating to the disposition of, or change in the use, care, custody, management, and control of, park land of the Town may be authorized only by a two-thirds vote at an annual or special town meeting.

ARTICLE XIV

FIRE FIGHTER'S INDEMNIFICATION

A majority of the members of a panel as provided for in General Laws, chapter 41, section 100, as amended, shall exercise the powers and perform the duties specified in section 100 with respect to indemnification of fire fighters.

ARTICLE XV

CONSERVATION LAND

SECTION 1. The following restrictions shall be applicable to Town land under the care and management of the Conservation Commission (herein referred to as Conservation Land).

- A. The following activities are prohibited on Conservation Land, unless otherwise permitted in Section 1B:
 - i) Using paintball guns;
 - ii) Swimming;
 - iii) Cutting, breaking, removing, defacing, defiling, or ill-using any building, structure, fence, or sign;
 - iv) Cutting, removing, defacing, or otherwise damaging trees, shrubs, flowers, fungus, grass, or other flora;
 - v) Drinking alcoholic beverages;
 - vi) Disturbing the peace; and
 - vii) Depositing litter, yard waste, garbage, brush, excavated fill or any hazardous waste.
- B. The following activities are prohibited on Conservation Land without a written Use Permit from the Weston Conservation Commission:
 - i) Conducting organized group events or activities;
 - ii) Starting fires;
 - iii) Camping overnight;
 - iv) Operating cars, trucks, motorbikes, snowmobiles, or power tools; and
 - v) Collecting or removing mushrooms, plants, or wood.
 - vi) Cutting or removing trees for firewood or lumber, or tapping trees for their sap.
- C. The following activities are prohibited on Conservation Land except as expressly permitted in Weston's Bow Hunting Regulations, promulgated by the Conservation Commission, as they may exist from time to time:
 - i) Hunting or trapping;
 - ii) Carrying firearms; and

iii) Willfully disturbing or endangering wildlife.

SECTION 2. The Conservation Commission shall hereby be authorized to adopt rules and regulations governing the use of land and waters under its control, which rules and regulations shall address matters including but not limited to the procedure for application and issuance of a Use Permit under Article XV, Section 1(B), which process shall ensure that Conservation Land can be appropriately protected and that such a permit shall not be unreasonably withheld. It is further recognized that dog walking on Conservation Land is regulated by the provisions of Article XX of the By-Laws of the Town of Weston. Notwithstanding any provision of this section to the contrary, however, the Conservation Commission shall continue to have and exercise all authority granted to said Conservation Commission in accordance with the provisions of G.L. c.40, §8C.

SECTION 3. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Article V of the By-Laws of the Town of Weston, in which case any police officer of the Town of Weston, the Conservation Commission, the Conservation Administrator, and such other persons as are authorized by the Commission shall be the enforcing person. If non-criminal disposition is used, the following fine schedule shall be applicable for any violation of this By-Law, or any regulation, order or permit issued hereunder and each day a violation exists shall constitute a separate violation:

- A. First violation: warning
- B. Second violation: \$100
- C. Third violation: \$200
- D. Fourth and subsequent violations: \$300

(Effective 8.10.15)

ARTICLE XVI

(Accumulated Sick Leave)

Officers, Boards and Commissions of the Town, other than the School Committee, are authorized but not required to pay to Town employees other than School Committee employees, upon voluntary or compulsory retirement or upon resignation after twelve (12) years of continuous full-time service and who have accumulated sick leave, as part of their termination pay, fifty (50) per cent of their accumulated sick leave, not to exceed one hundred and five (105) days at the rate of pay being paid to the employee immediately prior to his retirement or resignation.

(Effective 7-24-74.)

ARTICLE XVII

COUNCIL ON AGING

There is hereby established a Council on Aging consisting of from nine to thirteen citizens of the Town, appointed by the Selectmen for terms not to exceed four years for any member. Said terms shall be staggered so that after the initial appointments not more than three appointments shall be made in any calendar year. Members can be reappointed for concurrent terms. The Selectmen shall fill any vacancies occurring in the Council.

The duties of said Council on Aging shall be to:

- 1) identify the total needs of the community's elderly population;
- 2) educate the community and enlist support and participation of all citizens concerning these needs;
- 3) design, promote, or implement services to fill these needs, or coordinate present existing services in the community;.
- 4) Promote and support any other programs which are designed to assist elderly programs in the community.

Said Council on Aging shall cooperate with the Commonwealth of Massachusetts Department of Elder Affairs and shall be cognizant of all state and federal legislation concerning funding, information exchange, and program planning which exists for better community programming for the elderly.

Said Council on Aging shall give an annual report to the Selectmen with a copy of that report directed to the Commonwealth of Massachusetts Department of Elder Affairs.

Said Council may appoint such clerks and other employees as it may require.

(Effective 7-24-74.)

(Effective 11-28-2008)

ARTICLE XVIII

(Operation of Ambulance Service)

The Selectmen shall have the authority to establish and waive rules and regulations governing the operation of any Town ambulance service, which rules and regulations may be concerned with the use of any ambulance, its maintenance, the qualifications and identity of those persons manning the service, the charge (if any) for the use of the service, and other reasonable restrictions and conditions applicable to the service

(Effective 6-27-75.)

ARTICLE XIX

TEMPORARY REPAIRS ON PRIVATE WAYS

SECTION 1. Upon application to the Board of Selectmen by a majority of the abutters on a private way, open to public use within the Town, and in need of repair, the Board of Selectmen may approve the temporary repair and maintenance of such private way. The cost and payment procedures for said repair and maintenance shall be determined by the Town Manager.

(Effective 11-24-03.)

SECTION 2. Before ordering the temporary repairs authorized in Section 1 hereof, the Board of Selectmen shall determine that the public necessity requires the requested repairs in that the safety of the public using the road is endangered or that public services, such as police and fire vehicles and personnel, are being or may be impeded by the condition of the road.

SECTION 3. The temporary repairs so made shall include the filling of potholes, the elimination of road hazards (including drainage), partial resurfacing and the removal of sand from the private way, but shall not include the complete reconstruction of the road.

SECTION 4. No betterments shall be assessed upon any abutter to such a way for such repairs; nor shall the Town be responsible on account of damages to abutting property caused by such repairs. *(Effective 6-25-80.)*

ARTICLE XX

DOG REGULATIONS

SECTION 1. The owner or keeper of a dog that is over six months old shall cause it to be licensed annually. All dogs shall be licensed by April 30 of each calendar year. Failure to do so will result in a fine of \$25 for the owner or keeper of the dog.

SECTION 2. No license shall be granted for any dog, unless the owner or keeper thereof provides a veterinarian's certification that such dog has been vaccinated in accordance with the provisions of M.G.L. Ch. 140, Sec. 145B, or a metal rabies tag bearing an expiration date indicating that such certification is still in effect. An exemption from the provisions of M.G.L. Ch. 140, Sec. 145B may be granted for any dog which has not yet attained the age of six months, any dog which the board of health, for a specified period of time, declared exempt upon presentation of a veterinarian's certificate stating that because of an infirmity, other physical condition or regimen of therapy, that inoculation is thereby deemed inadvisable, or any dog in transit, or dog brought into the town temporarily, for the sole purpose of showing in dog shows or exhibition.

SECTION 3. The owner or keeper of a licensed dog shall cause it to wear around its neck, or body, a collar to which shall be securely attached a tag in a form prescribed by the licensing authority and upon which shall appear the license number, the name of the Town of Weston and the year of issue. If any such tag shall be lost, the owner or keeper of such dog shall forthwith secure a substitute tag from the licensing authority.

SECTION 4. No fee shall be charged for a license for a dog specially trained to lead or serve a blind person; provided, that the Massachusetts commission for the blind certifies that such dog is so trained and actually in the service of a blind person. No fee shall be charged for a license for a dog professionally trained in the hearing dog business to serve a deaf person; provided, that the director at the office of deafness certifies that such dog is so trained and actually in the service of the deaf person.

SECTION 5. No license fee or part thereof shall be refunded because of the subsequent death, loss, neutering, spaying or removal from the Town or other disposal of the dog, nor shall any license fee be recovered after it has been paid to the licensing authority.

SECTION 6. The fees for registering and licensing dogs of all types in the Town shall be established from time to time by vote of the Selectmen. When application is made to license any dog found upon the public ways of the Town not currently licensed, the owner or keeper thereof shall pay a fine of twenty five dollars (\$25.00) to the Town as a condition to obtaining such license.

SECTION 7. Control of Dogs

Number of dogs: With the exception of commercial dog walkers, persons walking more than three dogs shall have all their dogs leashed.

Running at large: No owner or keeper of any dog shall permit such dog to run out of the owner's or keeper's direct control by voice or lead at any time.

Voice control: Unless indicated below, a dog shall be on leash or under effective voice control of its owner or keeper while on Town-owned land. Owners or keepers shall not let their dogs out of their control or sight. When approaching persons, dogs, or horses, those walking dogs shall call their dogs to their side and keep them under control until the persons, dogs, or horses pass. Dogs shall be immediately leashed at the first sign of aggression or unruliness.

- a. Owners or keepers shall carry a leash for each dog under their control and keep each dog on leash when entering and exiting trails.
- b. Public gatherings - Dogs shall always be leashed at public gatherings.
- c. Schools - Dogs shall always be leashed on school grounds and playing fields. Dogs shall not be allowed at all on playing fields that are enclosed by fencing. It shall not constitute a violation of this section if a dog remains unleashed in a vehicle while on school grounds.
- d. Recreation playgrounds and playing fields – Dogs shall be leashed on playgrounds and playing fields during organized activities. Dogs shall not be allowed at all on playing fields that are enclosed by fencing. It shall not constitute a violation of this section if a dog remains unleashed in a vehicle while on recreation grounds.
- e. Agricultural fields - Dogs shall not be allowed on agricultural fields where food is being grown, except to the extent that such fields are owned by the owner or keeper of the dogs.
- f. Cemeteries – Dogs shall not be allowed in any Town-owned cemetery for recreational purposes, but a dog may be permitted in such a cemetery when accompanying its owner or keeper for the purposes of attending a funeral or visiting a grave site. If a dog is permitted in a Town-owned cemetery for an allowable purpose, the dog shall always be leashed.
- g. Restrictions – Custodians of municipal property may restrict dogs from property under their respective jurisdictions following a public hearing by the posting of signs for such purposes.”

The provisions of this Section shall not apply to dogs participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place, nor to any dogs properly trained and under the control of and aiding the deaf or other persons with severe disabilities, nor to any dogs being trained or actually being used for hunting, sporting or obedience purposes, nor to any dogs on private property with the permission of the property owner.

Nothing contained in the foregoing paragraph shall prevent the Selectmen from passing any orders authorized by the Massachusetts General Laws or by Chapter 140, Section 157 thereof at such times as they shall deem necessary to safeguard the public.

SECTION 8. Conduct of Dogs

Endangering safety. No dog keeper or owner shall allow the dog to bite, menace (disturb), chase or threaten, all without provocation, so as to endanger the safety of any person. This section is not meant to preclude a dog from acting as a watchdog on its owner or keeper's property.

No dog owner or keeper shall allow the dog to worry, kill, maim or otherwise injure any domesticated or farm animals.

Disturbing the peace. No dog keeper or owner shall allow the dog to disturb the peace by making excessive noise without provocation. For purposes of this section, noise shall be considered excessive if it constitutes uninterrupted barking, yelping, whining, or howling for a period of time exceeding 15 minutes. This section is not meant to preclude a dog from acting as a watchdog on its owner or keeper's property.

Damaging property. No dog keeper or owner shall allow the dog to damage public or private property.

Dog litter. Every dog keeper or owner is responsible for expeditiously removing any dog feces the dog deposits anywhere except on its owner's private property, or on other private property with the property owner's permission. Any owner or keeper walking a dog off the owner's property is required to have the means for removing any dog feces left by such dog and must properly dispose of such waste. This provision does not apply to any assistance dog while it is performing its duties.

SECTION 9. Commercial Dog Walkers

9.1 Except in accordance with an annual permit issued by the Board of Selectmen, or its designee, no person shall act as a commercial dog walker in the Town. For purposes of this section, a commercial dog walker shall mean a person engaged in the business of exercising or handling dogs owned by another using public land, and who receives compensation for this work. Provided, however, that this definition shall exclude elementary, middle, high school and college students providing dog walking services for a fee, but such persons shall be prohibited from exercising or handling simultaneously more than two dogs. The permit issued under the authority of this section shall be non-transferable and the fee therefor shall be non-refundable. The fee for such permit shall be established by the Board of Selectmen.

9.2 The permit issued under this section shall be comprised of two parts, a permit which the commercial dog walker shall carry upon his or her person, and a placard that shall be displayed in the commercial dog walker's vehicle. The permit shall include thereon a photograph of the commercial dog walker, and shall state the number of dogs that the commercial dog walker is licensed to walk at any one time, provided, however, that such number shall not exceed five dogs. Permits shall not be granted under this section unless the commercial dog walker: (1) agrees that he/she shall indemnify and hold harmless the Town of Weston from any and all loss, liability, damage or cost incurred related to the permit holder's activities or the activities of dogs under his/her care; and (2) provides evidence of commercial general liability insurance coverage in limits established by the Town, naming the Town as an additional insured. No more than three commercial dog walkers may be licensed for any one dog walking business.

9.3 In addition to any conditions imposed by the Board of Selectmen for use of a commercial dog walker permit, the following conditions shall apply:

- a. All dog waste shall be cleaned up and properly disposed of.
- b. All dogs walked shall wear a current license and rabies tag. If the dog is too young to be licensed, the commercial dog walker shall provide, at the request of an enforcing authority, proof of vaccinations.

- c. The commercial dog walker shall carry one leash for each dog being walked. Each coupler leash used by an owner or walker shall count as multiple leashes based on the number of clips attached to the dog collars.
- d. All requirements of Section 7 shall apply to commercial dog walkers.

9.4 Penalties for non-compliance:

- a. This By-law may be enforced as provided in Article V, Sections 1 and 2 of the General By-laws, including non-criminal disposition. For purposes of non-criminal disposition, the Board of Selectmen or its designee, the Animal Control Officer and any police officer of the Town shall constitute an “enforcing authority.”
- b. The Board of Selectmen, or its designee, may for cause suspend for a period of time or revoke a permit issued under this section following a hearing.

(Effective: 8-30-98)
(Amended May 18, 2009)

ARTICLE XXI

BURGLAR ALARMS

SECTION 1. All burglar alarms installed or present in the Town are dependent for their primary effectiveness upon notification to and response by the Police Department shall be subject to rules and regulations adopted by the Board of Selectmen after public hearing, which rules and regulations shall set out the standards for the installation, maintenance and repair of such alarms, the administration by the Police Department of the installations and responses to the alarms, the procedures and penalties for dealing with misuse of the alarms and such other matters as are deemed reasonable and appropriate by the Board of Selectmen to the establishment and maintenance of effective systems within the Town.

SECTION 2. The Chief of Police of the Town and persons designated by him shall be charged with the administration of the rules and regulations so adopted.

SECTION 3. Such rules and regulations may be amended at any meeting, but after public hearing, by majority vote of the Board of Selectmen.

SECTION 4. The charges and conditions for original installation and/or connection and subsequent reinstallation and/or reconnection of an alarm shall be as set out in the rules and regulations.

SECTION 5. The penalty for violation of this article of the by-laws shall be FIFTY (\$50.00) DOLLARS. Each day during which such violation continues shall constitute a separate offense.

(Effective April 8, 1982.)

ARTICLE XXII

PERMANENT BUILDING COMMITTEE

Section 1: Purpose

The purpose of this bylaw is to provide a Permanent Building Committee having continuing responsibility for the execution of major construction and maintenance projects for the Town and for the development of a capital spending plan. Working with the Board of Selectmen, School Committee, Historical Commission, Planning Board, and other Town committees and boards which propose building and renovation projects, the Permanent Building Committee establishes general criteria for Town building projects and guidelines for communication regarding these projects between and among interested committees and the public.

Section 2: Establishment

There is hereby established a Permanent Building Committee, which shall oversee and supervise the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town buildings, including School Department buildings and municipal buildings, and including any significant installation, renovation or upgrade of service equipment and major systems as provided in this bylaw.

Section 3: Definitions

For purposes of this Bylaw, the following definitions shall apply:

- 1) “Major maintenance” shall not include routine maintenance and upkeep of a building or other structure, or its service equipment, which is performed on a regular basis and shall include projects that are capital in nature, that is, having a useful life of five or more years and an estimated cost of more than \$25,000, or such other amount as may be established from time to time by the Town Manager subject to approval by the Board of Selectmen and School Committee, in writing addressed to the Committee.
- 2) “Construction” and “Demolition” shall include excavation, filling and grading of the building or project site.
- 3) “Service equipment and major systems” shall include boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It shall not include information system technology (computers and computer systems).
- 4) “Design” includes selection of architects and consultants as needed in compliance with applicable provisions of the General Laws.
- 5) “Municipal” shall refer to public buildings that are not under the jurisdiction of the School Department.
- 6) “Proposing Body” means the Town of Weston appointed or elected board or committee sponsoring or requesting a construction or major maintenance project, or in the case of major maintenance initiated by the Permanent Building Committee itself, the board or committee whose facility would be the recipient thereof. The Proposing Body is responsible for:

- a) Determination of the program for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility's availability, and overall effect on the Town.
- b) Performance of feasibility studies and determination of the estimated size and cost requirements of the project.
- c) Determination of the estimated requirements for equipment and furnishings.
- d) Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction takes place.
- e) Approval of any design change or budget reprioritization having a material impact, as determined by the Proposing Body, on the programmatic design, transitional building plans, or outcome of the project.

Section 4: Membership

- 1) Regular Members. The Permanent Building Committee shall consist of five (5) regular voting members, all serving without compensation. The composition of the Committee shall include, to the extent possible, one registered architect, one licensed engineer, one licensed builder and one attorney. All regular members shall be residents of the Town of Weston. All regular members shall be appointed by the Board of Selectmen and School Committee acting jointly in accordance with the following procedures:
 - a) An advertisement shall be published in a newspaper having local circulation and on the Town's website inviting interested residents to submit letters of interest, including a resume setting out their professional credentials and relevant experience. The newspaper advertisement shall be published at least once not less than two weeks prior to the deadline stated therein for submission of responses stated. The website notice shall be posted and remain posted for at least two weeks prior to the deadline for submission. Letters of interest shall be submitted to the office of the Town Manager.
 - b) Interviews of candidates shall be conducted in an open meeting of the Board of Selectmen and School Committee convened in joint session.
 - c) Appointment shall be made by majority vote of the combined membership of the Board of Selectmen and School Committee.
- 2) Temporary Members. For each municipal project, a temporary member who is a member or representative of the Proposing Body shall be appointed by the Board of Selectmen. For each school project, a temporary member shall be a School Committee member or designee. Temporary members shall have the right to vote on the activities of the Permanent Building Committee only with respect to the particular project for which such member was appointed.
- 3) Ex Officio Members. For each project, the Permanent Building Committee may appoint staff or other Town residents with particular expertise to advise the Committee related to that project. The Permanent Building Committee may also request the designation of Town staff with similar expertise to serve in an advisory capacity for a particular project. Any such request shall be made to the Town Manager for Town employees other than School Department personnel, and to the Superintendent for School

Department personnel. The Town Manager and Superintendent shall determine the appropriate staff member in each case. Ex Officio members shall have no voting authority.

4) Term of Appointment.

- a) Regular members shall be appointed for a three (3) year term. In making the original appointments under this bylaw, the appointing authority shall designate two regular members to serve for three years, two regular members to serve for two years and one regular member to serve for one year. Thereafter, vacancies shall be filled for a three year term. Upon expiration of a term, members shall continue to serve until a successor has been appointed and qualified.
- b) Temporary members shall be appointed to the Committee for the period of time during which the Committee is exercising its functions with respect to the project for which the original appointment was made.

Section 5: Powers and Duties of the Committee

In carrying out its duties and responsibilities under this Bylaw, the Committee shall:

- 1) Oversee and supervise the design and construction of all projects within its jurisdiction, including the designer selection process for the solicitation, evaluation and recommendation of a project designer, schematic design, design development, production of construction documents, public construction bidding, contract award recommendation and construction administration in compliance with the General Laws. All projects shall be developed in a manner consistent with the project goals and physical requirements established by the Proposing Body and the applicable provisions of the General Laws. All solicitations for designer services and invitations for bids for construction shall be coordinated with the Town Manager, acting as the Chief Procurement Officer, to assure compliance with the applicable provisions of the General Laws. The Town Manager shall award and execute all designer services contracts and construction contracts.
- 2) Coordinate with other Town boards and committees:
 - a. In consultation with the Planning Board, oversee site planning for new construction and additions; such planning to include building location, roadways, parking, lighting, and general landscape design concepts.
 - b. In consultation with the Public Spaces Committee, oversee plant selection, cost, and installation of landscaping for new, enlarged, or renovated building projects within its jurisdiction.
 - c. In consultation with the Historical Commission, oversee enlargement, remodeling and/or restoration of Town-owned historic buildings to insure that work is done in compliance with the Secretary of the Interior's Standards and Guidelines for Historic Preservation.
- 3) Review and report the financial requirements of all projects within its jurisdiction, or for which it may become responsible, and oversee the expenditure of funds in the course of execution of such projects.

- 4) Conduct periodic review and audit of the physical condition of all municipal and school buildings, including service equipment and major systems.
- 5) Develop a rolling 10-year capital property management plan for the major maintenance, construction, enlargement, or replacement of all municipal and school buildings, including service equipment and major systems.
- 6) On or about November 15 of each calendar year, prepare and present to the Board of Selectmen and to the School Committee a recommendation of major construction and/or maintenance project(s) to be undertaken by the Town in the ensuing fiscal year.
- 7) Make an annual report of its activities and recommendations to be published in the Annual Town Report.
- 8) The Committee shall act by majority of the regular membership except for those projects for which a temporary member has been appointed, in which case, action on such project shall be by a majority of the regular membership plus the temporary member.
- 9) The Committee shall, subject to agreement by the Proposing Body, waive its duties and responsibilities and relinquish them to the Proposing Body in connection with projects for which design funding had been approved at Town Meeting prior to the adoption of this Bylaw.
- 10) The Committee may, subject to agreement by the Proposing Body, waive its duties and responsibilities with respect to any project for which it would otherwise be responsible and relinquish them to the Proposing Body.

Section 6: Policies and Procedures

- 1) The Committee shall adopt local designer selection procedures consistent with the requirements of G. L. c. 7, §38A½ - 38O.
- 2) The Committee shall in consultation with the Board of Selectmen and School Committee adopt and make available to all boards, officers, and officials policies and procedures implementing the provisions of this Article. Said policies and procedures shall address at least the following subjects:
 - a) Financial requirements and notification for each project within its jurisdiction, including the time period(s) within which information must be available for presentation to the voters at Town Meeting, if necessary.
 - b) General criteria the Committee will use in reviewing project designs, including but not limited to “green” considerations such as energy conservation.
 - c) Guidelines to be utilized by Proposing Bodies in developing the structure and content of project documentation to be utilized by the Committee in carrying out its responsibilities under this Bylaw.
 - d) Guidelines for the review and discussion of project progress with the Proposing Body during the design and construction thereof.

- e) Guidelines for communication with Town boards and committees, including the Finance Committee, in connection with the Committee's periodic review and audit of building facilities.
 - f) Guidelines for presentation of projects at Town Meeting, including designation of responsibilities as between the Committee and the Proposing Body.
- 3) Staff support for the Committee shall be provided by the Director of Facilities.

(Effective 5/8/2006)

ARTICLE XXIII

SCENIC ROADS BY-LAW

Section I: Purpose

The purpose of this By-Law is to maintain the scenic beauty, aesthetic value, and historic significance of certain roads in the Town of Weston by designating them as "Scenic Roads." For a road that has been designated a Scenic Road, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting down or removal of significant trees, or the tearing down, burial, relocation, or destruction of stone walls, or portions thereof, except with the prior written consent of the Planning Board.

Section II: Authority

The enactment of this By-Law is authorized by Massachusetts General Laws Chapter 40, section 15C.

Section III: Definitions

In the absence of any contrary meaning established through legislation or judicial action in regard to G.L. c. 40, §15C, the following terms contained in said statute and used in this By-Law shall mean and be construed as follows:

- 3.1 Cutting or Removal of Trees: cutting through or removing any of the following:
- (a) one or more tree trunks having a diameter of nine (9) inches or more measured four feet above the ground, or
 - (b) two or more tree trunks having a diameter of six (6) inches or more measured four feet above the ground, or
 - (c) seven or more limbs or roots of more than four (4) inch diameter where cut, on a single tree.
- 3.2 Repair, Maintenance, Reconstruction or Paving Work: any such work done within the right-of-way by any person or agency, public or private, including roadway widening and or construction of a new private driveway within the right-of-way, but not including utility work in trees not affecting the road itself.
- 3.3 Road: Any road in Weston, including a public road, private road, or paper road, other than a state highway or a numbered route, unless the entire length is of the numbered route is contained within the boundaries of Weston and no part of the numbered route is owned or maintained by the Commonwealth.
- 3.4 Scenic Road: Any eligible road or portion of a road designated as a Scenic Road by vote of Town Meeting pursuant to this By-Law. The boundary of a Scenic Road shall be the right-

of-way line of such road, and shall include anything touching or located on the right-of-way line.

- 3.5 Significant Tree: Any woody plant with a trunk circumference of six feet or more as measured twenty-four inches above the ground.
- 3.6 Stone Wall: Any structure of natural stones, cut or uncut, built to order, enclose, divide, or define an area, regardless of the condition of that structure.

Section IV: Designation of a Scenic Road

- 4.1 Considerations for Scenic Road Designation: In determining which roads or portions of roads should be recommended for designation as Scenic Roads, the following criteria shall be considered:
 - a) overall scenic beauty;
 - b) overarching tree canopy and other contribution of vegetation to scenic beauty;
 - c) contribution of stone walls, fences, narrow shoulders, and other elements, natural or man-made, to scenic beauty;
 - d) age and historic significance of way, trees and stone walls, including preservation of historic way width grade, and alignment;
 - e) potential for lessening of scenic beauty, aesthetic value, or historical significance of natural and man-made features by alteration.
- 4.2 Procedure for Designation of a Scenic Road: Upon recommendation or request of the Planning Board, Conservation Commission, or Historical Commission, any road shall, upon vote of a majority of the voters present and voting at any annual or special Town Meeting, become a Scenic Road subject to the provisions hereof.

Section V: Procedure for Actions Affecting Scenic Road Stone Walls or Trees

- 5.1 Actions requiring Prior Written Approval: Any repair, maintenance, reconstruction, or paving work to be done within the Scenic Road Boundary that will involve or include (i) cutting down or removing significant trees or (ii) tearing down, burial, relocation, or destruction of stone walls or portions thereof shall require prior written approval of the Planning Board after a public hearing.
- 5.2 Actions Which Do Not Require Prior Written Approval:
 - a) Emergency Work: In the event that emergency conditions require that work otherwise requiring Planning Board approval must proceed before such approval can be obtained, the work may proceed to the extent which is deemed necessary to protect public health and safety. The work shall be reported to the Planning Board within twenty-four hours of the emergency condition.
 - b) Repair of a stone wall using natural stones and of similar appearance to the original wall does not require approval hereunder.
- 5.3 Determination of Scenic Road Boundary: When a dispute as to the boundary of a Scenic Road arises, it will be presumed that the tree or stone wall in question is within the boundary until the contrary is shown by an applicant hereunder to the satisfaction of the Planning Board.
- 5.4 Filing: Any person, organization, state or municipal agency, utility or any other party that desires to undertake any action that requires prior approval pursuant to Section 5.1 hereof shall file an application with the Planning Board.
- 5.5 Public Hearing: The Planning Board shall schedule a public hearing as soon as is feasible after the Planning Board receives an application. The Planning Board shall give notice of its public hearing by advertising twice in a newspaper of general circulation in Weston, as

to time, date, place and purpose, the last publication to occur at least seven days prior to such hearing. Such hearing shall be consolidated with any hearing required under M.G.L. Chapter 87, Section 3 whenever so required.

- 5.6 Considerations for Planning Board Decision: In making a decision with respect to any written request made hereunder, the Planning Board shall consider the following: preservation of natural resources; environmental issues; historical values; scenic and aesthetic characteristics; public safety; existence or absence of reasonable alternatives (including a no-build alternative); consistency with articulated town policies; other sound planning considerations.
- 5.7 Decision of the Planning Board: The Planning Board shall make a determination with respect to a written request within fourteen days after the close of the public hearing. Failure of the Planning Board to make its decision and file it with the Town Clerk within the time allotted shall be construed as approval of the request.
- 5.8 Additional Rules and Regulations: The Planning Board may adopt more detailed regulations for carrying out its duties under this By-Law.

The following roads upon recommendation of the Planning Board, are to be designated as Scenic Roads, pursuant to Massachusetts General Laws, Chapter 40, Section 15C, and Article XXIII of the General By-Laws of the Town:

- | | |
|---|-------------------------------------|
| 1. Ash Street north of reservoir bridge | 19. Merriam Street |
| 2. Boston Post Road | 20. Newton Street |
| 3. Brown Street | 21. North Avenue |
| 4. Chestnut Street | 22. Oak Street |
| 5. Church Street | 23. Pigeon Hill Road |
| 6. Conant Road | 24. Pine Street |
| 7. Concord Road | 25. Ridgeway Road |
| 8. Crescent Street | 26. Ripley Lane |
| 9. Fiske Lane | 27. School Street |
| 10. Glen Road | 28. Silver Hill Road |
| 11. Highland Street | 29. South Avnue |
| 12. Hilltop Road | 30. Sudbury Road |
| 13. Kingsbury Lane | 31. Summer Street including By-Pass |
| 14. Lexington Street | 32. Viles Street |
| 15. Lincoln Street | 33. Ware Street |
| 16. Loring Road | 34. Webster Road |
| 17. Love Lane | 35. Wellesley Street |
| 18. Maple Road | 36. Winter Street |

*(Effective 10/26/89 - amended
effective 8-30-98 and 10/10/2002)
(amended effective May, 18, 2009)
(amended effective April 10, 2015)*

ARTICLE XXIV

CRESCENT STREET HISTORIC DISTRICT

SECTION 1. This By-Law shall be known and may be cited as the Crescent Street Historic District By-Law and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended, hereinafter the Historic Districts Act.

SECTION 2. Purpose.

The purpose of this By-Law is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Commonwealth and the Town of Weston or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

SECTION 3. Historic District Boundaries.

There is hereby established under the Historic Districts Act an historic district to be known as the Crescent Street Historic District (the "District"), comprised of land shown on the Atlas of the Town of Weston as parcels 23-57, 23-58-01, 23-58-20, 28-13, 28-14, 28-15, 28-16, 28-17, 28-18, 28-19, 28-20, and 28-21, which District's location and boundaries are shown on a map entitled "Crescent Street Historic District Map, Weston, Massachusetts, April 1993" attached to and made a part of this By-Law.

SECTION 4. Historic District Commission Membership.

There is hereby established under the Historic Districts Act with all the powers and duties of an historic district commission under such statute, a Crescent Street Historic District Commission, consisting of five members to be appointed by the Board of Selectmen in accordance with the provisions of such statute. The appointments to membership in the commission shall be so arranged that the term of at least one member will expire each year, and their successors shall be appointed in the same manner as the original appointment for terms of three years. Vacancies shall be filled in the same manner as the original appointment for the unexpired term. All members shall serve without compensation. The Commission shall elect annually a chairman and vice-chairman from its own number and a secretary from within or without its number. Three members of the Commission shall constitute a quorum.

SECTION 5. Definitions.

altered: includes the words "rebuilt," "reconstructed," "restored," "removed" and "demolished";

building: a combination of materials forming a shelter for persons, animals or property;

certificate: certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship as set forth in the Historic Districts Act and in this By-Law;

Commission: the commission acting as the historic district commission;

constructed: includes the words "built, erected, installed, enlarged and moved";

exterior architectural feature: such portion of the exterior of a building or structure as is open to view from Crescent Street, including but not limited to the architectural style and general arrangement and setting thereof, the kind, and texture of exterior building materials and the type and style of windows, doors, lights, signs and other appurtenant exterior fixtures; and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street and to other buildings and structures;

Historic Districts Act: Massachusetts General Laws, Chapter 40C, as amended;

person aggrieved: the applicant, an owner of adjoining property, an owner of property within the district as that is within one hundred feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts;

structure: means a combination of materials other than a building, including a sign, fence, wall, terrace, walk or driveway.

SECTION 6. Alterations and Construction Prohibited Without Certificate.

No building or structure within the District shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship with respect to such construction or alteration.

No building permit for construction of a building or structure or alteration of an exterior architectural feature within the District and no demolition permit for demolition or removal of a building or structure within the District shall be issued by the Inspector of Buildings until the Certificate required by this section has been issued by the Commission.

SECTION 7. Procedure for Review of Applications.

(a) Any person who desires to obtain a certificate from the Commission shall file an application for a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship. The application shall be filed in such manner and shall be accompanied by such plans, materials and their information as may reasonably be required by the Commission as set forth in its rules and regulations.

(b) A filing fee shall be included with all applications (except applications for a certificate of non-applicability), to be computed as follows: Twenty (\$20.00) dollars or 1/10 of one percent (1%) of the cost of the proposed exterior renovations, whichever is higher.

(c) The Commission shall determine within fourteen (14) days of the filing of a completed application whether such application involves any exterior architectural feature that is within the jurisdiction of the Commission. If the Commission determines that an application does not involve any exterior architectural feature or involves an exterior architectural feature that is not subject to review by the Commission under this Article, the Commission shall issue a certificate of non-applicability.

(d) If the Commission determines that an application does involve an exterior architectural feature subject to review hereunder, it shall hold a public hearing on the application, except as otherwise provided hereunder. The Commission shall hold such public hearing within thirty (30) days from the date of the filing of the completed application. At least fourteen (14) days prior to the public hearing, the Commission shall give public notice of the date, time, place and purpose of the public hearing by posting it in Town Hall and in a newspaper of general circulation in Weston.

A copy of said notice shall be mailed to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Weston Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice.

Within forty-five (45) days after the filing of the completed application, or within such further time as the applicant may allow in writing, the Commission shall make a determination on the application. If the Commission shall fail to make a determination within such period of time, the Commission shall thereupon issue a certificate of hardship.

A public hearing on an application may be waived if all persons entitled to notice hereunder agree to such waiving in writing, or a public hearing on an application may be waived by the Commission if the Commission determines that the exterior architectural feature involved is so insubstantial in its effect on the District that it may be reviewed by the Commission without public hearing on the application, provided, however, that if the Commission dispenses with a public hearing on an application, notice of the application and the waiver of the public hearing shall be given to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as above provided and ten (10) days shall elapse after the mailing of such notice before the Commission may act upon such application.

SECTION 8. Factors to be Considered by the Commission.

In acting upon applications for a certificate of appropriateness, applicability or hardship, and in any matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture and material of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. The Commission shall also consider any existing Deed Restrictions or other restrictive covenants and their effect on sites, buildings and structures within the district.

In the case of new construction or additions to existing buildings or structures the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the buildings or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases impose dimensional and setback requirements in addition to those required by the Weston Zoning By-Law.

When ruling on applications for certificates of appropriateness for solar energy systems, as defined in Section 1A of M.G.L. c.40A, the Commission shall also consider the policy of the Commonwealth to encourage the use of solar energy systems and to protect solar access.

SECTION 9. Limitation and Exceptions.

- (a) The Commission shall not consider interior arrangements or architectural features not subject to view from Crescent Street.
- (b) The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the district.
- (c) The authority of the Commission shall not extend to review of one or more of the following categories of buildings or structures or exterior architectural features in the district:
 - (i) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify;
 - (ii) Terraces, walks, driveways and similar structures, or any one or more of them, provided that any structure is substantially at grade level;
 - (iii) Storm doors and windows, screens and window air conditioners;
 - (iv) Exterior colors, including the color of paint and the color of materials used on roofs;
 - (v) Signs of not more than one square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one such sign is displayed in connection with each residence and, if illuminated, is illuminated only indirectly; and one sign in connection with the nonresidential use of each building or structure, which is not more than twelve square feet in area, consisting of letters painted on wood without symbol or trademark and, if illuminated, is illuminated only indirectly; or either of them.

- (vi) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.
- (d) The Commission may determine from time to time after public hearing that certain other categories of exterior architectural features, structures or signs in addition to any of those enumerated in this Section, may be constructed or altered without review by the Commission without causing substantial derogation from the intent and purposes of this Article.
- (e) Nothing in this By-Law shall be construed to prevent the ordinary maintenance, repair or replacement of any exterior architectural feature within the district, which does not involve a change in design, material, or the outward appearance thereof, nor to prevent landscaping with plants, trees or shrubs, nor construed to prevent the meeting of requirements certified by a duly authorized public officer to be necessary for public safety because of unsafe or dangerous condition, nor construed to prevent any construction or alteration under a permit duly issued prior to the effective date of this By-Law.

SECTION 10. Issuance of Certificate of Appropriateness; Certificate of Non-Applicability; Certificate of Hardship.

- (a) Certificate of Appropriateness. If the Commission determines that the construction or alteration for which an application for a certificate of appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the district, the Commission shall cause a certificate of appropriateness to be issued to the applicant.

In the case of a disapproval of an application for a certificate of appropriateness, the Commission shall place upon its records the reasons for such determination, and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefor as set forth in the records of the Commission, to be issued to the applicant, and the Commission may make recommendations to the applicant with respect to appropriateness of design, arrangement, texture, material and similar features. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the application acceptable to the Commission. If within fourteen days of the receipt of such a notice the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall cause a certificate of appropriateness to be issued to the applicant.

- (b) Certificate of Non-Applicability. The Commission shall issue a certificate of non-applicability to an applicant in any case where the Commission determines that the construction or alteration under review does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission in accordance with this By-Law.

An applicant can apply for a certificate of non-applicability or the Commission can issue such a certificate of non-applicability in the event of an application for a certificate of appropriateness.

- (c) Certificate of Hardship. The Commission may issue a certificate of hardship in a case where the Commission determines that owing to conditions especially affecting the building or structure involved but not affecting the District generally, failure to approve an application will involve a substantial hardship, financial or otherwise, to the applicant and approval thereof may be made without substantial detriment to the public welfare and without substantial derogation from the intent and purposes of this By-Law.

An applicant can apply for a certificate of hardship or the Commission can issue such a certificate of hardship in the event that it determines that the construction or alteration for which a certificate of appropriateness has been filed is inappropriate and the other conditions for a certificate of hardship set forth herein have been met.

The Commission shall also issue a certificate of hardship in the event the Commission fails to make a determination of an application within the time specified in this By-Law.

SECTION 11. Other Power and Duties of the Commission.

- (a) Each certificate issued by the Commission shall be dated and signed by its chairman, vice-chairman, secretary or such other persons designated by the Commission to sign such certificate on its behalf.
- (b) The Commission shall keep a permanent record of its resolutions, transactions, and determinations and of the vote of each member participating therein, and may adopt and amend such rules and regulations not inconsistent with the provisions of this Article and the Historic Districts Act, and prescribe such forms as it shall deem desirable and necessary for the regulation of its affairs and the conduct of its business. The Commission shall file a copy of any such rules and regulations with the Town Clerk.
- (c) The Commission shall file with the Town Clerk and with the Inspector of Buildings a copy or notice of all certificates and determinations of disapproval issued by it.
- (d) The Commission may, after public hearings, set forth in such manner as it may determine the various designs of certain appurtenances, such as light fixtures, which will meet the requirements of the District and a roster of roofing materials, which will meet the requirements of the District, but no such determination shall limit the right of an applicant to present other designs to the Commission for its approval.
- (e) The Commission may, subject to appropriation, employ clerical and technical assistants or consultants and incur other expenses appropriate to the carrying on of its work. The Commission may receive and accept appropriations, grants and gifts for furthering the purposes of this By-Law and may expend the same for such purposes.
- (f) Meetings of the Commission shall be held at the call of the chairman and shall be called at the request of two members of the Commission and in such other manner as the Commission shall determine in its rules. A majority of the members of the Commission shall constitute a quorum. The concurring vote of a majority of the members of the Commission shall be necessary to issue a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship.

SECTION 12. Severability.

In case any section, paragraph or part of the By-Law be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

SECTION 13. Appeals to and Enforcement by the Superior Court.

All appeals from any determination of the Commission shall be to the Massachusetts Superior Court. Any person aggrieved by a determination of the Commission may, within twenty (20) days after the filing of the notice of such determination with the Town Clerk, appeal to the Superior Court of Middlesex County, in accordance with the provisions of the Historic Districts Act.

Whoever violates any of the provisions of this By-Law shall be punished by a fine of not less than ten (\$10.00) dollars nor more than five hundred (\$500.00) dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.

(Effective: 9/23/93)

ARTICLE XXV

DOOR-TO-DOOR SOLICITATION

Section 1. Purpose.

This By-Law, adopted pursuant to G.L. c. 43B, Section 13 and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts, establishes registration requirements for all persons intending to engage in door-to-door canvassing or solicitation in the Town of Weston in order to (1) protect its citizenry from disruption of the peaceful enjoyment of their residences and from the perpetration of fraud or other crimes; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate either commercial or non-commercial messages.

Section 2. Registration.

Every person or organization intending to engage in soliciting or canvassing door-to-door in the Town of Weston must register with the Police Department at least 3 days in advance by filing a registration application form with the Chief of Police.

Section 3. Registration Cards.

- a) The Police Chief shall furnish each person engaged in solicitation or canvassing with a registration card which shall contain identifying information as required by the Police Chief.
- b) Persons engaged in solicitation or canvassing must carry the registration card at all times and present the card to any person solicited or upon request of any police officer.
- c) Registration cards are valid only for the specific dates or time period specified thereon and in no case for longer than 90 days.
- d) The Police Chief shall refuse to register an organization or individual whose registration has been revoked for violation of this By-Law within the previous two-year period, or who has been convicted of any crime affecting personal safety.

Section 4. Exceptions.

- a) Registration shall not be required for officers or employees of the Town, county, state or federal governments when on official business.
- b) Individual registration shall not be required for minors under the age of 18 except in connection with for-profit, commercial activity.

Section 5. Duties of Solicitors.

- a) Any solicitor or canvasser who has entered any premises shall immediately, and peacefully, depart from the premises when requested to do so by the occupant.
- b) Immediately upon entering any premises, the solicitor or canvasser must do the following:
 - i) Present his registration card for inspection by the occupant.
 - ii) Request that the occupant read the registration card.
 - iii) Inform the occupant in clear language of the nature and purpose of his business and, if he is representing an organization, the name and nature of that organization.
- c) It shall be the duty of every organization employing solicitors or canvassers to notify the Police Department daily as to the area(s) of the Town in which they will be operating.

Section 6. Penalty.

- a) Any person or organization violating any of the provisions of this By-Law shall be subject to a fine of \$20.00 for each offense.

- b) Any person or organization who violated any provision of this By-Law, or who knowingly provides false information on the registration application, shall have his, her or its registration revoked by the Chief of Police by written notice delivered to the holder of the registration in person, or sent to the holder by certified mail at the address set forth in the application.

Section 7. Appeals.

Any person or organization who is denied registration or whose registration has been revoked may appeal by filing a written notice of appeal with the Board of Selectmen. Such appeal must be filed within 10 days after receipt of the notice of denial or revocation. The Board of Selectmen shall hear and determine the appeal within 30 days after the filing of the written notice of appeal.

Section 8. Severability.

Invalidity of any individual provision of this By-Law shall not affect the validity of the By-Law as a whole.
(Effective: 9/23/93)

ARTICLE XXVI DEMOLITION DELAY

Intent and purpose: The Demolition Delay by-law is enacted for the purpose of preserving and protecting significant buildings within the Town of Weston which are outside Local Historic Districts. Such buildings reflect distinctive features of the architectural, cultural, economic, political or social history of the Town, and their preservation promotes the public welfare by making the Town a more attractive and desirable place to live and work.

The intent of the by-law is not to permanently prevent demolition, but rather, to provide an opportunity to develop preservation solutions for properties threatened with demolition. The by-law is intended to encourage owners and townspeople to seek out persons who might be willing to purchase, preserve, rehabilitate or restore such buildings rather than demolish them, and to limit the detrimental effect of demolition on the historical architectural resources of the Town. To achieve these purposes, the Weston Historical Commission ("the Commission") is empowered to advise the Building Inspector with respect to the issuance of permits for demolition of significant buildings, and, where appropriate and consistent with the intent and purpose of this by-law, to allow demolition under conditions designed to minimize the loss of distinctive features of significant buildings.

Definitions:

- I. "Building" - any combination of materials forming a shelter for persons, animals, or property.
- II. "Demolition" – any act of pulling down, destroying, removing, razing or moving a building or any portion thereof, or commencing the work of moving or of total or substantial destruction of a building or portion thereof, with the intent of completing the same;
- III. "Significant Building" – any building or portion thereof which in whole or in part was constructed by 1945, or is of unknown age, and which meets one or more of the following three criteria:
 - A. is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or

B. is included within a “significant area” or “further study area” inventoried or outlined by the Commission in the 1993-1994 Historical Resources Survey; or

C. is documented on a Cultural Resources Inventory form prepared by the Commission;

and, in addition, is determined by vote of the Commission to be of historical or architectural significance by reason of period, style, method or building construction, or by reason of its association with a particular architect, or a builder, or with a person or event of importance to the Town’s history:

IV. “Commission” - the Weston Historical Commission.

V. “Business Day” - any day which is not a legal municipal holiday, Saturday or Sunday.

Procedure

I. No demolition of a building, or any portion of a building, which was in existence as of January 1, 1945 or which is of an indeterminate age, shall be permitted except in conformity with the provisions of this by-law.

II. Upon receipt of an application for a demolition permit for any building, or portion thereof, which was in existence as of January 1, 1945 or which is of indeterminate age, the Building Inspector shall forward a copy thereof to the Commission within five (5) business days, and shall notify the applicant in writing of this action. No demolition permit shall be issued at that time.

III. Within twenty-one (21) business days of its receipt of a copy of an application for a demolition permit, the Commission shall make an Initial Determination as to the significance of the subject building. The Initial Determination shall be positive if the building, or a portion thereof, meets one or more of criteria (a) through (d) of the above definition of “Significant Building.” Otherwise, the Initial Determination shall be in the negative. The Commission shall notify the applicant of the meeting at which it intends to make its Initial Determination at least seven (7) days in advance of said meeting, and the applicant shall be given an opportunity to make a presentation to the Commission.

IV. The Commission shall notify the Building Inspector and the applicant in writing within ten (10) business days of its Initial Determination. If the Initial Determination is in the negative, or if the Commission fails to notify the Building Inspector of its Initial Determination within the said ten (10) business days, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable law, by-laws, rules and regulations, issue a demolition permit.

V. If the Commission’s Initial Determination is positive, the Commission shall, within thirty (30) days of its Determination, conduct a public hearing to determine whether the Significant Building is preferably preserved; the Commission shall give public notice of said hearing by publishing notice of the time, place, and purpose of the hearing in a newspaper of general circulation in the Town twice, the first notice to be published at least fourteen (14) days before the hearing and the second notice no more than seven (7) days before the hearing, and by mailing a copy of said notice to the applicant, to the owner of the premises on which the Significant Building is located (if other than the applicant) to the owners of all property within three hundred feet of the premises on which the Significant Building is located as appearing on the most recent tax list, and to such other persons as the Commission shall deem entitled to notice.

VI. If, after a public hearing, the Commission determines that demolition of the Significant Building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the applicant, the owner, if other than the

applicant, and the Building Inspector, in writing, within ten (10) business days of such determination. Upon receipt of such notice, or upon the expiration of ten (10) business days from the date of the close of the Commission's public hearing, without having received any notification from the Commission, the Building Inspector may, subject to the requirements of the State Building Code and any other applicable laws, by-laws, rules and regulations, issue a demolition permit for the subject building.

- VII. If, after the public hearing, the Commission determines that demolition of the Significant Building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered to be a preferably preserved building, and the Commission shall so advise the applicant, the owner if other than the applicant, and the Building Inspector, in writing, within (10) business days, and no demolition permit shall be issued until twelve months after the date of such determination by the Commission.
- VIII. During the twelve months delay period following the Commission's determination that a building is to be considered preferably preserved, the Commission shall notify the Massachusetts Historical Commission, the Town Planner, and any other interested party in an effort to obtain assistance in obtaining preservation funding or in finding an adaptive use of the building which will result in its preservation.
- IX. Notwithstanding the preceding paragraphs, the Building Inspector may issue a demolition permit for a preferably preserved significant building at any time after receipt of written advice from the Commission to the effect that
 - i) the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
 - ii) the Commission is satisfied that for at least twelve months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that such efforts have been unsuccessful;
 - iii) the Commission has determined that the proposed moving or demolition may be conducted in a specified manner so as not to be detrimental to the historical or architectural heritage or resources of the Town.

Responsibilities of the Owner

Once a Significant Building is determined to be a preferably preserved building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Inspector. Should the owner fail to so secure the building, a subsequent destruction of the building at any time during the twelve months demolition delay period, which destruction could have been prevented by the required security measures, shall be considered a demolition in violation of this by-law.

Emergency Demolitions

Notwithstanding the following provisions, the Building Inspector may issue a demolition permit at any time in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions. Prior to doing so, the Building Inspector shall inspect the building and document, in writing, the findings and reasons requiring an emergency demolition, a copy of which shall be forwarded immediately to the Commission. Before allowing emergency demolition, the Building Inspector shall make every effort to inform the Chairperson of the Commission of his intention to allow demolition before he issues a permit for emergency demolition.

No provision of this by-law is intended to conflict with or abridge any obligations or rights conferred by G.L.c.143 regarding removal or demolition of dangerous or abandoned structures. In the event of a conflict, the applicable provisions of Chapter 143 shall control.

Historic Districts Act

Nothing in this by-law shall be deemed to conflict with the provisions of the Historic Districts Act, Massachusetts General Laws, Chapter 40C, with respect to requirements of notice, hearing and issuance by the Commission of a Certificate of Appropriateness, a Certificate of Non-applicability or a Certificate of Hardship prior to demolition of any building in an historic district.

Enforcement and Remedies

1. Except as provided below, whenever a significant building or any portion thereof has been voluntarily demolished in violation of this by-law, and for a period of two years after the date of completion of such demolition, no building permit shall be issued with respect to any premises upon which such demolition has occurred. As used herein, "premises" includes the parcel of land upon which the demolished significant building was located.
2. Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this by-law better serves the intent and purpose of this by-law, it may, prior to the expiration of said period of two years, but no sooner than six months from the date of completion of any demolition in violation of this by-law, authorize issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the purposes of this by-law, and may so notify the Building Inspector pursuant to Section VIII of this by-law.

Severability

If any section, paragraph or part of this by-law for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect.

*(Effective: 8-30-98
amended effective 3-15-00
amended effective 8-10-15)*

ARTICLE XXVII

STORMWATER AND EROSION CONTROL

Section I. Purpose

- A. The purpose of this By-Law is to protect, maintain and enhance the public health, safety, environment and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This By-Law seeks to meet that purpose through the following objectives:

1. Establish a mechanism by which the municipality can monitor and ensure compliance with requirements of its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4) and other applicable State and Federal mandates.
2. Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
3. Require that new development, redevelopment and other land alteration activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics where appropriate in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
4. Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to alterations in volume, velocity, frequency, duration, and peak flow rate of storm water runoff; establish minimum design criteria for measures to eliminate or minimize to the extent feasible nonpoint source pollution from stormwater runoff which would otherwise degrade water quality.
5. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet or exceed the minimum post-development stormwater management standards.
6. Encourage the use of nonstructural stormwater management, better site design practices or “low-impact development practices”, such as reducing impervious cover, increasing site-wide infiltration, and preserving open space and other natural areas, to the maximum extent practicable.
7. Promote water conservation through the re-use of stormwater for irrigation.
8. Establish provisions that require practices that eliminate soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land disturbance activities.
9. Establish provisions to ensure that soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
10. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment.
11. Establish provisions to ensure there is an adequate funding mechanism for the proper review, inspection and long-term maintenance of stormwater facilities implemented as part of this By-Law.

12. Establish administrative procedures for the submission, review, approval or disapproval of stormwater management plans, erosion and sediment controls, and for the inspection of approved active projects, and long-term follow up; Establish certain administrative procedures and fees for the submission, review, approval, or disapproval of stormwater plans, inspection of construction sites, and the inspection of approved projects.

13. Ensure that construction and waste materials, toxic materials, hazardous materials, and other pollutants are prevented from mixing with stormwater runoff, which would degrade water quality.

14. Establish the Town of Weston's legal authority and capacity to ensure compliance with the provisions of this By-Law through funding, permitting, inspection, monitoring, and enforcement.

- B. Nothing in this By-law is intended to replace the requirements of the Town of Weston Zoning By-Law, the Mass Wetlands Protection Act, the Town of Weston General By-Law, any other By-Law that may be adopted by the Town of Weston, or any Rules and Regulations adopted there under.

Section II Definitions

The following definitions shall apply in the interpretation and implementation of this By-Law. Additional definitions may be adopted by separate regulation:

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

BETTER SITE DESIGN: Site design approaches and techniques, including low-impact development (LID) that can reduce a site's impact on the watershed through the use of nonstructural stormwater management practices. Better site design includes conserving and protecting natural areas and green space, reducing impervious cover, using natural features for stormwater management, and providing site-wide infiltration.

DEVELOPMENT: Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND (Land Disturbance): any action causing any removal of vegetation including tree and brush clearing; importation, removal or redistribution of soil, sand, rock, gravel or similar earth material. (Amendment effective 5/12, 2014)

EXISTING LAWN: Grass area which has been maintained and mowed in the previous two years. (Amendment effective 5/12, 2014)

IMPERVIOUS: Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, and driveways), concrete, brick, stone, and roof tops.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The latest version as may be amended from time to time of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Weston.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

NORMAL MAINTENANCE: Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

PRE-DEVELOPMENT: The conditions that exist prior to the proposed disturbance activity. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first plan submission shall establish pre-development conditions.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

RECONSTRUCTION: Any action causing complete removal and replacement of paved surfaces, such as driveways, parking areas and roads.

REDEVELOPMENT: Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site.

RUNOFF: Rainfall or snowmelt water flowing over the ground surface or other source which may result in transport of pollutants.

SITE: The entire parcel of land being developed.

STOCKPILING: The storage of unsecured material for future use, excluding the storage of materials 10 cubic yards or less when secured utilizing erosion controls to prevent erosion of material.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to control or treat stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Stormwater Permitting Authority (SWPA), after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

Section III. Authority

This By-Law is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34., and as authorized by the residents of the Town of Weston at Town Meeting dated May 10, 2011

Section IV. Applicability

Where a project is subject to Site Plan Approval, Definitive Subdivision or Special Permit Approval from the Planning Board, the Stormwater Regulations adopted by the Planning Board shall apply and the stormwater review shall be completed as part of the Planning Board process provided that the Planning Board also finds that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement this By-Law.

- A. For projects not subject to Site Plan Approval, Definitive Subdivision or Special Permit Approval from the Planning Board, this By-Law shall be applicable to all new development and redevelopment, land disturbance and any other activity that may result in an increased amount of stormwater runoff or pollutants, or changes to drainage characteristics causing an increases in runoff, flowing from a parcel of land, unless exempt pursuant to Section V of this By-Law. This By-Law shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this By-Law, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in

Section IV.B and are not exempted by Section V. A development shall not be segmented or phased in a manner to avoid compliance with this By-Law.

- B. No Permit Required – For activities listed below, no permit shall be required by the SWPA provided that erosion control measures are used and the activity will not result in an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.
1. Land Disturbance not to exceed 5,000 square feet in area other than work described in Section IV.B.4 and Section IV.C.1.
 2. The creation of new impervious area, or expansion of existing impervious area, not to exceed 750 square feet.
 3. Repair, replacement or reconstruction of an existing driveway.
 4. Restoration of existing lawn areas provided that any imported material is spread at a thickness no greater than four inches and the total imported material does not exceed 250 cubic yards.
 5. The addition or on-site redistribution of up to 250 cubic yards of material.
 6. Demolition of a structure provided that any land disturbance, including the area of the structure, does not exceed 5,000 square feet.
 7. Routine maintenance and improvement of institutional, open space, and recreational uses, provided that an annual letter or plan is filed with and approved by the SWPA describing the work to be done.

(Amendment effective 5/12/2014)

- C. Stormwater Management Permit Thresholds - A Stormwater Management Permit shall be required for any of the following, except for an activity exempt per Section V:

1. Minor Permit

- a) The creation of new impervious area, or expansion of existing impervious area, greater than 750 square feet and not exceeding 2,500 square feet.
- b) Repair, replacement, expansion of septic systems provided the work does not exceed the thresholds in Section IV.C.2.d.
- c) The addition or on-site redistribution of more than 250 cubic yards, but not exceeding 500 cubic yards, of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.

2. Major Permit

- a) Construction of any new dwelling or new dwelling replacing an existing dwelling in conformance with Article VIII, Section V.B.1.a and Section V.C.1.a of the Weston Zoning By-Laws;
- b) Any land disturbance exceeding an area of 5,000 square feet, or more than 20% of a parcel or lot, whichever is less, other than activities described in section IV.B.4.
- c) Creation of new impervious surface area greater than 2,500 square feet.
- d) The addition or on-site redistribution of more than 500 cubic yards of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.
- e) Reconstruction of public or private way.
- f) Reconstruction or replacement of existing non-residential parking lots, including associated driveways, greater than 2,500 square feet.

Section V. Exemptions

Exemptions from this By-Law apply to the following activities, provided that a project is solely comprised of any one of these activities:

- A. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04 (“Agricultural”) and the conversion of additional land to agricultural use, when undertaken in such a manner as to prevent erosion and siltation through the use of Best Management Practices recommended by the U.S. Department of Agriculture Natural Resources Conservation Service or the Massachusetts Department of Agricultural Resources.
- B. Any work or projects for which all necessary approvals and permits were issued before the effective date of this By-Law.
- C. Normal maintenance of existing landscaping, gardens or lawn areas
- D. Construction of any fence that will not alter existing terrain or drainage patterns.
- E. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.
- F. Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility that poses a threat to public health or safety, designated by the SWPA. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission.
- G. The maintenance or resurfacing (not including reconstruction) of any public or private way.

Section VI. Administration

- A. The Board of Selectmen shall be the appointing authority for the Stormwater Permitting Authority. The Stormwater Permitting Authority is responsible for the administration, implementation, and enforcement of this By-Law. Meetings of the Stormwater Permitting Authority shall be subject to the Massachusetts Open Meeting Law, MGL Ch. 30A, §§ 18-25.
- B. Stormwater Permitting Authority (SWPA). The SWPA shall consist of (5) five members, four of whom shall permanently be the Town Engineer, the Town Planner, the Conservation Administrator, and the Public Health Director. One (1) member shall be a resident of the Town of Weston and possess a degree in landscape architecture, environmental or civil engineering or environmental science appointed by the Board of Selectmen serving a (3) year term. The SWPA shall administer, implement and enforce this By-Law. Any powers granted to or duties imposed upon the SWPA may be delegated in writing by the SWPA to any Town employee, board or agent.
- C. Stormwater & Erosion Control Regulations (“Regulations”). The SWPA may adopt, and periodically amend, rules and regulations relating to the terms, conditions, definitions, enforcement, fees (including application, inspection, and/or consultant fees), delegation of authority, procedures and administration of this By-Law after conducting a public hearing to receive comments on the proposed rules and regulations or any proposed revisions. Such hearing dates shall be advertised in a newspaper of general local circulation at least seven (7) days prior to the hearing date. Failure of the SWPA to promulgate such rules and regulations

or a legal declaration of their invalidity by a court shall not act to suspend or invalidate the effect of this By-Law.

D. Massachusetts Stormwater Handbook

The SWPA will utilize the policy, criteria and information including specifications and standards of the most recent edition of the Massachusetts Stormwater Handbook for execution of the provisions of this By-Law. Unless otherwise specified in the Regulations, stormwater management practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to be protective of Massachusetts water quality standards.

E. Stormwater Management Permit

The SWPA shall have the authority to issue a Stormwater Management Permit (SMP) for projects exceeding the thresholds defined in Section IV.C. of this By-Law and not otherwise exempted by Section V. Requirements of the SMP may be defined and included within the Regulations promulgated pursuant to Section VI.C of this By-Law.

F. SWPA Approval Process.

1. Action by SWPA

- a. **Determination of Completeness:** The SWPA shall review the application submission and issue a determination stating whether the application is complete and whether it complies with the Design Standards established in the Stormwater Rules and Regulations, as may be waived in accordance with Section 3.E. of this By-Law.
- b. **Incomplete Applications:** If the SWPA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the SWPA may require the submission of additional information and/or disapprove the application and deny the Permit.
- c. **Applications deemed to be complete and in compliance with Design Standards.** Each application for a Stormwater Management Permit that complies with the Regulations, and is determined to be a complete application by the SWPA shall be acted upon within thirty (30) days of the date of filing with the SWPA, unless such application has been withdrawn from consideration. The SWPA may:
 - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
 - ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
 - iii Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-Law.
- d. **Applications not in compliance with Design Standards.**
 - i. For applications where the SWPA has determined that the Design Standards are not met, the Applicant may appeal the determination and request a public hearing with the SWPA to consider the application or resubmit the application demonstrating compliance.
 - ii. For applications where the Design Standards cannot be met due to site conditions or

the applicant wishes to propose an alternative design not consistent with the Design Standards, the applicant may immediately request a public hearing with the SWPA.

2. Public Hearing Process

- a. A public hearing is required for all Minor and Major Stormwater Management Permits (SMP) where design standards cannot be met. Minor Permits and Major Permits that meet design standards shall not require a public hearing. Public hearings shall be published in a newspaper of general circulation for two (2) consecutive weeks. The first publication date shall be published not less than fourteen (14) days before the day of the hearing. A copy of the hearing notice shall be posted in the Office of the Town Clerk for a period of not less than fourteen (14) days before the date of the hearing. Copies of the notice shall be mailed, postage prepaid, to the applicant, property owner (if different) and to direct abutters and owners of land directly opposite on a public or private way as they appear on the most recent Assessor's list.
 - b. The SWPA may take any of the following actions following the close of the public hearing for an application for a Stormwater Management Permit
 - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
 - ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
 - iii. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-Law.
- G. Appeals of Action by the SWPA. A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under this By-Law shall be to a court of competent jurisdiction.
- H. Waivers. The SWPA may waive strict compliance with any of the requirements of this By-Law or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action is:
1. Allowed by federal, state and local statutes and/or regulations,
 2. In the public interest, and
 3. Not inconsistent with the purpose and intent of this By-Law.

Any request from an Applicant for a waiver of these rules shall be submitted, in writing, to the SWPA at the time of submission of the application. Such requests shall clearly identify the provision/s of the rule from which relief is sought and be accompanied by a statement setting forth the reasons why, in the applicant's opinion, the granting of such a waiver would be in the public interest or the specific information required to show strict compliance is irrelevant to the project, and why a waiver would be consistent with the intent and purpose of this By-Law and the rules and regulations promulgated hereunder.

Section VII. Performance Standards

Criteria for Stormwater Management Standards shall be defined and included as part of any Rules and Regulations promulgated under Section VI.C of this By-Law.

Section VIII. Enforcement

- A. The SWPA, or an authorized agent of the SWPA, shall enforce this By-Law, and any Regulations, permits orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for violations.
- B. If a person violates the provisions of this By-Law or its Regulations, or a permit, notice or order issued there under, the SWPA may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities which would create further violations or to compel the person to perform abatement or remediation of the violation.
- C. The SWPA, or an authorized agent of the SWPA, may issue a written order to enforce the provisions of this By-Law or the Regulations, which may include requirements to:
 - 1. Cease and desist from land-disturbing activity until there is compliance with the By-Law or provisions of an approved Stormwater Management Permit;
 - 2. Maintain, install or perform additional erosion and sediment control measures;
 - 3. Perform monitoring, analyses, and reporting;
 - 4. Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
 - 5. Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems; and,
 - 6. Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems.

If the SWPA or its authorized agent determines that abatement or remediation is required, the order shall set forth a deadline by which such abatement or remediation must be completed.

- D. Criminal Penalties. Any person who violates any provisions of this By-Law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$300. Each day a violation exists shall constitute a separate violation.
- E. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Article V of the Town By-Laws, in which case any police officer of the Town of Weston, the Town Engineer, and such other persons as are authorized by the SWPA shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this By-Law, regulation, order or permit issued thereunder, shall be punished as follows:
 - 1. First Violation: Warning
 - 2. Second violation: \$100
 - 3. Third violation: \$200
 - 4. Fourth and subsequent violations: \$300
 - 5. Each day a violation exists shall constitute a separate violation
- F. Remedies Not Exclusive. The remedies listed in this By-Law are not exclusive of any other remedies available to the SWPA or the Town under any applicable federal, state or local law.

Section IX. Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this By-Law shall not invalidate any section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Section X. Effective Date

This By-Law shall take effect on October 1, 2011, provided that all other requirements of G.L. c.40, §32 have been met.

AND FURTHER, to amend the By-laws of the Town of Weston by inserting, at the end of Article IV, Section 5, the following sentence:

“No person shall discharge, cause the discharge, or divert a natural flow of surface or ground water in such a manner that it will cause an icing condition on a way.”

(Effective 11/3/2011)
(Effective: 11/12/2003)
(Amended 5/08/2006)
(Amended 5/12/2010)
(Amended 5/9/2011)

ARTICLE XXVIII

WATER CONSERVATION

SECTION 1: Authority

This By-Law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§21 et seq. and implements the Town’s authority to regulate water use pursuant to M.G.L. c. 41, §69B. This By-Law also implements the Town’s authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

SECTION 2: Purpose

The purpose of this By-Law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency, by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town, by the Department of Environmental Protection or by the MWRA.

SECTION 3: Definitions

“Agriculture” shall mean farming in all its branches and agriculture, as defined in M.G.L. c. 128, § 1A.

“Outdoor watering” shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

“Person” shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

“State of Water Supply Emergency” shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17

“State of Water Supply Conservation” shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this By-Law.

“Water Users or Water Consumers” shall mean all persons using water from the Town’s public water source irrespective of that person’s responsibility for billing purposes for use of the water.

SECTION 4: Declaration of State of Water Supply Conservation

The Town, through its Board of Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that the distribution system is nearing capacity and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this By-Law before it may be enforced.

SECTION 5: Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- c) Outdoor Watering Ban: Outdoor watering is prohibited.
- d) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) Swimming Pools: Filling and topping off of swimming pools is prohibited.
- f) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.
- g) Car washing: Car or vehicle washing is prohibited.

SECTION 6: Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department or MWRA shall be provided by furnishing a copy of the Notice to two (2) radio and up to two (2) television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department’s declaration. Any restriction imposed under section 5 or in the Department declaration of emergency or order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be

provided to the Massachusetts Department of Environmental Protection and MWRA at the same time that notification is given.

SECTION 7: Termination of State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

SECTION 8: State of Water Supply Emergency; Compliance with DEP US

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection or MWRA, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

SECTION 9: Penalties

The Town, through its Public Works Director, Water Superintendent, building inspector or local police may enforce this By-Law. Any person violating this By-Law shall be liable to the Town in the amount of \$50.00 for the first violation and \$ 100.00 for each subsequent violation. Fines shall be recovered by indictment, by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

SECTION 10: Severability

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion or provision thereof.

SECTION 11: Exemptions

The water use restrictions adopted under this By-Law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a) Commercial agriculture;
- b) Water to sustain animal life;
- c) Swimming pools used as a primary means of exercise, therapy or Rehabilitation located at a medical or rehabilitation facility;
- d) Commercial car or vehicle washing facilities.

Requests for exemptions shall be made in writing to the Department of Public Works.

(Effective: 11/12/2003)

ARTICLE XXIX

COMMUNITY PRESERVATION COMMITTEE

Section 1: Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L., c. 44B, section 5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:

- 1) One member of the Conservation Commission as designated by the Commission;
- 2) One member of the Historical Commission as designated by the Commission;
- 3) One member of the Housing Partnership as designated by the Committee;
- 4) One member of the Planning Board as designated by the Board;
- 5) One individual with interest and/or expertise in parkland to be appointed by the Board of Selectmen;
- 6) Four Weston residents to serve at large, appointed by the Moderator.

Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Said term of office will commence on July 1. From time to time the Committee shall elect a chairman from its members. Vacancies shall be filled by the respective appointing authorities to fill the remainder of the three-year appointment to the Community Preservation Committee. Effective with the July 1, 2004 appointment or reappointment of at-large members, two members shall be appointed to a one year term and two members shall be appointed to a two year term. Subsequent appointment or reappointment of at-large members shall be to three-year terms.

Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

(Effective: 5/12/2004)

(Effective 5/18/2009)

Section 2: Duties

- 1) The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

- 2) The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- 3) The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.
- 4) In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

Section 3: Requirement for quorum and cost estimates

The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c.39, section 23B. The committee shall not meet or conduct business without the presence of a majority of the members of the committee. The committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

Section 4: Exemptions

Taxpayers qualifying for the low-income exemption or the low and moderate-income senior exemption as provided for in the Act and approved by the voters, shall submit an application for the exemption, on a form provided by the Assessors, within three months after the bill or notice is sent

(Effective as of May 15, 2002)

Section 5: Amendments

This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L., c.44B.

Section 6: Severability

In case any section, paragraph or part of this by-law be for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

Section 7: Effective Date

Provided that this by-law is accepted at the 2001 Annual Town Meeting, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c. 40, section 32 have been met.

(Effective as of May 7, 2001)

ARTICLE XXX

FARM PRESERVATION

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Weston restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Weston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

Farming" or "agriculture" shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

(Amendment Effective 9.11.12)

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Weston. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Weston, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

"It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and

other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning Enforcement Officer, or the Board of Health, in accordance with statute and appropriate bylaws and regulations of the Town. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Weston hereby declares the provisions of this By-law to be severable.

(Effective as of May 15, 2005)

ARTICLE XXXI ILLICIT DISCHARGE

1. PURPOSE

Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the Town of Weston municipal storm drain system is necessary for the protection of the town’s water bodies and groundwater and to safeguard the public health, safety, welfare and the environment.

- a) The objectives of this By-law are:

1. to prevent pollutants from entering Weston's municipal separate storm sewer system (MS4);
2. to prohibit illicit connections and unauthorized discharges to the MS4;
3. to require the removal of all such illicit connections;
4. to comply with state and federal statutes and regulations relating to stormwater discharges; and
5. to establish the legal authority to ensure compliance with the provisions of this By-law through inspection, monitoring, and enforcement.

2. DEFINITIONS

For the purposes of this bylaw, the following shall mean:

Authorized Enforcement Agency - The Board of Selectmen or other employees or agents designated by the Board of Selectmen.

Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

Discharge of Pollutants - The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater - Water beneath the surface of the ground and not confined in a conduit or container.

Illicit Connection - A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

Illicit Discharge - Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted in Section 8. The term does not include a discharge in compliance with an NPDES Storm Water Discharge Permit or a Surface Water Discharge Permit.

Municipal Separate Storm Sewer System (MS4) or Municipal Storm Drain System - The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Weston.

National Pollutant Discharge Elimination System (NPDES) General Permit For Storm Water Discharges - A permit issued by United States Environmental Protection Agency or jointly with the State that authorizes the discharge of stormwater to waters of the United States.

Non-Stormwater Discharge - Discharge to the municipal storm drain system not composed entirely of stormwater.

Person - Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Weston, and any other legal entity, its legal representatives, agents, or assigns.

Pollutant - Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include, but not be limited to, the following:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) noxious or offensive matter of any kind.

Process Wastewater - Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product. Process wastewater includes water which has increased in temperature as a result of manufacturing or other processes.

Stormwater/Runoff - Rainwater, snowmelt and/or other water that flows off surfaces and across or over the ground surface rather than being absorbed into the soil.

Surface Water Discharge Permit - A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste - Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourse - A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Wastewater - Any sanitary waste, sludge, or septic tank or cesspool contents or discharge, and/or process wastewater.

Waters of the Commonwealth - All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

3. APPLICABILITY

This bylaw shall apply to flows entering the municipally owned storm drainage system.

4. AUTHORITY

This bylaw is adopted under the authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Procedures Act, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

5. ADMINISTRATION

The Board of Selectmen is delegated hereby the responsibility and authority to administer, implement and enforce this By-Law. The Board of Selectmen may appoint the DPW Director or the Town Engineer or such other town employee as the Board of Selectmen may from time-to-time determine and designate in writing to aid the Board of Selectmen in the enforcement and/or administration of the By-Law (herein referred to as Authorized Enforcement Agency).

- 5.1 Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town Engineer, and other employees designated by the Board of Selectmen may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Town Engineer deems reasonably necessary.

6. REGULATIONS

The Board of Selectmen shall promulgate rules and regulations to effectuate the purposes of this By-law. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this bylaw.

7. PROHIBITED ACTIVITIES

- a) Illicit Discharges. No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the municipal separate storm sewer system (MS4), into a watercourse, into a wetland resource area, or into the waters of the Commonwealth, except as exempted in Section 8.
- b) Illicit Connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- c) Obstruction of Municipal Storm Drain System. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior written approval from the DPW Director or the Town Engineer.

8. EXEMPTIONS

Discharge or flow resulting from fire fighting activities are exempt from the prohibition of non-stormwater discharges.

The following non-stormwater discharges or flows are also exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the municipal storm drain system, and will not damage or threaten public health and the environment:

- a) Waterline flushing and flow from potable water sources;
- b) Springs, natural flow from riparian habitats and wetlands, diverted stream flow and rising groundwater;
- c) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater;
- d) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, sump pumps or air conditioning condensation;
- e) Discharge from landscape irrigation or lawn watering;
- f) Water from non commercial car washing;
- g) Discharge from dechlorinated swimming pool or hot tub water (less than one ppm chlorine) provided the pool or hot tub is drained in such a way as not to cause a nuisance;
- h) Discharge from street sweeping, and stormwater runoff containing sand and deicers used for public safety purposes on public or private property;
- i) Emergency repairs to the municipal storm drain system, and any stormwater management structure or practice that poses a threat to public health or safety, or as deemed necessary by the DPW Director or the Town Engineer;
- j) Dye testing, provided verbal notification is given to the DPW Director or the Town Engineer prior to the time of the test;
- k) Non-stormwater discharge permitted under an NPDES permit or a Surface Water Discharge Permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency or the Department of Environmental Protection, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and
- l) Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

9. EMERGENCY SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS

The Authorized Enforcement Agency may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the DPW Director or the Town Engineer may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

10. NOTIFICATION OF SPILLS

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants into the municipal drainage system, a wetland resource area or the waters of the Commonwealth, the person shall take all necessary steps to ensure containment, and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Authorized Enforcement Agency. In the event of a release of non-hazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide to the Authorized

Enforcement Agency written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

11. ENFORCEMENT

11.1 The Board of Selectmen, the DPW Director, the Town Engineer, or other authorized agent of the Board of Selectmen shall enforce this By-Law and any regulations, and may pursue all civil and criminal remedies for violations.

11.2 Civil Relief. If a person violates the provisions of this By-Law or regulations, or of any permit, notice or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction to restrain the person from activities that would create further violations or to compel the person to perform abatement or remediation of the violation.

11.3 Orders. The DPW Director or the Town Engineer or other authorized agent of the Board of Selectmen may issue a written order to enforce the provisions of this bylaw or the regulations thereunder, which may include:

- (1) elimination of illicit connections or discharges to the MS4;
 - (2) performance of monitoring, analyses, and reporting;
 - (3) that unlawful discharges, practices, or operations shall cease and desist; and
 - (4) remediation of contamination in connection therewith.
- a) If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
 - b) Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the town including administrative costs.
 - c) The violator or property owner may file a written protest objecting to the amount or basis of costs with the DPW Director or the Town Engineer within thirty (30) days of receipt of the notification of the costs incurred.
 - d) If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the DPW Director or the Town Engineer affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, 57 after the thirty-first day at which the costs first become due.

11.4 Criminal Penalties.

Any person who violates any provision of this By-law, regulation, order or permit issued hereunder, shall be punished by a fine of not more than \$300. Each day a violation exists shall constitute a separate violation.

11.5 Non-Criminal Disposition.

As an alternative to criminal prosecution or civil action, the town may utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40, §21D and Article V of the Town By-laws, in which case any police officer of the Town of Weston, the DPW Director, the Town Engineer, and such other persons as are authorized by the Board of Selectmen shall be the enforcing person. If non-criminal disposition is used, any person who violates any provision of this By-law, regulation, order or permit issued thereunder, shall be punished as follows:

- (1) First violation: Warning
- (2) Second violation: \$100
- (3) Third violation: \$200
- (4) Fourth and subsequent violations: \$300
- (5) Each day a violation exists shall constitute a separate violation.

12. APPEALS

The decisions or orders shall be final. Further relief shall be to a court of competent jurisdiction.

- 12.1 Remedies Not Exclusive.** The remedies listed in this bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

13. SEVERABILITY

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause, of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.

14. TRANSITIONAL PROVISIONS

Residential property owners shall have 180 days from the effective date of the by-law to comply with its provisions provided good cause is shown for the failure to comply with the by-law during that period.

(Effective May 12, 2010)

ARTICLE XXXII STRETCH ENERGY CODE

Section 1. Acceptance/Adoption.

The Town of Weston has accepted and adopted the provisions of 780 CMR 120.AA (i.e., Appendix 120.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

Section 2. Purpose.

The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

ARTICLE XXXIII WESTON AFFORDABLE HOUSING TRUST FUND

Section 1. Board of Trustees

There shall be a Board of Trustees of the Weston Affordable Housing Trust Fund, comprised of not less than five members, at least one of which shall be a Selectman. The Board of Selectmen shall appoint the Board of Trustees for rotating terms not to exceed two years. Vacancies shall be filled by the Board of Selectmen for the remainder of the unexpired term. The Board of Selectmen may remove any member of the Board of Trustees for cause after that member has been provided an opportunity to be heard by that Board.

Section 2. Powers of Board of Trustees

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c.44, §55C, and pursuant to the provisions of a Declaration of Trust to be approved by the Board of Selectmen, shall include the following:

- (a) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from chapter 44B;
- (b) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;
- (d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (e) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;

- (f) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (g) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (h) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (i) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (j) to carry property for accounting purposes other than acquisition date values;
- (k) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;
- (l) to make distributions or divisions of principal in kind;
- (m) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
- (n) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;
- (o) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- (p) to extend the time for payment of any obligation to the trust.

And such additional powers, if any, as may be set forth in G.L. c.44, §55C, as same may from time to time be amended.

Section 3. Audit Requirement

The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Board of Selectmen.

ARTICLE XXXIV DEPARTMENTAL REVOLVING FUNDS

Section 1. Purpose. This by-law, pursuant to General Laws Chapter 44, § 53E½, establishes and authorizes revolving funds for use by certain town departments, boards, committees, and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities.

Section 2. Expenditure Limitations. Each entity authorized below to expend a revolving fund may incur liabilities against and spend monies from such revolving fund without appropriation subject to the following limitations:

- A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
- B. No liability shall be incurred in excess of the available balance of the fund.
- C. The total amount spent during a fiscal year shall not exceed the amount authorized by Town Meeting, or any increase therein as may be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. Chapter 44, § 53E½.

Section 3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the General Fund.

Section 4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established and authorized by this by-law.

Section 5. Authorized Revolving Funds.

Program or Purpose	Representative or Board Authorized to Spend	Revenue Source	Use of Fund
Recreation Skating Programs	Recreation Director	Program Fees	Program Costs
Historic Marker	Historical Commission	Program Fees	Costs Related to Purchase of Historic Markers
Council on Aging Special Programs	Council on Aging Director	Program Fees	Program Expenses
Town Building Rentals	Town Manager	Rental Fees Town Hall	Utilities, Cleaning, Building Monitor
Board of Health	Health Director	Insurance Reimbursement for Flu Clinics and Fees for Public Health Initiatives	Public Health Education, Outreach, Health Initiatives, Emergency Preparedness
Fiske Law Office	Town Manager	Rental Fees	Building Repairs and Maintenance including Salaries and Benefits

Melone House	Conservation Commission	Rental Fees	Building Repairs and Maintenance including Salaries and Benefits
Solar Array Revenue	Town Manager	Payments to the Town for the generation of solar energy from solar arrays on Town property	Electricity expenses

And to set fiscal year spending limits for such revolving funds as follows:

Program or Purpose	FY2018 Spending Limit
Recreation Skating Programs	\$40,000
Historic Marker	\$1,500
Council on Aging Special Programs	\$50,000
Town Building Rentals	\$6,000
Board of Health	\$20,000
Fiske Law Office	\$55,000
Melone House	\$15,000
Solar Array Revenue	\$700,000

And to transfer the balance remaining in the Affordable Housing Monitoring Revolving Fund, which fund will not be reauthorized for FY2018, to the Affordable Housing Trust;

And to transfer the balance remaining in the Josiah Smith Tavern Revolving Fund, which fund will not be reauthorized for FY2018, to the Josiah Smith Tavern Trust Fund – Income Account;

(Effective May 8, 2017)

ARTICLE XXXV. PLASTIC BAG BAN

Section 1. Findings and Purpose

Plastic check-out bags have a significant impact on the marine and terrestrial environment, including but not limited to: 1) harming marine and terrestrial animals through ingestion and entanglement; 2) polluting and degrading the terrestrial and marine environments; 3) clogging storm drainage systems; 4) creating a burden for solid waste disposal and recycling facilities; 5) and requiring the use of non-renewable fossil-fuel in their composition. Studies have shown that even alternative “compostable” or “biodegradable” bags require very specific and controlled conditions in order to biodegrade, and have potentially negative environmental effects similar to conventional plastic bags. Such bags should therefore be subject to the same restrictions as conventional plastic check-out bags.

The purpose of this Bylaw is to protect the Town’s unique natural beauty and irreplaceable natural resources by reducing the number of single-use plastic check-out bags that are distributed in the Town of Weston and to promote the use of reusable bags.

Section 2. Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a. “Check-out bag” shall mean a bag provided by a store to a customer at the point of sale.
- b. “Department” shall mean the Weston Board of Health.
- c. “Health Agent” shall mean the Health Agent for the Weston Board of Health or its designee.
- d. “Recyclable paper bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post- consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word “recyclable” or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post- consumer recycled content and the percentage of post-consumer recycled content in the bag.
- e. “Reusable Check-out bag” shall mean a bag with handles that is specifically designed for multiple reuse and that is either (a) made of natural fibers (such as cotton or linen); or (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.
- f. “Retail Establishment” shall mean any business facility that sells goods, articles, food, or personal services directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.
- g. “Thin-Film, Single-Use Plastic Check-Out Bags” shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section 3. Regulated Conduct

- a. No Retail Establishment in the Town of Weston shall provide Thin-Film, Single-Use Plastic Check-Out Bags to customers.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following: 1. Recyclable paper bag; or 2. Reusable Check-Out bag.

Section 4. Exemptions.

Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section 5. Enforcement

This Bylaw shall be enforced by any means available in law and in equity in accordance with the provisions of Sections 1 and 2 of Article V of the Weston Town Bylaws. The Weston Board of Health, Health Agent, or any police officer of the Town shall be “enforcing persons” for purposes of this Bylaw. Each day a violation exists shall be deemed a separate violation. The fine structure set forth in Article V, Section 2(c) shall be applicable to violations of this Bylaw.

Section 6. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2018, whichever is later.

Section 7. Regulations

The Board of Health is hereby authorized to adopt regulations to effectuate the purposes of this Bylaw. Such rules and regulations shall be on file in the offices of the Board of Health and the Town Clerk.

(Effective May 10, 2017)

End of the General By-laws of the Town of Weston

Appendix 1
STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
3/24/02	R.L. 11-335	Election and duties of Town Clerk
3/24/02	R.L. 11-339	Election of Selectmen, Assessors, and Overseers of Poor
3/28/04	R.L. 78-21-25	Boards of Cemetery Commissioners
3/22/09	St. 1908-?	Protection of forest lands
4/01/12	St. 1871	Election of road commissioners, rescission of vote of acceptance 3/02/74
3/24/13	R.L. 28-16	Building lines on parkways
3/24/13	R.L. 50-1-9	Assessment of betterments in laying out ways
4/16/13	St. 1911-367	Use of school halls for other than school purposes
4/16/13	R.L. 101-1-5	Common nuisances
4/16/13	St. 1912-635	Tenement houses in Towns
11/4/13	St. 1913-807	Workmen's Compensation Act
3/30/14	St. 1913-807	" " "
3/30/14	R.L. 48-103	(as amended by 1913-572) Building Lines
11/3/14	St. 1914-790	Abolition of party enrollment at primary elections
11/4/19	St. 1919 - ?	Continuation schools, etc.
3/27/22	G.L. 41-97	Establishment of Police Department
11/17/25	G.L. 41-73	Selectmen to act as Board of Survey
11/17/25	G.L. 143-3	Authorizing adoption of building laws
11/17/25	G.L. 143-6-12	Relative to Inspector of Buildings
2/16/26		Selectmen - regulation of common carriers of passengers by motor vehicles
3/28/27	G.L. 40-42A to 42F	Water Liens
6/29/27	Art. VII	Section 2, 3, 4, 5, 8, 13 amended
6/29/27	Art. III	Section 6 amended, not approved by Attorney General
3/25/29	G.L. 136-21-28	Sunday sports
12/17/42	G.L. 41-111A	Vacations for police and firemen
12/17/42	G.L. 40-6B	Appropriation for purchase of uniforms for police and firemen
12/17/42	G.L. 48-42 to 44	Fire Department
12/17/42	G.L. 31-48	Police (excepting Chief) placed under Civil Service (revoked effective 7/17/82)
3/29/43	G.L. 129-15/2nd paragraph	Inspector of animals to be appointed by Board of Health instead of by Selectmen
1943	G.L. 32-26 to 31H	(Retirement) accepted by Selectmen
3/27/44	G.L. " "	Accepted by ballot vote 503-42
3/03/47	G.L. 147-13a	Reserve police, four (4) members

Appendix 1
STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
3/03/47	G.L. 136-7 & 8	License of Frozen Desserts
3/15/48	G.L. 40-6C	Snow removal from private ways (by ballot)
3/19/51	G.L. 40- 6e	Minor repairs of private ways
3/25/57	G.L. 41-23A	Executive Secretary of the Board of Selectmen
3/25/57	Acts of 1956 Ch.401	Indemnification of Civil Defense volunteers while operating publicly owned vehicles
3/31/58	G.L. 32B	Group life, group accidental death and dismemberment and group hospital, surgical and medical insurance for Town employees (Ballot 333 Yes to 33 No)
3/28/60	G.L. 32B- 9A	Pay half premium costs of retired employees (Ballot 827 Yes to 482 No)
3/25/63	G.L. 32B-11B	Elderly governmental retirees (Ballot 732 Yes to 278 No)
3/25/63	G.L. 32B-11A	Optional life insurance, no premium cost to Town (Ballot 815 Yes to 187 No)
4/01/63	G.L. 90-18A	Pedestrian regulations
3/28/64	G.L. 33-59	Pay for military training duty leave
6/10/65	G.L. 262-53C	See Op. Attorney General 67-68-46 Nov 3, 1967
3/26/66	G.L. 32B-8A	Sharing of refunds and dividends with employees, (Ballot 802 Yes to 167 No)
3/27/67	G.L. 54-103A	Absentee voting at town elections
3/27/67		Acts of 1966 Ch. 198
5/24/67	G.L. 40-6J	Purchase of work clothes
3/23/68	G.L. 32B-11D	Half - group accidental death (Ballot 1,895 Yes to 214 No)
12/16/68	G.L. 40-8D	Establish Historical Commission
3/29/71	G.L. 41-108L	Police career incentive program
3/29/71	G.L. 40-8E	Youth Commission established
12/11/72	G.L. 44-53C	Payment of money to police for off-duty details from special fund
10/16/73	G.L. 32B-16B	By vote of Selectmen - Health care plan for Town employees
5/12/76	G.L. 40-8G	Police mutual aid
5/12/76	G.L. 90-20C	Parking regulations and fines by Selectmen
1/24/77	G.L. 180-17B	Payroll deductions for United Fund authorized
6/12/78	Acts of 1975 Ch. 808	Accept Zoning By-Laws
12/4/78	Acts of 1978 Ch. 582	Brook School/Elderly Housing
5/14/79	G.L. 32B-7A	Group life and health ins-authorize add rate (Ballot 150 Yes to 88 No)
11/25/80	Acts of 1980 Ch.416	Assessors and Asst. Assessors qualified without meeting training requirements (by Board of Selectmen)

Appendix 1
STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
3/09/81 5/04/81	Acts of 1980 Ch.117 G.L. 71-71	Purchases up to \$4,000 without advertising Revolving fund for certain school purposes (Article 13, A.T.M.) 2-2-81
10/19/81	Acts of 1981 Ch.351 Section 20A 1/2	Parking Clerk - rules, regulations, fines (Article 8, S.T.M.)
5/17/82	Acts of 1981 Ch.743 G.L. 59-5-17C	Equity allowed for certain tax exemptions 7/17/82
7/17/82		Effective this date, 61 days after vote at adjourned annual town meeting, acceptance of Ch. 31, Civil Service, was rescinded by authority of G.L. 4-4B
5/14/84	G.L. 59-5-41B	Exemption for older persons who meet certain more liberal qualifications for eligibility
10/21/85	Acts of 1985 Ch.188 Section 13	Professional Development Grant program for School System of the Town
5/11/87	G.L. 59-5-41C G.L. Ch. 258-13	Eligibility of certain persons for tax exemption - effective July 1, 1987 Indemnify municipal officers from personal financial loss
5/11/88	Acts of 1987 Ch.306 G.L. 60-23B G.L. 40-4H G.L. 59-5 17D	Fees for lien certificates Purchase of equipment, supplies and materials from other governments Eligibility of certain persons for tax exemption - effective July 1, 1988
11/21/88	G.L.41-100G 1/4	Funeral expenses of firefighters and police officers killed in line of duty to be paid by Town up to but not exceeding \$5,000
5/08/89	G.L. 40-42J	Defer water use charges where owner is receiving deferral of real estate taxes
5/6/91	Acts of 1990, Chapter 291	Enhanced-911 Service
5/6/91	G.L. 41, 81U	Use of bonds or deposits to complete work specified in approved subdivision plan

Appendix 1
STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
4/14/92	G.L. 29, 64D as Amended by Ch 494, Acts of 1991	May require employee not covered by retirement plan to contribute to deferred compensation plan.
5/11/92	G.L. 59-5 37A	Exempt from real estate taxes \$500 due from blind person who is legal MA resident and who occupies property.
5/4/94	G.L. 71-83	Early Retirement Incentive Program for teachers
5/13/96	G.L. 40-22F	Authorizes fixing of reasonable fees for license, permit, certificates, or service, subject to approval of elected board where applicable.
5/11/98	G.L. 140-147A	Authorizes enactment of by-laws relative to the regulation of dogs.
5/8/00	G.L. 127-59 Acts of 1999	Establishes property tax work-off program under which senior citizens provide services to Town in exchange for reduction in tax bills.
5/10/04	RESCINDED	
5/13/02	G.L 59-57C	Permits quarterly real estate tax billing.
5/13/02	G.L. 32B-9E	Allows Selectmen to set retiree health insurance contribution at greater than 50%.
5/13/02	G.L. 32B-18	Requires retirees with Medicare eligibility to enroll in a medicare supplement plan.
5/13/02	G.L. 44-53F1/2	Permits water enterprise fund.
11/25/02	Ch. 184, Section 51, Acts of 2002 G.L. Ch. 59, sec. 5 (41C)	Property tax exemptions for elderly - increases income & estate limit, exemption amount.
5/12/03	G.L. 44-53F1/2	Permits recreation enterprise fund
5/12/03	G.L. 59-2A(a)	Allows Assessors to include for taxation purposes new construction and other improvements added between January 2 and June 30 of each fiscal year in the next fiscal year's tax rolls.

Appendix 1
STATUTES ACCEPTED BY THE TOWN OF WESTON

<u>DATE</u>	<u>STATUTE</u>	<u>NATURE</u>
5/10/04	G.L. 40-57	Denial, revocation or suspension of licenses and permits if there is outstanding debt owed to the Town
5/16/05	G.L. 60-3D	Creates property tax relief fund for elderly and disabled residents
5/16/05	G.L. 44-53F1/2	Permits Brook School Apartments enterprise fund
5/16/05	G.L. 148-26G, 26H, 26I	Requires installation of fire sprinklers in certain buildings
5/8/07	Ch. 73, Section 4, Acts of 1986 as amended By Ch 126 of the Acts of 1988 which amends G.L. Ch. 59 (acceptance made annually)	Permits the Town to grant additional property tax exemptions to certain taxpayers
1/10/09	Acts of 2008 Ch.479	An Act providing for the establishment of other post employment benefits liability trust funds in municipalities and certain other governmental units

Appendix 2
SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT

Chapter No.	Acts of Year	Effective Date	<u>Title An Act</u>	<u>Amended</u>
217	1896	3/28/1896	To Incorporate The Weston Water Company	
189	1951	4/2/1951	To Relocate The Natick-Weston Boundary Line	
294	1964	4/21/1964	Establishing A Park And Cemetery Commission In The Town Of Weston	
198	1966	4/25/1966	Authorizing The Town Of Weston To Invest Certain Trust Funds In Certain Investments	
642	1969	8/7/1969	Combining The Offices Of Treasurer And Tax Collector Of The Town Of Weston Into The Office Of Town Treasurer And Collector	
689	1971	8/19/1971	Authorizing The City Of Waltham And The Towns Of Watertown, Belmont And Weston To Enter Into Agreements To Provide Psychiatric Services For The Youth Of Said Municipalities	
913	1971	10/21/1971	Authorizing The Town Of Weston To Layout, Construct And Operate A Sewer Force Main In The City Of Waltham	
349	1976	9/7/1976	Increasing The Membership Of The Conservation Commission In The Town Of Weston	
147	1977	5/5/1977	Authorizing The Town Of Weston To Sell And Convey A Certain Parcel Of Land To Weston Community Housing, Inc. For The Purpose Of Providing Certain Elderly Housing Facilities.	
148	1977	5/5/1977	Authorizing The Town Of Weston To Provide Certain Housing For Elderly Persons	Amended See 1978
582	1978	8/10/1978	Authorizing The Town Of Weston To Provide Certain Housing For Elderly Persons	
584	1979	9/19/1979	Authorizing The Town Of Weston To Pay A Sum Of Money To Robert Selvey	
684	1979	11/7/1979	Relative To The Draining Of Certain Public Outdoor Inground Swimming Pools	
708	1979	11/9/1979	Relative To The Draining Of Certain Public Outdoor Inground Swimming Pools	
471	1980	7/2/1980	Exempting Certain Positions In The Town Of Weston From The Provisions Of The Civil Service Law	

Appendix 2

SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT

<u>Chapter No.</u>	<u>Acts of Year</u>	<u>Effective Date</u>	<u>An Act Title</u>	<u>Amended</u>
487	1985	11/13/1985	Authorizing the Town to make certain compensation to certain injured employees.	
603	1987	12/24/1987	Authorizing The Town Of Weston To Pay A Certain Unpaid Bill	
538	1991	1/9/1992	Authorizing The Town Of Weston To Enter Into An Agreement For An Energy Conservation Retrofit Program	
151	1994	10/4/1994	Relative To Filling Vacancies In The Board Of Water Commissioners Of The Town Of Weston	
154	1994	10/5/1994	Authorizing The Town Of Weston To Arrange For Dental Insurance And/Or Disability Insurance For Employees	
150	1994	10/4/1994	Art. 25 5/18/94 Authorizing The Town Of Weston To Reimburse Ruth P. Miller Of The Town Of Westwood For Interest And Charges And Motor Vehicle Excise Paid To Said Town Of Weston	
192	1995	11/1/1995	An Act Authorizing The Town Of Weston To Convey Certain Parcels Of Conservation Land	
261	1995	11/22/1995	Establishing A Department Of Public Works In The Town Of Weston	
123	1996	6/18/1996	An Act Authorizing The Town Of Weston To Pay A Certain Unpaid Bill	
67	1997	8/13/1997	Relative To The Investment Of Certain Trust Funds By The Commissioners Of Trust Funds Of The Town Of Weston	
106	1999	11/15/1999	Relative to the Conservation Commission of the Town of Weston - Fees For Outside Consultants	
80	2001	8/29/2001	An Act Establishing The Position Of Town Manager In The Town Of Weston	5/7/2007
283	2004	8/9/2004	An Act Authorizing The Town of Weston To Appropriate Money From the Community Preservation Fund	
421	2004	12/16/2004	An Act Authorizing the Town of Weston to Regulate Certain Property Tax Exemption Eligibility Requirements for the Elderly	
390	2006	5/7/2007	Section 2 of chapter 80 of the acts of 2001 is hereby amended	
515	2008	5/14/2008	An act authorizing the Board of Selectmen of the Town of Weston to grant a license for the sale of all alcoholic beverages to be drunk on the premises of the Josiah Smith Tavern and Barn.	9/18/2013

Appendix 2

SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT

<u>Chapter No.</u>	<u>Acts of Year</u>	<u>Effective Date</u>	<u>An Act Title</u>	<u>Amended</u>
37	2008	2/21/2008	An Act authorizing the Town of Weston to grant a license for the sale of wines at a food store.	
6	2009	4/2009	An Act relative to the Town Clerk of the Town of Weston	
76	2009	8/17/2009	An Act establishing an enterprise fund for the Brook School Apartments	
27	2012	2/10/2012	An Act relative to the granting of Club and Special Licenses for the sale of alcoholic beverages in the Town of Weston.	
47	2012	3/9/2012	An Act relative to the regulations of salaries of employees of the Town of Weston serving in the Armed Forces of the United States	
82	2013	9/18/2013	An Act authorizing the Town of Weston to grant a license for the Sale of Wines and Malt Beverages at a food store.	

Appendix 3

TEXT OF CERTAIN SPECIAL ACTS OF THE MASSACHUSETTS GENERAL COURT
ON BEHALF OF THE TOWN OF WESTON

Chapter 349 of the Acts of 1976

**AN ACT INCREASING THE MEMBERSHIP OF THE CONSERVATION
COMMISSION IN THE TOWN OF WESTON**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section eight C of chapter forty of the General Laws, the membership of the conservation commission of the town of Weston shall not be less than three and not more than nine members, such members to be appointed by the board of selectmen of said town.

SECTION 2. This act shall take effect upon its passage.

Approved September 7, 1976

Chapter 147 of the Acts of 1977

**AN ACT AUTHORIZING THE TOWN OF WESTON TO SELL AND CONVEY A
CERTAIN PARCEL OF LAND TO WESTON COMMUNITY HOUSING, INC. FOR
THE PURPOSE OF PROVIDING CERTAIN ELDERLY HOUSING FACILITIES.**

Be it enacted, etc., as follows:

SECTION 1. The town of Weston is hereby authorized to sell and convey for consideration of not less than one hundred dollars, a portion, not exceeding eighteen acres, of the parcel of land lying to the east of Merriam Street acquired by said town from Weston College for municipal purposes pursuant to the second vote under Article II of the warrant at the nineteen hundred and seventy-two annual town meeting.

SECTION 2. The sale of said land shall be made to the Weston Community Housing, Inc., a corporation organized under chapter one hundred and eighty of the General Laws provided that said Weston Community Housing, Inc. enters into an agreement with the town of Weston, acting through its board of selectmen, to construct, on said land, a structure or structures to be used for housing for elderly persons of low or moderate income of the commonwealth and to operate such structure, or structures, for such purposes, for a period of not less than twenty years, which agreement may include terms and conditions concerning rents to be charged tenants, tenant eligibility standards, maintenance requirements, and real estate assessment, and shall be as said selectmen shall in their discretion determine.

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

Approved May 5, 1977

Appendix 3

Chapter 148 of the Acts of 1977

**AN ACT AUTHORIZING THE TOWN OF WESTON TO PROVIDE CERTAIN
HOUSING FOR ELDERLY PERSONS.**

Be it enacted, etc., as follows:

SECTION 1. The town of Weston is herewith authorized to appropriate money and receive gifts and grants to renovate, construct, reconstruct, equip, furnish, rent and manage, on and after August thirty-first, nineteen hundred and seventy-seven at and on the site of the Brook school in said town, a building or buildings for the purpose of providing housing for elderly persons of the commonwealth of low and moderate income.

SECTION 2. At any special or annual town meeting of the town of Weston held subsequent to the effective date of this act, such town meeting may authorize the moderator of said town to appoint a committee, and fill vacancies occurring therein, of not more than five residents of said town, to carry out the purposes of this act. Of the initial appointments, one shall be designated for a one-year term and two for two-year terms and two for three-year terms; thereafter all appointments shall be for three years and until a successor is appointed and qualified. The committee so appointed shall be known as the Weston elderly housing committee.

SECTION 3. To provide such housing, the town of Weston may authorize the appropriation of money not in excess of two million dollars for the renovation, construction, reconstruction and original equipping and furnishing of a building or buildings at and on the site of the said Brook school, any appropriation therefore to be raised by taxation or the issuance of bonds or notes, such borrowing to be for a period not exceeding twenty years and as provided in chapter forty-four of the General Laws but such borrowing shall not be included in the limit of indebtedness prescribed by section ten thereof.

SECTION 4. The Weston elderly housing committee shall have the authority to employ agents, managers and employees, enter into contracts, including construction contracts, subject to approval of town counsel of the town of Weston, for the purposes of this act, establish rents and make such rules and regulations concerning use, occupancy and other necessary matters relating to the elderly housing as herein authorized and as it shall deem proper. All revenues of the building or buildings shall be town funds and the Weston elderly housing committee shall, except as otherwise provided by law, expend only such funds as are appropriated for it by said town.

SECTION 5. This act shall take effect upon its passage.

Approved May 5, 1977

Appendix 3
Chapter 582 of the Acts of 1978

**AN ACT AUTHORIZING THE TOWN OF WESTON TO PROVIDE CERTAIN
HOUSING FOR ELDERLY PERSONS.**

Be it enacted, etc., as follows:

SECTION 1: Chapter 148 of the acts of 1977 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

SECTION 1. The town of Weston is herewith authorized to appropriate money and receive gifts and grants to renovate, construct, reconstruct, equip, furnish, rent and manage, on and after August thirty-first, nineteen hundred and seventy-seven, at and on the site of the Brook School in said town, a building or buildings for the purpose of providing housing for handicapped persons and elderly persons of the commonwealth of low or moderate income.

SECTION 2. Said chapter 148 is hereby further amended by striking out sections 3 and 4 and inserting in place thereof the following two sections: -

SECTION 3. To provide such housing, the town of Weston may authorize the appropriation of money not in excess of two million four hundred thousand dollars for the renovation, construction, reconstruction and original equipping and furnishing of a building or buildings at and on the site of the said Brook school, any appropriation therefore to be raised by taxation of the issuance of bonds or notes, such borrowing to be for a period not exceeding twenty years and as provided in chapter forty-four of the General Laws but such borrowing shall not be included in the limit of indebtedness prescribed by section ten thereof.

SECTION 4. The Weston elderly housing committee shall have the authority to employ agents, managers and employees, enter into contracts including construction contracts, subject to approval of town counsel of the town of Weston, for the purposes of this act, establish rents and make such rules and regulations concerning use, occupancy and other necessary matters relating to the handicapped and elderly housing as herein authorized and as it shall deem proper. All revenues of the building or buildings shall be town funds and the Weston elderly housing committee shall, except as otherwise provided by law, expend only such funds as are appropriated for it by said town.

SECTION 3. This act shall take effect upon acceptance by the town of Weston at an annual or special town meeting.

Approved August 10, 1978

Appendix 3

Chapter 261 of the Acts of 1995

AN ACT ESTABLISHING A DEPARTMENT OF PUBLIC WORKS IN THE TOWN OF WESTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established in the Town of Weston a department of public works, hereinafter called the department, which shall be under the supervision and control of a director of operations, hereinafter called the director. Said department shall be charged with responsibility for the management of public works operations of the town including, but not limited to, the following: highways; water supply; storm drains; solid waste and recycling; maintenance of cemeteries, parks, public memorials, commons; engineering services; maintenance of vehicles and equipment; and other operations and functions as may be deemed necessary or desirable. Said department shall also perform such functions and responsibilities as required by by-law or direction of the board of selectmen.

SECTION 2. The board of selectmen shall appoint a director of operations and all employees of the department. The board of selectmen may remove the director when in their judgment the public interest so requires, and shall fix the compensation of the director, subject to available appropriations. The director shall be specially fitted by education, training and experience to perform the duties of his/her office. His/her term of office shall be determined by the board of selectmen and s/he shall serve at the pleasure of the board of selectmen and shall not be subject to the provisions of section nine A of chapter thirty or chapter thirty-one of the General Laws. During his/her tenure s/he shall hold no elective office nor shall s/he engage in any other business or occupation. The director may appoint and remove such employees as the exercise and performance of his/her powers, rights, and duties may require, subject to available appropriations and the approval of the board of selectmen.

SECTION 3. The board of selectmen shall assume the powers and duties as provided hereafter and, unless otherwise provided by this act, shall have the power to establish goals and objectives for and to make all policy decisions related to the operation of the department of public works.

SECTION 4. With the exception of those powers and duties specifically granted to the public works committee in section 7 of this Act, the board of selectmen shall have all the powers and duties now and from time to time vested by general or special law or town by-laws in the following commissions: water commission and park and cemetery commission, which commissions are hereby abolished.

No contracts or liabilities in force on the effective date of this act shall be affected, but the board of selectmen shall in all respects be the lawful successor of the commissions so abolished.

The board of selectmen shall have jurisdiction over all solid waste or recycling facilities of the Town of Weston, and shall have such additional powers with respect to public works as the town from time to time may by by-law provide.

SECTION 5. The director of operations of the department of public works shall be responsible for the management of all the operations placed under the direction of the department in accordance with section one. The powers, duties and responsibilities of said director shall include, but not be limited to, the following: supervision of the daily operations of the department of public works; supervision of all employees assigned to the department of public

Appendix 3

works; supervision of engineering services of the town; development of departmental plans, work programs, and projects; coordination of maintenance and other activities with the school department; control of all records, property, facilities, offices, and vehicles assigned to the department; organization of the department and assignment of personnel; investigation of innovative approaches to the delivery of public works services; investigation of shared or cooperative service arrangements with other jurisdictions and such other responsibilities as may be assigned by the board of selectmen. The director shall give the town a bond with a surety company authorized to transact business in the commonwealth as surety for the faithful performance of his/her duties in such sum and upon such conditions as the board of selectmen may require. The director shall render to the board of selectmen, as often as said board may require, a full report of all operations under his/her control during the period reported upon, and from time to time as required by said board, shall make a synopsis of such reports for publication and shall keep said board fully advised as to the needs of the town within the scope of his/her duties and shall annually furnish to said board a carefully prepared and detailed estimate in writing of the appropriations required during the next fiscal year for the proper exercise and performance of all said duties.

SECTION 6. (a) The department of public works shall become operational upon the appointment and qualification of a director of operations of the department of public works.

(b) When said department is operational as provided for in paragraph (a), the staff and employees of the following offices and departments shall be assigned to the department of public works: town engineer, highway department, park and cemetery department, solid waste and recycling department and water department. Every employee so assigned shall continue to serve and shall retain all rights to holidays, sick leave, vacations and other benefits in effect on the effective date of this act, and shall be retained in a capacity as similar to the person's former capacity as is practical.

(c) All records, offices, property, equipment, and facilities of the highway department, solid waste and recycling department, water department and park and cemetery department shall be transferred to the care, custody and control of the department of public works when said department is operational as provided for in paragraph (a).

SECTION 7. The board of selectmen shall establish and appoint a public works committee. Said committee shall consist of not more than seven nor fewer than five members, of such term as the selectmen may determine. The committee shall be responsible for development of general goals and long term plans for the town's water supply and parks and cemeteries and shall fix fees, user charges or rates associated with delivery of water services and provision of cemetery services, including charges for cemetery lots and for perpetual care. The committee shall be responsible for the adoption of rules and regulations with respect to the provision of water supply and cemetery services. It shall have the authority to authorize and approve expenditures from trust funds for park and cemetery purposes and to delegate to the director of operations authority to execute deeds for lots in the cemeteries of the town. At the request of the board of selectmen the committee shall advise the selectmen concerning policies and operations of the department of public works.

SECTION 8. All special laws, special acts, by-laws, rules and regulations which are in force at the time this act becomes effective that are not inconsistent with the provisions of this act shall continue in full force until amended or repealed. Where a provision of this act conflicts with any provision of any special law, special act, by-law, rule or regulation of the town, the provisions of this act shall govern.

SECTION 9. This act shall take effect upon its passage.

Chapter 37 of the Acts of 2008

AN ACT AUTHORIZING THE TOWN OF WESTON TO GRANT A LICENSE FOR THE SALE OF WINES AT A FOOD STORE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Weston may grant to a food store a license for the sale of wines not to be drunk on the premises under section 15 of said chapter 138. Except as otherwise provided herein, such license shall be subject to all of said chapter 138 except said section 17.

For the purposes of this act, a “food store” shall mean a grocery store or supermarket which sells at retail, food for consumption off the seller’s premises either alone or in combination with grocery items or other nondurable items typically found in a grocery store and sold to individuals for personal, family or household use; provided, however, that such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store shall not be a convenience store or specialty store; provided, however, that the board of selectmen shall determine whether an applicant is a food store under this act. In making such determination, the board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of a license under this act may sell wine alone or in combination with any other items offered for sale. The amount of any initial or renewal fee for such a license shall be determined by the licensing authority issuing or renewing that license.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted at the same location if an applicant for the license files with the authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

SECTION 2. Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Weston shall cause to be placed on the ballot at a regular election the following question:-
“Shall an act passed by the general court in the year 2008, entitled ‘An Act Authorizing the Town of Weston to Grant a License for the Sale of Wines at a Food Store’, be accepted?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the board of selectmen. If a majority of votes cast in answer to the question is in the affirmative, the town shall be taken to have authorized the

Appendix 3

granting of a license for the sale of wines at a food store.

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

Approved February 21 , 2008

Appendix 3

Chapter 515 of the Acts of 2008

AN ACT AUTHORIZING THE BOARD OF SELECTMEN OF THE TOWN OF WESTON TO GRANT A LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES OF THE JOSIAH SMITH TAVERN AND BARN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding sections 12 and 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Weston, for the purpose of preserving and operating the Josiah Smith Tavern and Barn consistent with a preservation restriction on the property, may grant a license for the sale of all alcoholic beverages to be drunk on the premises to a nonprofit corporation established in accordance with section 2. The board of selectmen shall not approve the transfer of the license to any other entity or location. The Josiah Smith Tavern and Barn is located at 358 Boston Post road in the town of Weston and is owned by said town, subject to a 500-year historic preservation restriction held by Historic New England and recorded at the Middlesex south district registry of deeds at Book 15086, page 081-086.

SECTION 2. There shall be a body corporate to be known as the Josiah Smith Tavern Corporation. The corporation shall have all the rights, privileges, powers, duties and responsibilities of a corporation established pursuant to chapter 180 of the General Laws, and shall be deemed to be a nonprofit corporation established pursuant to said chapter 180 for all purposes of the General Laws including, but not limited to, liability of the corporation and its members pursuant to section 85K of chapter 231 of the General Laws. The corporation shall not be deemed to be an agency, commission, authority or other subdivision of the commonwealth or the town of Weston or an instrumentality of any of the foregoing for any purpose. The principal office of the corporation shall be in the town of Weston.

The purposes of the corporation shall be to assist, promote and support the historic renovation and reuse of the Josiah Smith Tavern and Barn in order to promote the common good and general welfare of the town of Weston. The corporation may hold the all alcoholic beverages license authorized in section 1 for use at the tavern and barn. Notwithstanding any other provision of this paragraph, the corporation shall apply to the board of selectmen for the license in accordance with section 15A of chapter 138 of the General Laws, and shall include in such license application the name of the responsible manager. Except as otherwise provided herein, the license shall be subject to said chapter 138. The board of selectmen may grant the license to the corporation and may condition, modify, suspend or revoke the license as it deems appropriate. The corporation may enter into such management and operations agreements as may be needed for the exercise of the license at the Josiah Smith Tavern and Barn. Any such agreement may allow the manager or operator to share in any of the profits earned as a result of the exercise of the license; but no such agreement between the corporation and the operator or manager shall be deemed a license transfer for purposes of said chapter 138. Any such agreement granting the manager or operator an interest in the license shall be approved by the board of selectmen and the alcoholic beverage control commission.

The corporation shall be governed by a board of directors, which shall have all the powers of the corporation. The board shall consist of not less than 5 members who shall be residents of the

Appendix 3

town and appointed by the moderator for staggered 3-year terms as designated by the moderator. No member of the board of selectmen, fire or police department, or any such member's immediate family, shall be eligible for appointment as a director of the corporation. For purposes of this act, the term "immediate family" shall be defined as set forth in paragraph (e) of section 1 of chapter 268A of the General Laws. Members of the board shall serve until their successors are appointed and qualified and may be removed after a hearing. A vacancy in the board, however occurring, may be filled by the moderator for the remainder of the unexpired term. The board of directors shall annually elect a president, treasurer and clerk. Initial appointments to the board shall be made not later than 1 month after the effective date of this act. The first meeting of the corporation shall be called not later than 2 months after the acceptance of this act by the town at an election pursuant to section 3 by a notice signed by the chairperson of the board of selectmen stating the time, place and purpose of the meeting, a copy of which notice shall be mailed or delivered to each member of the board at least 5 days before the day appointed for the meeting.

At the first meeting, the directors shall organize by the election of a temporary clerk, the adoption of by-laws, the election of officers, the adoption of additional articles of organization, consistent with this act, including whether the corporation will have more than 1 class of members, indemnification of directors, officers, employees and other agents of the corporation, the conduct and regulation of the business and affairs of the corporation, the street address of the principal office of the corporation in the commonwealth, the name, residential street address and post office address of each director and officer of the corporation, the fiscal year of the corporation and the filer's contact information and such other matters within the powers of the corporation as the directors may see fit; provided, however, that no member of the board of selectmen, fire or police department, or any such member's immediate family, shall be eligible to be a member or employee of the corporation. The temporary clerk shall be sworn and shall make and attest a record of the proceedings until the clerk has been chosen and sworn. Within 30 days after the final adjournment of the first meeting, the clerk shall make, sign, swear to and file in the office of the state secretary a copy of this act, any additional articles of organization approved by the board of directors, the by-laws, a certificate stating the date on which the meeting for organization was held and the names of the officers elected at such meeting and any other information or documentation required by the state secretary.

Members of the board shall not be subject to sections 23A and 23B of chapter 39 of the General Laws, but the board shall post its meetings in the manner provided in said sections 23A and 23B and otherwise abide by the requirements thereof. The members of the board of directors shall not be subject to chapter 268A of the General Laws, but shall abide by the provisions thereof as if they were special municipal employees for purposes of said chapter 268A.

The corporation shall make reports of its condition and activities not less than annually to the board of selectmen of the town of Weston and shall make all other filings and reports as would otherwise be required by chapter 180 of the General Laws.

The corporation shall be exempt from chapters 59 and 62 of the General Laws, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.

SECTION 3. Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Weston shall cause to be placed on the ballot at a regular or special town election the following question:-

"Shall an act passed by the general court in the year 2008, entitled `An Act Authorizing the

Appendix 3

board of selectmen of the town of Weston to grant a license for the sale of all alcoholic beverages to be drunk on the premises of the Josiah Smith Tavern and Barn,' be accepted?"

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the board of selectmen. If a majority of votes cast in answer to the question is in the affirmative, the town shall be taken to have authorized the town to grant a license for the sale of all alcoholic beverages to be drunk on the premises of the Josiah Smith Tavern and Barn.

SECTION 4. This act shall take effect upon its passage.

Approved January 15, 2009

Appendix 3

Chapter 37 of the Acts of 2008

AN ACT AUTHORIZING THE TOWN OF WESTON TO GRANT A LICENSE FOR THE SALE OF WINES AT A FOOD STORE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Weston may grant to a food store a license for the sale of wines not to be drunk on the premises under section 15 of said chapter 138. Except as otherwise provided herein, such license shall be subject to all of said chapter 138 except said section 17.

For the purposes of this act, a “food store” shall mean a grocery store or supermarket which sells at retail, food for consumption off the seller’s premises either alone or in combination with grocery items or other nondurable items typically found in a grocery store and sold to individuals for personal, family or household use; provided, however, that such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store shall not be a convenience store or specialty store; provided, however, that the board of selectmen shall determine whether an applicant is a food store under this act. In making such determination, the board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of a license under this act may sell wine alone or in combination with any other items offered for sale. The amount of any initial or renewal fee for such a license shall be determined by the licensing authority issuing or renewing that license.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted at the same location if an applicant for the license files with the authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

SECTION 2. Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Weston shall cause to be placed on the ballot at a regular election the following question:-

“Shall an act passed by the general court in the year 2008, entitled ‘An Act Authorizing the Town of Weston to Grant a License for the Sale of Wines at a Food Store’, be accepted?”

Appendix 3

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the board of selectmen. If a majority of votes cast in answer to the question is in the affirmative, the town shall be taken to have authorized the granting of a license for the sale of wines at a food store.

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

Approved February 21 , 2008

Appendix 3

Chapter 80 of the Acts of 2001

AN ACT ESTABLISHING THE POSITION OF TOWN MANAGER IN THE TOWN OF WESTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There shall be established in the town of Weston the office of town manager, who shall be appointed by the board of selectmen for a term not to exceed 3 years, as the board may determine, and may be appointed for successive terms of office. The town manager shall be a person of demonstrated ability with administrative experience in public management or business administration and who is qualified by reason of education and experience. The town manager shall devote full time to the duties of said office and shall not engage in any other business or occupation during the term of his employment by the town. The town manager shall hold no elective office in the town during his tenure as town manager, but the board of selectmen may appoint the town manager to any nonelective office or position consistent with the responsibilities of the town manager. Before entering upon his duties, the town manager shall be sworn to the faithful and impartial performance thereof by the town clerk.

The board of selectmen may from time to time establish additional qualifications for the office of town manager. To the extent permitted by law, the terms of the town manager's employment may be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters, excluding tenure, as are customarily included in an employment contract.

The board of selectmen shall set the compensation of the town manager, not to exceed the amount appropriated by the town meeting.

SECTION 2. The town manager shall be the chief administrative officer of the town. The town manager shall be responsible to the board of selectmen for the effective management of all town affairs placed in the town manager's charge by this act, the board of selectmen, or vote of the town meeting. The town manager shall be responsible for the implementation of town policies established by the board of selectmen. The functions and duties of the town manager shall include, but not be limited to, the following:

(a) Supervise all town departments under the jurisdiction of the board of selectmen and direct the operations of the town. The town manager may assume responsibilities falling under the jurisdiction of other officers, or elected or appointed boards or committees as those boards and the board of selectmen may jointly approve. This section shall not apply to employees of the school department and to the statutory responsibilities and functions of the school committee.

(b) Transfer personnel within departments under the jurisdiction of the board of selectmen, with its approval. The town manager may transfer personnel under the jurisdiction of other elected boards or commissions as the board of selectmen and such other boards or commissions having jurisdiction thereof jointly approve. All personnel transfers of positions shall be subject to chapter 31 of the General Laws.

(c) Appoint all town officers and employees whose appointments are not otherwise provided for in this act. The town manager shall also organize and implement the hiring process, which shall

Appendix 3

include the preparation of position descriptions in consultation with the relevant appointing authority, where applicable, and shall set compensation, recruit, interview and, where required, test.

(i) The board of selectmen shall appoint the town manager, town counsel, multimember boards and committees under the jurisdiction of the board of selectmen, and the metropolitan area planning council representative, and shall retain the authority to appoint individuals to, to dismiss individuals from, and to fill vacancies in such positions without reference to the operation of paragraphs (ii) to (vi).

(ii) The town manager shall recommend to the board of selectmen for its appointment candidates for the positions of chief of the fire department, forest warden, police chief, and director of public works. The board of selectmen shall approve or disapprove the recommendation by a majority vote, and shall not appoint any individual to one of these positions who has not been recommended for that position by the town manager.

(iii) Positions of department heads, or in the absence of department heads, chief staff employees, for elected or appointed boards other than the board of selectmen, at Grade 6 or above in the town's personnel classification plan, shall be appointed by their respective board by majority vote, with the concurrence of the town manager.

(iv) The town manager may conduct interviews for positions described in paragraphs (ii) and (iii), with the relevant board, as the town manager and such board shall mutually agree. Neither the town manager nor the respective board shall dismiss an individual from 1 of the positions set forth in paragraphs (ii) and (iii) without the concurrence of the other.

(v) Notwithstanding the foregoing:

(1) the town clerk shall retain the authority to appoint, dismiss, and fill vacancies in the position of assistant town clerk;

(2) the town moderator shall retain the authority granted by town meeting vote or by by-law to appoint and fill vacancies in such offices, committees, or boards as specified thereby; and

(3) the library board of trustees, in consultation with the town manager, shall retain the authority to appoint and dismiss the library director, and all other library employees shall be appointed and dismissed by the library director in consultation with the town manager.

(vi) All other employees shall be appointed and dismissed by their respective department head, or in the absence of a department head, by the chief staff employee, in consultation and concurrence with the town manager and in accordance with employment practices established by the town manager.

(d) Except as to the board of selectmen, every elected or appointed town board shall directly supervise its department head, or in the absence of a department head, its chief staff employee, except with respect to personnel, financial and administrative technology practices in their departments, as to which the town manager shall have supervisory authority. All other employees shall be supervised by the town manager, his designee, or by the department head, or the chief staff employee of their department.

Appendix 3

(e) The town manager may reorganize, consolidate, establish, or abolish any department or position under the town manager's direction or supervision, at his discretion and with the board of selectmen's approval. With the approval of both the board of selectmen and finance committee, the town manager may transfer all or part of any unexpended appropriation of a discontinued department, board or office to any other town department, board or office under the board of selectmen's jurisdiction.

(f) The town manager, may, at his discretion and with the approval of the board of selectmen, establish a consolidated department of finance responsible for the coordination and overall supervision of all fiscal and financial affairs of all agencies of town government and may appoint a director of finance; but the terms of persons holding the position of accountant, auditor or comptroller, treasurer, collector or assessor on the effective date of this act shall not be shortened by reason of the consolidation.

(i) The department of finance may include the functions of the offices of accountant, treasurer and collector, and assessors, and may also include the following: coordination of all financial services and activities; maintenance of all accounting records and other financial statements; payment of all obligations; receipt of all funds due; assistance to all other town departments and offices in any matter related to financial affairs; monitoring of the expenditure of all funds, including periodic reporting to appropriate agencies on the status of accounts; supervision of all purchases of goods, materials and supplies and maintenance of inventory controls; supervision of data processing facilities; and any other matter relating to municipal finance as the town manager may determine necessary or desirable.

(ii) The town manager may appoint a director of finance for a term of one year. The director of finance shall be especially fitted by education, training, and experience to perform the duties of the office, and, may, at the discretion of the town manager, serve as the head of any division within the department, or the town manager may designate a person to serve as head of one or more divisions within the department. The director of finance, in consultation and concurrence with the town manager, may hire such other personnel as necessary to staff the department. The powers and duties of the director of finance as designated by the town manager may include, but not be limited to, the following:

(1) coordinate and operate, in accordance with applicable statute, by-law, code and accepted practice, the financial functions of all town departments and agencies, and supervise the following functions of accounting, treasury, tax collections, assessing, budgeting and procurement;

(2) work with the town manager and board of selectmen to develop strategic financial plans and policies;

(3) plan, organize, and provide administrative direction for all financial functions;

(4) receive all requests made for the expenditure of town funds from every office and agency and assemble all such requests into a complete projected budget for all town funds and activities for the ensuing fiscal year;

(5) compile and submit an annual operating budget to the town manager, which shall show in detail the estimated income from the proposed property tax levy and from every other source by category; and

Appendix 3

- (6) provide general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by town meeting.
- (g) Administer, either directly or through a person appointed by him, all provisions of general and special laws applicable to the town, and by-laws and votes of the town within the scope of his duty, and all rules and regulations made by the board of selectmen.
- (h) Establish control and data systems appropriate to monitoring expenditures by town boards and departments to enable the town manager to make periodic reports to the board of selectmen and the finance committee on the status of the town's finances.
- (i) Develop and administer a personnel system, including, but not limited to, the development and implementation of an ongoing training program, personnel and hiring policies, practices, and regulations for town employees.
- (j) Oversee preparation of the draft town budget and submit it with written comments and recommendations to the board of selectmen and finance committee by such date or dates as may be determined by the board of selectmen.
- (k) Negotiate collective bargaining contracts on behalf of the board of selectmen, which contracts shall be subject to approval, ratification and execution by the board. The board of selectmen may authorize use of additional persons to assist the town manager in the negotiations at its discretion.
- (l) Administer and enforce collective bargaining agreements, and personnel rules and regulations, and by-laws adopted by the town.
- (m) Act as the chief procurement officer under the provisions of chapter 30B of the General Laws, responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department.
- (n) Attend all regular and special town meetings, unless excused therefrom by the board of selectmen.
- (o) Cause full and complete records of meetings of the board of selectmen to be taken and maintained, and compile reports of the meetings as requested by the board of selectmen.
- (p) Exercise general supervision over the personnel, organization, systems and practices of the board of selectmen's office.
- (q) Act as the liaison with and represent the board of selectmen before state, federal and regional authorities.
- (r) Approve all warrants or vouchers, including payroll warrants, for payment of town funds submitted by the town accountant.
- (s) Award and execute all contracts for designer services and construction of town buildings, including school buildings, consistent with provisions of the permanent building committee by-law

Appendix 3

(t) Perform any other duties consistent with his office as may be required by by-law or vote of the town or by vote of the board of selectmen.

The chief staff employee of each town department shall be a member of the town manager's administrative staff for the purpose of assuring common town personnel, financial, administrative and technology use practices, and for the purpose of fostering effective communications among town departments.

SECTION 3. A vacancy in the office of town manager shall be filled as soon as practicable by the board of selectmen. When a vacancy exists, the board of selectmen may appoint by a majority vote of the entire board a suitable person as acting town manager during the period of the vacancy.

SECTION 4. The procedure for filling a vacancy in the office of town manager shall be as follows:

(a) The board of selectmen may reappoint an incumbent town manager without a screening committee.

(b) The board of selectmen shall appoint a screening committee to consider applicants for the position. The committee shall be composed of 5 registered voters of the town of Weston.

(c) The screening committee shall:

(i) receive and review all applications for the position of town manager;

(ii) select applicants for interviews;

(iii) conduct 1 or more preliminary interviews with the selected applicants;

(iv) investigate the experience, qualifications and reputation of applicants deemed eligible for consideration as finalists;

(v) evaluate the applicants in relation to the established job description for the position and criteria specified by the board of selectmen;

(vi) report in writing to the board of selectmen a summary of its activities; and

(vii) present to the board of selectmen in writing a list of not more than five nor, if reasonably practicable, fewer than three applicants deemed qualified for the position of town manager.

(d) The board of selectmen shall then interview in public meeting the applicants recommended by the screening committee. The board of selectmen may conduct such further investigation and examination of applicants as it determines and may appoint a town manager from the screening committee's list. If the board does not appoint a town manager from the list, it shall prepare and file in its records a written statement of the reasons for its decision. The screening committee shall then be requested to provide a recommendation of not more than 3 other applicants whom it considers qualified. The board of selectmen shall consider such applicants in the same manner as those first recommended.

Appendix 3

(e) The board of selectmen shall not appoint to the position of town manager a person who has not received a recommendation from the screening committee except by unanimous vote of the board.

SECTION 5. The board of selectmen may remove the town manager by the majority vote of the entire board. At least 30 days before such proposed removal shall become effective, the board of selectmen shall file a preliminary written resolution with the town clerk setting forth the specific reasons for such proposed removal. The town clerk shall forthwith deliver to the town manager a copy of such resolution, or cause it to be delivered by registered mail at his last known address. The town manager may file with the board of selectmen, within 7 days after receipt of the copy, a written request for a public hearing to be held not earlier than 10 nor later than 20 days after the filing of the request. After such public hearing, if any, or otherwise at the expiration of 30 days following the filing of the preliminary resolution, and after full consideration, the board of selectmen, by the majority vote of the entire board, may adopt a final resolution of removal. In the preliminary resolution, the board of selectmen may suspend the manager from duty, and at its discretion, shall determine whether the suspension will be with or without pay.

SECTION 6. Section 4 of chapter 582 of the acts of 1978 is hereby amended by inserting after the word "employees", in line 2, the following words:- with the concurrence of the town manager.

SECTION 7. Section 1 of chapter 261 of the acts of 1995 is hereby amended by inserting after the word "selectmen", in line 10, the following words:- or town manager.

SECTION 8. Section 2 of said chapter 261 is hereby amended by striking out, in line 6, the words "said board of selectmen" and inserting in place thereof the following words:- the town manager.

SECTION 9. Section 5 of said chapter 261 is hereby amended by striking out, in lines 5 and 6, the words "; supervision of engineering services of the town".

SECTION 10. Paragraph (b) of section 6 of said chapter 261 is hereby amended by striking out, in line 3, the words "town engineer,".

SECTION 11. Section 7 of said chapter 261 is hereby repealed.

SECTION 12. All special acts, by-laws, rules and regulations which are in force on the effective date of this act that are not inconsistent with the provisions of this act shall continue in full force until amended or repealed. If any provision of this act conflicts with any provisions of any special act, by-law, rule or regulation of the town, the provisions of this act shall govern.

SECTION 13. This act shall take effect upon its passage.

*Approved August 29, 2000
Amended and approved December 22, 2006
(section 2)*

Appendix 3

Chapter 283 of the Acts of 2004

AN ACT AUTHORIZING THE TOWN OF WESTON TO APPROPRIATE MONEY FROM THE COMMUNITY PRESERVATION FUND.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The general court finds that the town of Weston adopted the Community Preservation Act, in this act called the Act, [chapter 44B](#) of the General Laws, sections 3 through 7, inclusive, before November 25, 2002, and could have authorized creation of community housing at the Brook School Apartments pursuant to the Act; however, the town approved the creation of community housing under Article 11 at the November 25, 2002, special town meeting to be funded using federal subsidies which the town of Weston will not receive as expected due to unanticipated, unusual circumstances resulting from federal budget matters entirely outside the control of the town of Weston.

SECTION 2. Notwithstanding [section 6 of chapter 44B](#) of the General Laws or of any other general or special law to the contrary, the town of Weston may, upon recommendation by the Weston Community Preservation Committee, and pursuant to a 2/3 vote of the Weston town meeting, amend the vote under Article 11 of the November 25, 2002 special town meeting, authorizing the construction of affordable housing at the Brook School Apartments, approve the creation of community housing in accordance with the act, and provide that the portion of the appropriation and borrowing authorization attributable to the creation of community housing at the Brook School Apartments be funded through the town's community preservation fund, established pursuant to [section 7 of chapter 44B](#) of the General Laws, including the affordable housing reserve. The Weston town meeting may further, upon recommendation by the Weston Community Preservation Committee, appropriate funds for the purpose of paying the debt service on the portion of the bonds issued pursuant to this vote and the vote of the Weston town meeting authorized under this act, for the purpose of creating community housing at the Brook School Apartments. Such funds may be so appropriated and expended only if the town votes to place a permanent deed restriction for affordable housing purposes on 13 units at the Brook School Apartments created for community housing under this act and the vote of the Weston town meeting authorized hereby, which restriction complies with the requirements of chapter 184 of the General Laws. The deed restriction must run to the benefit of a nonprofit, charitable corporation or foundation selected by the town with the right to enforce the restriction.

SECTION 3. If the Weston town meeting votes as authorized herein to approve under the act the creation of affordable housing at the Brook School Apartments, that portion of the unexpended amount of the temporary borrowing incurred pursuant to the vote under Article 11 of the November 25, 2002, Weston special town meeting attributable to the creation of affordable housing at the Brook School Apartments shall be transferred without further appropriation to the Weston community preservation fund, and that portion of any interest earned on the amounts temporarily borrowed under Article 11 of the November 25, 2002, special town meeting, net of interest expense, attributable to the creation of affordable housing at the Brook School Apartments shall be similarly transferred without further appropriation.

SECTION 4. Except as otherwise provided in this act, if the town votes to approve the creation of community housing at the Brook School Apartments under the act as so authorized herein, the community housing created at the Brook School Apartments shall be deemed to be community

Appendix 3

preservation property, subject to all requirements of the Act; further, any future expenditures from the community preservation fund for the purposes set forth herein shall be subject to the provisions of the Act.

SECTION 5. If this act is not in effect on May 10, 2004, any vote taken under Article 19 of the Weston 2004 Annual Town Meeting warrant to authorize the creation of community housing at the Brook School Apartments, as authorized by section 2 of this act, shall be ratified, validated and confirmed as if this act had been in effect on the date of the vote.

SECTION 6. This act shall take effect upon its passage.

Approved August 9, 2004

Appendix 3

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.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding clause Forty-first A of [section 5 of chapter 59](#) of the General Laws, or any other general or special law to the contrary, and subject to sections 2 to 5, inclusive, the board of assessors of the town of Weston shall defer the real estate property tax payment for property of a person 60 years of age or older and occupied by him as his domicile, or a person who owns the same jointly with his spouse, either of whom is 60 years of age or older and occupied as their domicile, or of a person who owns the same jointly or is a tenant in common with a person not his spouse and occupied by him as his domicile, if the person claiming the exemption either alone or together with his spouse had combined income during the preceding year of an amount not to exceed the amount established by the board of selectmen and ratified by vote of the annual town meeting, provided that such person has owned and occupied as his domicile such real property in the town for 5 years or is a surviving spouse who inherits such real property and has occupied such real property as his domicile in the town for 5 years and who otherwise qualifies under this act.

SECTION 2. Any such person may, on or before December 15 of each year to which the tax relates or within 3 months after the date on which the bill or notice is first sent, whichever is later, apply to the board of assessors for an exemption of all or part of such real property from taxation during such year; provided, however, that in the case of real estate owned by a person jointly or as a tenant in common with a person not his spouse, the exemption shall not exceed that proportion of total valuation which the amount of his interest in such property bears to the whole tax due. The board of assessors shall grant such exemption provided that the owner or owners of such real property have entered into a tax deferral and recovery agreement with the board of assessors on behalf of the town.

The agreement shall provide that:-

(1) no sale or transfer of such real property may be consummated unless the taxes which would otherwise have been assessed on such portion of the real property as is so exempt have been paid, with interest at the rate of 4 per cent per annum for the first year and at an annual rate set thereafter by the board of selectmen provided that the rate set by the selectmen shall never exceed 8 per cent annum;

(2) the total amount of such taxes due, plus interest, for the current and prior years does not exceed 50 per cent of the owner's proportional share of the full and fair cash value of such real property;

(3) upon the demise of the owner of such real property, the heirs-at-law, assignees or devisees shall have first priority to the real property by paying in full the total taxes which would

Appendix 3

otherwise have been due, plus interest; provided, however, that if such heir-at-law, assignee or devisee is a surviving spouse who enters into a tax deferral and recovery agreement under this clause, payment of the taxes and interest due shall not be required during the life of such surviving spouse. Any additional taxes deferred, plus interest, on the real property under a tax deferral and recovery agreement signed by a surviving spouse shall be added to the taxes and interest which would otherwise have been due, and the payment of which has been postponed during the life of such surviving spouse, in determining the 50 per cent requirement of subparagraph (2);

(4) if the taxes due, plus interest, are not paid by the heir-at-law, assignee or devisee or if payment is not postponed during the life of a surviving spouse, such taxes and interest shall be recovered from the estate of the owner; and

(5) any joint owner or mortgagee holding a mortgage on such property has given written prior approval for such agreement, which written approval shall be made a part of such agreement.

SECTION 3. In the case of each tax deferral and recovery agreement entered into between the board of assessors and the owner or owners of such real property, the board of assessors shall forthwith cause to be recorded in the registry of deeds of the county or district in which the city or town is situated a statement of their action which shall constitute a lien upon the land covered by such agreement for such taxes as have been assessed under this act, plus interest as hereinafter provided. A lien filed pursuant to this act shall be subsequent to any liens securing a reverse mortgage, excepting shared appreciation instruments. The statement shall name the owner and shall include a description of the land adequate for identification. Unless such a statement is recorded the lien shall not be effective with respect to a bona fide purchaser or other transferee without actual knowledge of such lien. The filing fee for such statement shall be paid by the city or town and shall be added to and become a part of the taxes due.

SECTION 4. In addition to the remedies provided by this act, the recorded statement of the assessors provided for in this act shall have the same force and effect as a valid taking for nonpayment of taxes under section 53 of chapter 60 of the General Laws, except that: (1) interest shall accrue at the rate provided in this act until the conveyance of the property or the death of the person whose taxes have been deferred, after which time interest shall accrue at the rate provided in section 62 of said chapter 60; (2) no assignment of the municipality's interest under this act may be made pursuant to section 52 of said chapter 60; and (3) no petition under section 65 of said chapter 60 to foreclose the lien may be filed before the expiration of 6 months from the conveyance of the property or the death of the person whose taxes have been deferred.

SECTION 5. This act shall take effect upon its passage.

Approved December 16, 2004

Appendix 3
Chapter 37 of the Acts of 2008

AN ACT AUTHORIZING THE TOWN OF WESTON TO GRANT A LICENSE FOR THE SALE OF WINES AT A FOOD STORE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Weston may grant to a food store a license for the sale of wines not to be drunk on the premises under section 15 of said chapter 138. Except as otherwise provided herein, such license shall be subject to all of said chapter 138 except said section 17.

For the purposes of this act, a “food store” shall mean a grocery store or supermarket which sells at retail, food for consumption off the seller’s premises either alone or in combination with grocery items or other nondurable items typically found in a grocery store and sold to individuals for personal, family or household use; provided, however, that such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store shall not be a convenience store or specialty store; provided, however, that the board of selectmen shall determine whether an applicant is a food store under this act. In making such determination, the board of selectmen shall consider such factors as the volume of sales, actual or proposed, and the extent and range of merchandise offered for sale. The holder of a license under this act may sell wine alone or in combination with any other items offered for sale. The amount of any initial or renewal fee for such a license shall be determined by the licensing authority issuing or renewing that license.

Notwithstanding any general or special law or any rule or regulation to the contrary, the licensing authority shall not approve the transfer of the license to any other location, but the license may be granted at the same location if an applicant for the license files with the authority a letter in writing from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location and under the same conditions as specified in this section.

SECTION 2. Notwithstanding sections 11 and 11A of chapter 138 of the General Laws or any other general or special law to the contrary, the board of selectmen of the town of Weston shall cause to be placed on the ballot at a regular election the following question:-

“Shall an act passed by the general court in the year 2008, entitled ‘An Act Authorizing the Town of Weston to Grant a License for the Sale of Wines at a Food Store’, be accepted?”

Appendix 3

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by the town counsel and approved by the board of selectmen. If a majority of votes cast in answer to the question is in the affirmative, the town shall be taken to have authorized the granting of a license for the sale of wines at a food store.

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

Approved February 21 , 2008

Appendix 3
Chapter 6 of the Acts of 2009

AN ACT RELATIVE TO THE TOWN CLERK OF THE TOWN OF WESTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The position of town clerk in the town of Weston shall be appointed.

SECTION 2. Paragraph (ii) of subsection (c) of section 2 of chapter 80 of the acts of 2001 is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The town manager shall recommend to the board of selectmen for its appointment candidates for the positions of town clerk, chief of the fire department, forest warden, police chief, and director of public works.

SECTION 3. Paragraph (v) of said subsection (c) of said section 2 of said chapter 80 is hereby amended by striking out clauses (1), (2) and (3) and inserting in place thereof the following two clauses:-

- (1) the town moderator shall retain the authority granted by town meeting vote or by by-law to appoint and fill vacancies in such offices, committees, or boards as specified thereby; and
- (2) the library board of trustees, in consultation with the town manager, shall retain the authority to appoint and dismiss the library director, and all other library employees shall be appointed and dismissed by the library director in consultation with the town manager.

SECTION 4. Notwithstanding any general or special law to the contrary, upon the approval of this act by the voters as set forth in section 5, the position of elected town clerk in the town of Weston shall be abolished, and the term of the elected incumbent holding office, if any, shall be terminated; provided, however, that any individual elected to the position of town clerk at the same election at which the question set forth in section 5 appears on the ballot shall hold that office and perform the duties thereof until the appointment to said office is otherwise made in accordance with the provisions of chapter 80 of the acts of 2001, as amended in accordance with section 2 of this act, or the individual's sooner resignation.

SECTION 5. This act shall be submitted for its acceptance to the qualified voters of the town of Weston at an annual or special election in the form of the following question:-

“Shall an act passed by the general court in the year 2009, entitled ‘An Act Relative to the Town Clerk of the Town of Weston,’ be accepted?”

Below the ballot question shall appear a fair and concise summary of the ballot question prepared by town counsel and approved by the board of selectmen.

If a majority of the votes cast in answer to the question is in the affirmative, sections 1 to 4, inclusive, shall take effect in the town of Weston, but not otherwise.

SECTION 6. This act shall take effect upon its passage.

Approved April 3, 2009

Appendix 3
Chapter 47 of the Acts of 2012

IN ACT RELATIVE TO THE REGULATION OF SALARIES OF EMPLOYEES OF THE TOWN OF WESTON SERVING IN THE ARMED FORCES OF THE UNITED STATES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, an employee in the service of the town of Weston, including a school department employee, who has been granted a military leave of absence because the employee is a member of the army national guard, the air national guard or a reserve component of the armed forces of the United States called to active service in the armed forces of the United States after September 11, 2001, may, at the discretion of the Weston board of selectmen and subject to appropriation, be paid at the employee's regular base salary as such a public employee and shall not lose any seniority or any accrued vacation leave, sick leave, personal leave, compensatory time or earned overtime. If the board elects to make payments under this act, an eligible employee shall be paid the regular base salary as such a public employee for each pay period of such military leave of absence after September 11, 2001, reduced by any amount received from the United States as pay or allowance for military service performed during the same pay period, excluding overtime pay, shift differential pay, hazardous duty pay or any other additional compensation. For the purposes of this section, the term "active service" shall not include active duty for training in the army national guard or air national guard or as a reservist in the armed forces of the United States. Nothing in this act shall limit or reduce a person's entitlement to benefits under section 59 of chapter 33 of the General Laws and nothing in this act shall entitle a person to benefits in excess of the maximum benefit provided under said section 59 of said chapter 33 for any period during which that person is receiving benefits under this section.

SECTION 2. Payments made by the town of any amounts authorized pursuant to section 1 are hereby ratified, validated and confirmed as though this act had been in full force and effect on the date such payments were made.

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

Approved, March 9, 2012.

Appendix 3
Chapter 82 of the Acts of 2013

**AN ACT AUTHORIZING THE TOWN OF WESTON TO GRANT A LICENSE FOR
THE SALE OF WINES AND MALT BEVERAGES AT A FOOD STORE.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 1 of chapter 37 of the acts of 2008 is hereby amended by inserting after the word “wines”, in line 3, the following words:- and malt beverages.

SECTION 2. Said section 1 of said chapter 37 is hereby further amended by striking out, in line 16, the word “wine” and inserting in place thereof the following words:- wines and malt beverages.

SECTION 3. Notwithstanding any general or special law to the contrary, the holder of the license issued under chapter 37 of the acts of 2008 may apply for an amendment to that license in order to authorize the sale of malt beverages in addition to wines.

SECTION 4. This act shall take effect upon its passage.

Approved, September 18, 2013.

Weston Bow Hunting Regulations

Approved July 10, 2012

Amended 2/18/14, 3/24/15, 9/27/16

- I. The Weston Conservation Commission (WCC) allows Bow Hunting for deer on select Conservation Land properties by permit only. The Weston season will coincide with the Commonwealth of Massachusetts Hunting season.
- II. The WCC and its staff and representatives will limit the number of access permits based on the amount of land available for hunting.
 - a. Archery hunting is limited to specifically designated areas at the following conservation land parcels: Blaney Aquifer, Coburn Meadows, College Conservation Area, Dickson Field, Doublet Hill, Highland Forest, Jericho Town Forest, Ogilvie Town Forest, Old Road and the Sears Land.
 - b. The WCC reserves the right to close any parcel to hunting for any reason.
- III. Conservation land may be hunted only by those persons who have been issued a lawful Bow Hunting Access Permit by the Commission.
 - a. Hunting Access Permits will only be issued to those hunters who have passed a proficiency test.
- IV. The WCC will monitor the program to ensure public safety and compliance with land management goals.
 - a. Trails leading to hunting areas shall be marked with temporary signs indicating that hunting is occurring on the property.
 - b. The Commission reserves the right to cancel hunting at any time, for any reason.
- V. Permitting Regulations
 - a. All State hunting rules and regulations apply.
 - b. Only archery hunting is allowed.
 - c. Permits will restrict hunters to specific locations.
 - d. Hunters must carry, at all times photo identification, all licenses, permits and maps of approved locations showing boundaries. Hunters must be prepared to show these documents to anyone who asks to see them.
 - e. The WCC reserves the right to revoke hunting access permits at any time, without cause.
- VI. Field Regulations
 - a. Daily hunting hours will coincide with State's allowed hunting hours (1/2 hour prior to sunrise to 1/2 hour after sunset).
 - b. Hunting is permitted only from temporary portable tree stands.
 - c. Strap-on steps or ladder steps only are permitted.
 - d. The permit number issued by the WCC must be visible on tree stand & the dashboard of the hunter's car.
 - e. No night-vision or other low-light devices are permitted.
 - f. Minor clearing of shooting lanes is permitted within reason, no limbs over one inch in diameter shall be cut
- VII. Take-Related Regulations
 - a. No other forms of wildlife may be taken.
 - b. All deer taken must be reported to the WCC within 24 hours or by 5pm of the next business day.
 - c. Harvested animals must be removed without damage to the area. All traces of the kill must be removed or buried at least 100 feet from any trail and streams/wetlands.

ARTICLE XXX

FARM PRESERVATION

Section 1

Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Weston restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Weston by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2

Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;

- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3

Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Weston. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4

Disclosure Notification

Not later than 21 days after the purchase and sale contract is entered into, or prior to the sale or exchange of real property if no purchase and sale agreement exists, for the purchase or exchange of real property, or prior to the acquisition of a leasehold interest or other possessory interest in real property, located in the Town of Weston, the landowner shall present the buyer or occupant with a disclosure notification which states the following:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by commercial agricultural operations including the ability to access water services for such property under certain circumstances.”

A copy of the disclosure notification shall be given on a form prepared by the Town and shall be signed by the landowner prior to the sale, purchase, exchange or occupancy of such real property. A copy of the disclosure notification must be filed with the Board of Selectmen or its designee prior to the sale, purchase, exchange or occupancy of such real property. In addition to the above, a copy of this disclosure notification shall be provided by the Town to landowners each fiscal year by mail.

Section 5

Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Board of Selectmen, the Zoning

Enforcement Officer, or the Board of Health, in accordance with statute and appropriate bylaws and regulations of the Town. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Board of Selectmen shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame.

The Board of Health, except in cases of imminent danger or public health risk, shall forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6

Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Weston hereby declares the provisions of this By-law to be severable. (*Effective as of May 15,*

SECTION 1 GENERAL PROVISIONS

1.01 AUTHORITY

These Rules and Regulations for Site Plan Approval are adopted by the Weston Planning Board, as authorized by Section XI of the Weston Zoning By-Law.

1.02 PURPOSE

The purpose of these Rules and Regulations is to establish procedures for conducting Site Plan Approval, as set forth in Section XI of the Weston Zoning By-Law.

1.03 APPLICABILITY

Any person applying for Site Plan Approval under Section XI of the Weston Zoning By-Law shall comply with these Rules and Regulations.

1.04 WAIVER OF SPECIFIC INFORMATION REQUIREMENTS

Strict compliance with these Rules and Regulations, including the holding of a Public Hearing, may be waived if the Planning Board finds that the waiver is in the public interest, or if the required information is irrelevant to the project, and the result of the waiver granted is consistent with the purpose of the Weston Zoning By-Law and these Rules and Regulations. Planning Board shall vote on these requests for waivers within 21 days of Date of Submission. If no vote is taken, waiver requests shall be deemed to be denied.

Any request from an Applicant for a waiver of the Public Hearing or of these Rules and Regulations must be submitted in writing at the time of the application for Site Plan Approval on Form SPA-4, WAIVER REQUEST FORM. The request must clearly identify the provisions(s) from which relief is sought and include a statement setting forth the reasons why, in the applicant's option, the granting of such a waiver would be in the public interest; why required information is irrelevant to the project; and why a waiver would be consistent with the purpose of the Zoning By-Law and these Rules and Regulations.

1.05 AMENDMENTS TO THE RULES AND REGULATIONS

The Rules and Regulations may be amended by a majority vote of the Board after a duly noticed and held Public Hearing.

SECTION 2. FILING PROCEDURES FOR SITE PLAN APPROVAL

2.01 WHO MAY FILE A SUBMISSION FOR SITE PLAN APPROVAL

If the applicant is a party other than the record owner, the Application must be co-signed by all of the record owners.

2.02 FILING FEES

Every Submission (other than by the Town of Weston) shall be accompanied by a filing fee payable by check to the Town of Weston. The applicant should refer to the PROCESING FEE SCHEDULE at the end of these Rules and Regulations for the fee schedule. If waiver of the public hearing is requested but denied, the applicant will be required to pay the full filing fee.

A \$50 advertising fee shall be required for any application requiring public notice under Massachusetts General Law or the Bylaws of the Town of Weston.

2.03 SITE PLAN APPROVAL SUBMISSION AND DATE OF SUBMISSION

- a) Submission. To initiate the Site Plan Approval process the applicant shall file an application with the Town Planner on form SPA-1, the Application for SITE PLAN APPROVAL. This application along with the supporting documentation required in these Rules and Regulations and in Section XI of the Zoning By-Law constitutes the Submission.
- b) Date of Submission. The applicant shall file or cause to be filed 7 copies of the Submission in the office of the Town Planner. The Town Planner's office shall stamp the upper right hand corner of SPA-1 with the date of receipt. The Town Planner shall thereafter have 5 business days to review the Submission for completeness. If the Submission is complete, the Town Planner shall endorse the Submission by completing the lower portion of SPA-1. The date of such endorsement shall be the Date of Submission.
- c) Incomplete Submission. If the Submission is incomplete, it will be returned to the Applicant by the Town Planner with a listing of the missing information. The filing fee is nonrefundable.
- d) The Applicant shall file a copy of SPA-1, SITE PLAN APPROVAL APPLICATION endorsed with the Date of Submission, with the Town Clerk's Office within 2 business days of the Date of Submission. Proof of receipt of the Application by the Town Clerk's Office shall be furnished on SPA-1.

2.04 TRANSMITTAL OF THE SUBMISSION

The Applicant shall transmit a complete copy of the endorsed, date stamped Submission to each of the following: Board of Selectmen; Board of Health; Building Inspector; Fire Chief; Water Department; Conservation Commission; Police Chief; Town Engineer at the DPW. The Applicant

shall use SPA-2, TRANSMITTAL OF SITE PLAN APPROVAL SUBMISSION, as a cover sheet for the Transmittals. It is the Applicant's responsibility to furnish proof of receipt of the transmittal on SPA-3, PROOF OF TRANSMITTAL FORM. The completed signature form must be returned to the Town Planner not later than 3 business days after the Date of Submission. Failure to return SPA-3 in the prescribed time will cause the Submission to be considered incomplete, and it will be returned to the Applicant.

2.05 CERTIFIED ABUTTERS LIST

A list of abutters and abutters to abutters with 300' including their postal addresses that are "parties in interest" (as defined by M.G.L. C.40A) taken from the most recent tax list of the Town, shall be certified by the Assessors Office and included in the Submission on SPA-5, CERTIFIED ABUTTERS LIST FORM.

SECTION 3 FORM OF PLANS

3.01 SHEET SIZE

All plans shall be drawn on sheets 24"x36". One set of 24"x36" reproducible plans and seven sets of half scale prints shall be submitted to the Town Planner as part of the Submission. Transmittals to other Boards, etc., shall include full size drawings.

3.02 PROFESSIONAL CERTIFICATION

All plans shall be prepared, as appropriate, by a Registered Architect, Landscape Architect, Registered Land Surveyor or Registered Professional Engineer unless this requirement is waived by the Planning Board.

3.03 FORMS OF PLANS

Plans shall be legibly drawn, be fully detailed and demonstrate the intentions of the Applicant. Plans shall be drawn at a standard scale and so stated. All plan sheets shall be consecutively numbered e.g. 1 of 5, 2 of 5, etc. All plans shall have an appropriate title block, north arrow, scale and legend identifying any representative symbols used. All plans shall be dated and bear the name and address of the owner of record, the project name, the applicant, and professional seal where applicable.

SECTION 4

CONTENT OF THE SUBMISSION

4.01 GENERAL

The information submitted by an applicant shall include data and analyses which are pertinent to the Standards and Criteria set forth in the Weston Zoning By-Laws, Section XI, Subsection H. At a minimum, a Submission shall contain the following items.

4.02 LIST OF ALL ITEMS SUBMITTED

The Submission shall include a separate sheet titled "List of Items Submitted" which shall number and identify each document, plan, drawing or other item that is submitted by the Applicant as part of the Submission. Any item that is added to the Submission during the course of the site plan approval process shall be added to the List by the Applicant.

4.03 LOCATION

A separate locus map at 1"=300 ft. shall show the location of the site showing details similar to that shown on the Assessor's Maps, within a minimum radius of 500' of the site. A separate abutters map at 1"-100 ft. shall show the total of abutters' and next abutters' land with structures, driveways, watercourses, roadways, easements and rights of way.

4.04 GENERAL SITE CHARACTERISTICS

The plans shall show all existing lot lines and boundaries on the site and those of any abutting properties to the site owned by the same owner (s), present and proposed easements; rights of way; covenants; restrictions; and agreements on the development parcel.

The size of the development parcel area shall be stated in acres or square feet.

All zoning district boundaries shall be specified including any overlay districts on or within 500 ft. of the perimeter of the site. The Applicant shall provide copies of all variances, special permits and dates of issue by other Town Boards or Federal Agencies, and a list of any variance, permit or special permit required to begin the proposed work.

The plans shall show the area of the parcel within the Weston Wetlands and Floodplain Protection District with base elevations.

The plans shall show the location and type of trails, recreation areas, scenic views, historic structures and buildings, stone walls and written description/plans for their preservation.

4.05 NATURAL SITE CHARACTERISTICS

The plans shall show existing and proposed topography at two (2) foot contour intervals (all elevations shall refer to the National Geodetic Vertical Datum of 1929).

The plans shall show location of water resources including ponds, lakes, brooks, intermittent streams, vernal ponds, streams, flood plains and all proposed changes to these features.

The plans shall show all wetlands and wetland buffer area boundaries subject to the provisions of the “Wetlands Protection Act “ M.G.L. C.131, Section 40.

4.06 USE DESCRIPTION

The applicant shall provide a detailed written description of the existing and proposed use. General description such as “business use” or “medical use” are not acceptable. The use description must identify the specific type(s) of activities currently existing and proposed to be conducted on the site.

The statement shall include occupancy information for existing and proposed uses including the total and maximum number of employees on site at one time with size of shifts; maximum seating or service capacity; total occupancy including residents, clients, and service providers on site.

4.07 SITE IMPROVEMENTS

A table shall show the dimensional requirements (maximum-minimum) of the zoning district and pre-and post-development site characteristics including square feet and percentage of land; of open space, undisturbed open space, wetlands, floodplain, developable site area, footprint of structures, and paved areas; front yard; side yard; rear yard; any buffers; building height; floor to lot ratio; amount of impervious cover; number of parking spaces (including handicapped and compact car space) with supporting calculations;

The following shall be shown on the plans:

The existing conditions on the development parcel shall be shown; such as, the location of any existing septic systems, cesspools, leaching fields and wells on or within 500 feet of the development parcel. The final disposition of any existing building or structure, whether it is to remain, be altered or removed, shall be shown.

The location of all proposed buildings, structures, and improvements within the development parcel shall be shown with all exterior entrances and all anticipated future additions and alterations.

All required setbacks for buildings and structures, parking and loading facilities shall be shown with dimensions on the plan to demonstrate compliance with zoning requirements.

Parking spaces must be located and identified as either standard size, or handicapped spaces. The location of any signs intended for identification of handicapped spaces must be shown. Pavement markings must be shown.

Proposed parking structures must contain the above information as well as: dimensions of the structures; means of ingress and egress; internal traffic circulation; lighting and access to the principal structure.

All driveway entrances shall be shown with dimensions; and sight distances at the driveway intersection shall be provided. The weight, turning radius length and height of the largest truck expected to use the site shall be noted. All the driveways and entrances must be designed to accommodate trucks as well as fire apparatus which must be able to maneuver freely. Service areas, truck loading areas and utility buildings shall be shown.

Provisions for emergency access must be shown.

The location of all present and proposed public and private ways sidewalks (including construction material to be used), ramps, paths, and curbs must be shown.

The plans shall show areas intended for outdoor storage (open) with dimensions and screening. Traffic flow patterns within the site and off site must be shown and curb cuts and intersections within 500 feet of the property line.

4.08 SITE UTILITIES

Drainage and Erosion: The storm drainage system must be shown and described including existing and proposed drain lines, culverts, catch basins, headwalls, manholes and drainage swales; storm water runoff calculations; measures to prevent the pollution of surface or groundwater, or the erosion of soil during and after construction; calculations for and measures proposed to prevent or control increases in the rate of off-site runoff; calculations for 100 year flood levels during and after construction.

Location and type of all other present and proposed utility systems shall be shown including but not limited to sewage disposal, electric, gas, water, telephone and cable.

Location of any underground storage tanks for fuel or other chemical storage shall be shown including tank type, capacity, age and condition.

4.09 WASTE DISPOSAL

Location, type and screening details for all waste disposal containers shall be shown including type and composition of solid waste and any hazardous wastes with estimated amounts; and operational plans and facilities for solid waste disposal.

The location of the area which is capable of supporting on site sewage disposal from the proposed project shall be shown. Design, operating and maintenance details of the proposed disposal facility shall be explained.

4.10 EARTH REMOVAL/FILL

Indicate areas where earth removal, blasting, or filling is proposed and the approximate volume in cubic yards, along with the rationale for proposed removal of vegetation, trees, soil and for any grade change.

Precise calculations for determining the total amount of earth removal or fill will only be required when the development will require earth materials to be obtained or removed off site. If the amount is over 30 cubic yards, a removal/fill schedule will be required which shows size of trucks, gross vehicle weight, estimated number of trips per day for each vehicle, travel routes to be taken, and hours of operation, and certification that fill is free of hazardous materials.

4.11 LIGHT, SHADOW, SOUND, ODORS

The proposed location, height, intensity and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures shall be shown including the direction of illumination and methods to eliminate glare onto adjoining properties; and post development shadow on abutting properties. Calculations and descriptions of construction noise during and after construction shall be provided and a description and explanation of any potential odors during construction and thereafter.

4.12 SIGNS

The location, height, size, material and design of all proposed signages shall be shown including demonstration of compliance with Zoning By-Law.

4.13 DESIGN AND LANDSCAPE

Elevation plans shall be provided at a scale of 1/8 inch= 1 foot for all exterior facades of the proposed structure and/or existing facades, plus additions(s), showing design features and indicating the type of material to be used. A landscaping plan shall be provided showing all existing natural features, trees proposed for removal over six inches caliper (measured twelve inches over the soil line), area of forest cover including description of type, height, and density, and all proposed changes to these features including size, and type of plant material.

4.14 TRAFFIC STUDY

The Traffic Study Area will be defined by the Planning Board to include all Intersections and roads within 500' of the development site, as well as all intersections and roads potentially impacted by the proposed development. A detailed traffic study will evaluate the traffic before development, during development (including any phased development stages), and post development. The traffic study shall include: present and projected number of vehicle trips by vehicle type; i.e. passenger car, delivery truck, employee vehicle, public transit, etc. estimated daily A.M. and P.M. peak hour traffic levels; accident records for five years in the traffic study area including nature of accident and time of day; the proposed traffic flow pattern including vehicular movements at all intersections likely to be affected by the proposed use of the site; the impact of this traffic upon existing abutting public ways in relation to existing road capacities before, during, and after development; the adequacy of vehicular queuing storage at the site entrance; and transportation management system plans and traffic mitigation measures that are consonant with Town character and acceptable to the Planning Board. The traffic study area shall be defined by the Planning Board. The traffic study should take into account any proposed projects or road improvements that are being considered by local, state, or other agencies that may affect the proposed traffic projections.

4.15 IMPACT AND MITIGATION

Analysis shall be provided of impacts during construction including days and hours of operation; provisions for employee and equipment parking; traffic, noise, dust vibration; impacts on wildlife habitats; demand for and effects on character of the community. Any proposed mitigation of negative impacts shall be provided and shall be consistent with the Standards and Criteria set forth in Section XI, Subsection H. of the Weston Zoning By-Law.

4.16 ADDITIONAL INFORMATION

The Applicant may submit whatever additional information he/she feels is necessary to inform the Board about the proposed development including legal opinions, copies of deeds, historical data, studies and reports.

The Board is empowered by the Zoning By-Law to require additional information in addition to that specifically required by these Rules and Regulations if it finds that such information is necessary to properly act upon the Submission and is pertinent to the Standards and Criteria set forth in the Weston Zoning By-Law, Section XI, Subsection H.

SECTION 5

SITE WALK AND PUBLIC HEARING INFORMATION

5.01 Site walk and Public Hearing Information

A minimum of one site walk with Planning Board members and interested citizens may be held prior to the public hearing.

The Applicant and his/her engineer shall be present at the site walk and prepared to explain the proposal. The development site shall be staked and flagged prior to the site walk according to subdivision flagging requirements and such other flagging as required by the Board or directed by the Planning Board.

The Planning Board will set the date and time for a site walk at the development parcel, and the date, time and place for a public hearing on the proposal. The public hearing shall be held within 45 days of the Date of Submission or 65 days if a Special Permit is required subsequent to Site Plan Approval. An extension of time may be granted if it is mutually agreed to by the Applicant and Board and filed with the Town Clerk by the Planning Board on SPA-6 EXTENSION AGREEMENT FORM-HEARING.

The applicant Planning Board shall notify abutters within 300' as defined by the Town Assessor and Boards/Commissioners listed on SPA-3 of the site walk and public hearing. Notification shall be made by mail sent at least fourteen days prior to the public hearing.

Failure to properly notify the parties in interest may cause the Board to invalidate the site walk and public hearing.

A notice of the Public Hearing shall be published by the Planning Board office in a newspaper of general circulation once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing. At the hearing, an applicant may appear on his/her behalf or be represented by an agent to present the Submission to the Board and to the public.

5.01 DELIBERATION AND VOTE

For those projects that do not require a subsequent Special Permit, the Board shall make a decision within 120 days of the Date of Submission. For those projects that require a subsequent Special Permit, the Board shall make a decision within 90 days after the close of the public hearing. However, the time period within which final action shall be taken may be extended to a date agreed to by the Applicant and the Board. The extension for a decision shall be filed by the Planning Board with the Town Clerk on SPA-7, EXTENSION AGREEMENT-DECISION FORM.

A majority vote of the Planning Board shall be necessary to grant Site Plan Approval. The Board will within 14 days of making its vote shall file its decision with the Town Clerk and hand deliver or send a copy to the Applicant by certified mail. Notice of the decision shall be sent as required by MGLC.40A Section 9 to other parties in interest and to other parties that in writing request a copy.

FEE PROCESSING SCHEDULE

<u>Type of Project</u>	<u>Description</u>	<u>Fee</u>
1. Major Project	Project over 1,000 gross square feet or comparable.	\$2,500
2. Mid-Range Project	Project 1,000 gross square feet or comparable.	\$1,000
3. Residential	Cluster, Multifamily, Long Term Care	\$1,000 + \$15/Dwelling Unit
4. Minor Project	Project temporary or Seasonal	\$150
	Project where public hearing is waived	\$150
	Project with minimal impact	\$150

TOWN OF WESTON

Planning Board Office, P. O. Box 378, Weston, MA 02493

APPLICATION FOR SITE PLAN APPROVAL
SPA-1

Date of Receipt at Town Planner's Office:_____

Applicant's Name:_____ Telephone No:_____

Applicant's Address:_____

Owner or Names and Addresses (if different) including all parties with 1 % or more interest:

Street Address of Site:_____

Assessors's Map:_____ Parcel Number:_____ Zoning District:_____

Project Determination:

(Check fee computation page for definitions)

Major

For Res. # Units

Minor

Requires subsequent
Special Permit

The undersigned hereby apply to the Planning Board for Site Plan Approval under Section XI of the Weston Zoning By-Law. The undersigned hereby certifies that to the best of my knowledge the information on this Application and Submission is correct.

Date

Signature of Applicant

Endorsement of Submission

To be completed by the Town Planner

Application and fee rec'd amount of :_____ Date of Submission:_____

Endorsed Application/form SPA-1 filed with Town Clerk:_____

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

TRANSMITTAL OF SITE PLAN APPROVAL SUBMISSION

SPA-2

Date of Submission: _____

Dear Board/Commission Member/Agent: _____

The enclosed submission for Site Plan Approval has been filed by:

Name

for the property located at _____
Address of Property

The Planning Board welcomes any comments you may have on this proposal. They should be received by the Planning Board within 21 days of the above Date of Submission.

The Planning Board may hold a public hearing of which you will receive a notice of the exact date.

Thank you.

Very truly yours,

Weston Planning Board

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

PROOF OF TRANSMITTAL

SPA-3

A Submission for Site Plan Approval (see ZBL XI) has been filed by:

_____ for the property located at
Applicant Name

_____,
Property Address

and has been received by the following: (Please Initial and Date Below)

_____ BOARD OF HEATH

_____ FIRE CHIEF

_____ BOARD OF SELECTMEN

_____ POLICE CHIEF

_____ BUILDING INSPECTOR

_____ TOWN ENGINEER

_____ CONSERVATION COM.

_____ TREASURER*

_____ DPW DIRECTOR

_____ WATER DEPT.

Thank you,

Weston Planning Board

*Pursuant to M.G.L. Chapter 40, Section 57, the applicant has no outstanding debt in excess of \$200.00 on record with the Collector as of the date signed.

Date of Submission: _____
SPA-3 returned to the Town Planner

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

WAIVER REQUEST FORM

SPA-4

Applicant's Name: _____ Telephone No: _____

Applicant's Address: _____

Authorization of owner if not applicant _____

Street Address of Site _____

Do you request a waiver of Public Hearing? Yes No

If yes, describe your proposal and any impacts it may have on the Town road, neighborhood, environment or Town services.

List all other items requested for waiver and reasons:
(Site sections in Zoning By-Law or Rules and Regulations)

PLANNING BOARD ACTION ON WAIVER REQUEST:

For Planning Board

Date

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

TOWN OF WESTON REQUEST FOR LIST OF CERTIFIED ABUTTERS
SPA-5

It is the applicant's responsibility to determine which properties abut the subject property. In order for the Assessor to certify the names and mailing address of each property owner, we require a list of properties identified by map and lot. Please complete the following:

APPLICANT: _____

ADDRESS: _____

PHONE: _____ **EMAIL** _____

SITE LOCATION: _____

SITE MAP & LOT: MAP _____ LOT _____ **DATE** _____

1. MAP: _____	LOT: _____	16. MAP: _____	LOT: _____
2. MAP: _____	LOT: _____	17. MAP: _____	LOT: _____
3. MAP: _____	LOT: _____	18. MAP: _____	LOT: _____
4. MAP: _____	LOT: _____	19. MAP: _____	LOT: _____
5. MAP: _____	LOT: _____	20. MAP: _____	LOT: _____
6. MAP: _____	LOT: _____	21. MAP: _____	LOT: _____
7. MAP: _____	LOT: _____	22. MAP: _____	LOT: _____
8. MAP: _____	LOT: _____	23. MAP: _____	LOT: _____
9. MAP: _____	LOT: _____	24. MAP: _____	LOT: _____
10. MAP: _____	LOT: _____	25. MAP: _____	LOT: _____
11. MAP: _____	LOT: _____	26. MAP: _____	LOT: _____
12. MAP: _____	LOT: _____	27. MAP: _____	LOT: _____
13. MAP: _____	LOT: _____	28. MAP: _____	LOT: _____
14. MAP: _____	LOT: _____	29. MAP: _____	LOT: _____
15. MAP: _____	LOT: _____	30. MAP: _____	LOT: _____

**PLANNING BOARD WITHIN 300 FEET OF THE PROPERTY LINE OF THE SITE AS THEY
APPEAR ON THE MOST RECENT TAX LIST.**

Planning Boards of Lincoln, Natick, Newton, Waltham, Wayland and Wellesley will be included.

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

EXTENSION AGREEMENT FORM – HEARING

SPA-6

Date: _____

_____ and the Weston Planning Board, acting on a Submission
Applicant's Name

for Site Plan Approval for the property located at _____,
Address of Site

Agree to extend the Public Hearing period from _____ to _____.
Date Date

This extension becomes effective when filed by the Planning Board with the Town Clerk.

Signed _____ (for Applicant)

Signed _____ (for Board)

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

EXTENSION AGREEMENT FORM – DECISION

SPA-7

Date: _____

The Weston Planning Board and _____
Applicant's Name

have agreed to extend deliberations on a Site Plan Approval Submission for the property located on

Address of Site

beyond the regulatory review period.

Final action on the Submission will be made by _____
Date

Signed _____
for Applicant for Planning Board

This extension becomes effective when filed by the Planning Board with the Town Clerk.

Signed _____ (for Applicant)

Signed _____ (for Board)

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

SITE WALK NOTIFICATION NOTICE

SPA-8

The Weston Planning Board will hold a site walk on a parcel of land located at

_____ on _____
Street Address Date of Walk

at _____ concerning an Application for Site Plan Approval submitted by
Time of Walk

_____ and owned by _____
Name of Applicant Name of Owner(s)

A brief description of the proposal is:

The public is invited to attend the site walk and the Public Hearing.

TOWN OF WESTON
Planning Board, P. O. Box 378, Weston, MA 02493

PUBLIC HEARING NOTICE

SPA-9

The Weston Planning Board will hold a Public Hearing on an application for Site Plan Approval submitted by:

_____ for the property located at
Applicant's Name

Address of Property

The Public Hearing will be held on _____, _____
Date Time

at _____
Location

A complete submission for review is available at the Town Planners office, Monday through Friday from 9:00 a.m. – 4:30 p.m.

A brief description of the Proposal is:

Town of Weston



Stormwater & Erosion Control Regulations*

Approved November 28, 2011
Revised March 14, 2012

* Approved by the Stormwater Permitting Authority (SWPA) in accordance with Article XXVII – Stormwater and Erosion Control By-Law, Section VI.C.

1.0	PURPOSE	1
2.0	DEFINITIONS	1
3.0	AUTHORITY	1
4.0	APPLICABILITY	2
5.0	APPLICATION PROCEDURES FOR STORMWATER MANAGEMENT PERMITS.....	2
A.	PERMIT REQUIRED	2
B.	FEES	2
C.	FILING APPLICATION.....	2
1.	<i>Applications.....</i>	<i>2</i>
2.	<i>Minor Permit Submission Requirements.....</i>	<i>3</i>
3.	<i>Major Permit Submission Requirements.....</i>	<i>4</i>
E.	STORMWATER MANAGEMENT PLAN REPORT.....	6
F.	EROSION AND SEDIMENT CONTROL REPORT.....	6
G.	OPERATION AND MAINTENANCE PLAN.....	7
6.0	ADMINISTRATION.....	9
A.	ADMINISTRATION OF RULES AND REGULATIONS	9
B.	ENTRY.....	9
C.	SWPA APPROVAL PROCESS.....	9
D.	DEADLINE FOR ACTION	11
E.	PLAN CHANGES	11
F.	APPEALS OF ACTIONS OF THE SWPA.....	11
G.	PROJECT DELAY.....	12
H.	PROJECT COMPLETION	12
7.0	DESIGN STANDARDS	12
A.	STORMWATER MANAGEMENT DESIGN AND PERFORMANCE CRITERIA	12
B.	EROSION AND SEDIMENT CONTROL DESIGN AND PERFORMANCE CRITERIA.....	14
8.0	INSPECTIONS.....	14
A.	CONSTRUCTION COMMENCEMENT	14
B.	CONSTRUCTION INSPECTIONS	15
9.0	CERTIFICATE OF COMPLETION.....	16
10.0	ENFORCEMENT	16
11.0	SEVERABILITY	18
	APPENDIX A: DEFINITIONS.....	19
	APPENDIX B: LOW IMPACT DEVELOPMENT PRACTICES	23

1.0 PURPOSE

The purpose of these Stormwater and Erosion Control (Regulations) is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff, decreased groundwater recharge, and nonpoint source pollution associated with new development, redevelopment and other land alterations, as more specifically addressed in the Stormwater and Erosion Control By-Law (By-Law) of the Town of Weston.

2.0 DEFINITIONS

The definitions contained herein apply to issuance of a Stormwater Management Permit (SMP) established by the Town of Weston Stormwater and Erosion Control By-Law and implemented through these Regulations. Terms not defined in this section shall be construed according to their customary and usual meaning unless the context indicates a special or technical meaning.

All definitions are provided in the Appendix A of the Regulations.

3.0 AUTHORITY

- A. The Rules and Regulations contained herein have been adopted by the Stormwater Permitting Authority (SWPA) in accordance with the Stormwater and Erosion Control By-Law.
- B. Nothing in the Stormwater and Erosion Control By-Law or these Regulations is intended to replace the requirements of the Town of Weston Zoning By-Law, the Town of Weston General By-Law, any other By-Law that may be adopted by the Town of Weston, or any Rules and Regulations adopted there under. Any activity subject to the provisions of the above-cited By-Laws or Rules and Regulations must comply with the specifications of each.
- C. These Stormwater and Erosion Control Regulations may be periodically amended by the SWPA in accordance with the procedures outlined in Section VI.C of the Town of Weston Stormwater and Erosion Control By-Law.
- D. The SWPA may review and recommend revisions to the fee schedule periodically as it sees fit.
- E. Waivers. The SWPA may waive strict compliance with any of the requirements of this By-Law or the rules and regulations promulgated hereunder, if it determines that some of the application requirements are unnecessary because of the size or character of the development project or because of the natural conditions at the site and where such action is:
 - 1. Allowed by federal, state and local statutes and/or,
 - 2. In the public interest, and
 - 3. Not inconsistent with the purpose and intent of the Town of Weston Stormwater Management By-Law.

Any applicant may submit a written request to be granted such a waiver. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of these Regulations does not further the purposes or objectives of the By-Law and these Regulations.

4.0 APPLICABILITY

These Regulations apply to all activities subject to the Applicability Section of the Stormwater and Erosion Control By-Law. Projects and/or activities not specifically under the currently regulated jurisdiction of any of the Town of Weston boards, commissions or departments but still within the jurisdiction of the Town of Weston Stormwater and Erosion Control By-Law must obtain a Stormwater Management Permit from the SWPA in accordance with the permit procedures and requirements defined in Sections 5.0 through 7.0 of these Regulations.

No work may commence without written approval of the SWPA or its designee, confirming that the project or activity is in compliance with the Design Standards of these Regulations.

5.0 APPLICATION PROCEDURES FOR STORMWATER MANAGEMENT PERMITS

A. Permit Required

1. Projects that exceed the thresholds for a SMP shall require a Stormwater Management Permit in accordance with Section IV. of the By-Law.
2. Permit issuance is required prior to any site altering activity.

B. Fees

1. The SWPA shall obtain with each submission an application fee to be collected at the time of application according to the Fee Schedule as approved by the Board of Selectmen.

C. Filing Application

1. Applications for a Stormwater Management Permit (SMP) shall include the materials as specified in this section and must meet the Design Standards as specified in these Regulations. The applicant shall file with the SWPA one (1) original completed application package for a Stormwater Management Permit (SMP); two (2) paper copies of the the plans and one (1) electronic copy of the application package in PDF format.

Additional copies may be requested by the SWPA. The applicant may be a representative of the Owner; the Owner must sign the application. The SMP Application submission requirements for Minor Permits and Major Permits shall be as follows:

2. Minor Permit Submission Requirements
 - a. A completed Stormwater Management Permit Application Form with original signatures of all owners.
 - b. Project Narrative that includes a description of the proposed project and description of how and where stormwater will be controlled and erosion and sediment controls to be implemented.
 - c. Payment of the application and review fees.
 - d. Stormwater Management Site Plan may be prepared by drafting or hand sketching and show at a minimum the entirety of the parcel and location of physical features.
 - i. General Information
 1. The original drawing of the Plan; one set of drawings at a legible scale and a drawing size of not more than 24"x36", and one electronic copy.
 2. Name and address of record owner and if applicable the name and address of the engineer or surveyor.
 3. Address of property, Assessor Map and Parcel ID.
 - ii. Existing Conditions Plan.
 1. The site's existing topography with contours at 2 foot intervals for work area.
 2. Locations of bodies of water, including wetlands.
 3. Location of existing septic systems and private wells if infiltration systems are proposed.
 4. Locations of existing buildings, driveways, walls, etc.
 - iii. Proposed Conditions Plan.
 1. Proposed grading plan for work area.
 2. Proposed improvements including location of buildings or other structures, impervious surfaces, utilities, and easements, if applicable.
 3. Proposed drainage facilities, if applicable (plan view and details).
 4. Areas of soil disturbance and areas that will not be disturbed.
 5. Locations of soil testing including test pits, groundwater determinations, and percolation tests with the soil logs and percolation testing results, and/or other soil testing procedures.
 - iv. Erosion and Sediment Control Plan.
 1. Locations of all structural and nonstructural erosion and sediment control measures and BMPs.
 2. Locations where stabilization practices are expected to occur.
 3. Locations for storage of materials, waste, vehicles, equipment, soil, snow and other potential pollutants.
 4. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.

- e. Any other information requested by the SWPA.
- 3. Major Permit Submission Requirements
 - a. A completed Stormwater Management Permit Application Form with original signatures of all owners, including indication whether a public hearing is requested.
 - b. Project Narrative that includes a description of the proposed project and description of how and where stormwater will be controlled and erosion and sediment controls to be implemented.
 - c. Payment of applicable application and review fees.
 - d. Stormwater Management Site Plan prepared as follows:
 - i. General Information
 - 1. The original drawing of the Plan; dark lines on white background; one set of drawings at a scale of not less than 1"=30' and a drawing size of not more than 24"x36", and one electronic copy. Coordinate system shall be 1983 North American Datum, Massachusetts State Plane, feet, and North American Vertical Datum (NAVD) of 1988.
 - 2. Name and address of record owner and engineer or surveyor.
 - 3. Address of property, Assessor Map and Parcel ID.
 - 4. A locus map.
 - ii. Existing Conditions Plan
 - 1. The existing zoning, and land use at the site and abutting properties.
 - 2. The location(s) of existing easements.
 - 3. The location of existing utilities.
 - 4. The site's existing topography with contours at 2 foot intervals.
 - 5. Locations of bodies of water, including wetlands.
 - 6. Location of existing septic systems and private wells if infiltration systems are proposed.
 - iii. Proposed Conditions Plan
 - 1. Proposed grading.
 - 2. Proposed improvements including location of buildings or other structures, utilities, easements if applicable, and impervious surfaces.
 - 3. Proposed drainage facilities, if applicable (plan view and details).
 - 4. Areas of soil disturbance and areas that will not be disturbed.
 - 5. Locations of soil testing including test pits, groundwater determinations, and percolation tests with the soil logs and percolation testing results, and/or other soil testing procedures.
 - 6. Notes indicating the required inspection for the site and the stormwater drainage facilities.
 - iv. Erosion and Sediment Control Plan

1. Locations of all structural and nonstructural erosion and sediment control measures and BMPs.
2. Locations where stabilization practices are expected to occur.
3. Locations for storage of materials, waste, vehicles, equipment, soil, snow and other potential pollutants.
4. Locations where stormwater discharges to surface water (include all roads, drains and other structures that could carry stormwater to a wetland or other water body, on or offsite).
5. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
6. Erosion control notes applicable to the project.
- v. A description & delineation of existing stormwater conveyances, impoundments, wetlands, drinking water resource areas, swimming beaches or other critical environmental resource areas on or adjacent to the site or into which stormwater flows.
- vi. A delineation of FEMA Special Flood Hazard areas, if applicable.
- vii. Estimated seasonal high groundwater elevation in areas to be used for stormwater retention, detention, or infiltration.
- viii. The existing and proposed vegetation and ground surfaces with runoff coefficients for each.
- ix. Drawings of all components of the proposed stormwater management system including:
 1. Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization.
 2. All measures for the detention, retention or infiltration of water.
 3. All measures for the protection of water quality.
 4. The structural details for all components of the proposed drainage systems and stormwater management facilities.
 5. Notes on drawings specifying materials to be used, and construction specifications.
- x. Soils Information from test pits performed at the location of proposed stormwater management facilities, including but not limited to soil descriptions, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information will be based on site test pits logged by a Massachusetts Registered Soil Evaluator.
- xi. Landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice.
- xii. Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Stormwater

Regulations; a stamp and signature of a Professional Land Surveyor (PLS) is acceptable if no drainage facilities are proposed and they have the experience and capability to prepare the required Site Plan and to provide the required existing and proposed grading, and erosion control provisions.

e. Stormwater Management Plan Report

A Stormwater Management Plan Report shall be prepared in conformance with the Design Standards contained in Section 7.A and contain the following elements:

- i. The existing site hydrology.
- ii. A drainage area map showing pre and post construction watershed boundaries, drainage area and stormwater time of concentration (Tc) flow paths, including municipal drainage system flows.
- iii. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
 1. Description of the design storm frequency, intensity and duration.
 2. Time of concentration;
 3. Soil Runoff Curve Number (CN) based on land use and soil hydrologic group.
 4. Peak runoff rates and total runoff volumes for each watershed area.
 5. Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed.
 6. Infiltration rates, where applicable.
 7. Culvert capacities.
 8. Flow velocities.
 9. Data on the increase in rate and volume of runoff for the specified design storms.
 10. Documentation of sources for all computation methods and field test results.
- iv. Post-Development downstream analysis if deemed necessary by the SWPA.

f. Erosion and Sediment Control Report

An Erosion and Sediment Control Report shall be prepared in conformance with the Design Standards contained in Section 7.B and contain the following:

- i. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas.
- ii. All pollution control measures (structural and non-structural BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. Appropriate control measures must be identified for

- each major construction activity and the operator responsible for the implementation of each control measure must also be identified.
- iii. The intended sequence and timing of activities that disturb soils at the site and the general sequence during the construction process in which the erosion and sediment control measures will be implemented.
 - iv. Structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains must be avoided to the degree practicable.
 - v. Interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided.
 - vi. Construction and waste materials expected to be stored on-site with updates as appropriate, including descriptions of controls, and storage practices to minimize exposure of the materials to stormwater, and spill prevention and response practices.
 - vii. Measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
 - viii. Measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under Section 404 of the CWA.
 - ix. Pollutant sources from areas other than construction and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.
 - x. Proposed dewatering operations including proposed locations of discharge.
 - xi. An Operation and Maintenance Schedule for structural and non-structural measures, interim grading, and material stockpiling areas.
- g. Operation and Maintenance Plan
- i. The O&M Plan shall be designed to ensure compliance with the Permit, the By-Law and these Regulations and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The O&M Plan shall be a stand-alone document, and shall remain on file with the SWPA and shall be an ongoing requirement. To ensure that all BMPs continue to function as designed a final O&M Plan shall be submitted prior to issuance of a Certificate of Completion and reflect any modifications made during the permitting process and the site specific conditions.
 - ii. The Operation and Maintenance Plan shall include, at a minimum:
 - 1. The name(s) of the owner(s) for all components of the system.
 - 2. The signature(s) of the owner(s).

3. The names and addresses of the person(s) responsible for operation and maintenance; if responsibility is contracted to a third party, a copy of the maintenance agreement(s) must be provided.
 4. A plan or map showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices.
 5. An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed.
 6. A list of easements with the purpose and location of each. Easements shall be recorded with the Middlesex South District Registry of Deeds prior to issuance of a Certificate of Completion by the SWPA.
 7. Provisions for the SWPA or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.
 8. Any other information required by the SWPA.
- iii. O&M Plan shall apply to the entire project site, not just the disturbance area.
 - iv. At a minimum, inspections shall occur during the first year of operation and in accordance with the operation and maintenance plan in the approved stormwater management permit.
 - v. The owner of the property shall maintain a log of all operation and maintenance activities, including without limitation, inspections, repairs, replacement and disposal (for disposal, the log shall indicate the type of material and the disposal location). This log shall be made available to the MassDEP and the SWPA upon request.
 - vi. Inspection reports shall be submitted to and maintained by the SWPA for all stormwater management systems. Inspection reports for stormwater management systems shall include:
 1. The date of inspection.
 2. Name of inspector.
 3. The condition of each BMP, including components such as:
 - a. Pretreatment devices.
 - b. Vegetation or filter media.
 - c. Fences or other safety devices.
 - d. Spillways, valves, or other control structures.
 - e. Embankments, slopes, and safety benches.
 - f. Reservoir or treatment areas.
 - g. Inlet and outlet channels and structures.
 - h. Underground drainage.

- i. Sediment and debris accumulation in storage and forebay areas (including catch basins).
 - j. Any nonstructural practices.
 - k. Any other item that could affect the proper function of the stormwater management system.
- 4. Description of the need for maintenance.
- vii. Changes to Operation and Maintenance Plans: The owner(s) of the stormwater management system must notify the SWPA of changes in ownership or assignment of financial responsibility.
- viii. The SWPA may require recordation of the O&M Plan depending on the complexity of the systems installed.
- h. Any other information required by the SWPA.

6.0 ADMINISTRATION

A. Administration of Rules and Regulations

The SWPA shall administer, implement and enforce these Regulations. The SWPA may designate in writing any authorized Town employee, board or agent for the purposes of reviewing stormwater submittals and issuing stormwater permits. Any Town employee, board or agent so designated by the SWPA shall be defined as the "Reviewing Agent."

When a Reviewing Agent is designated by the SWPA, as outlined above, the Applicant shall submit all Stormwater Management Permit application submittals in compliance with these Regulations to the Reviewing Agent.

The Reviewing Agent will review the submittal for compliance with the requirements and standards of Section 5 through 7.0 of these Regulations. If the proposed project complies with these Regulations, the Reviewing Agent shall grant a Stormwater Management Permit, in addition to any other approval or permit it may grant.

The Reviewing Agent shall notify the SWPA of all Stormwater Management Permits it approves. Both the SWPA and the Reviewing Agent shall have authority to enforce the Stormwater and Erosion Control By-Law and these Regulations.

B. Entry

Filing an application for a permit grants the SWPA, its Reviewing Agent, or designee as specified in these Regulations, permission to enter the site throughout the term of the permit to verify the information in the application and to inspect for compliance with the resulting permit.

C. SWPA Approval Process

- 1. Action by SWPA

- a. Determination of Completeness: The SWPA shall review the application submission and issue a determination stating whether the application is complete within 5 business days.
 - b. Incomplete Applications: If the SWPA determines the application is incomplete, including insufficient information to describe the site, the work, or the effect of the work on water quality and runoff volume, the SWPA may require the submission of additional information and/or disapprove the application and deny the Permit.
 - c. Complete Applications. Each application for a Stormwater Management Permit that is determined to be a complete application shall be reviewed by the SWPA for compliance with the Stormwater By-Law. The application shall be acted upon within thirty (30) days of the date of filing of a complete application with the SWPA, unless such application has been withdrawn from consideration. The SWPA may:
 - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
 - ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
 - iii. Deny the Permit Application due to non-compliance with Design Standards.
 - d. Applications not in compliance with Design Standards.
 - i. For applications where the SWPA has determined that the Design Standards are not met, the Applicant may appeal the determination and request a public hearing with the SWPA to consider the application or resubmit the application demonstrating compliance.
 - ii. For applications where the Design Standards cannot be met due to site conditions or the applicant wishes to propose an alternative design not consistent with the Design Standards, the applicant may immediately request a public hearing with the SWPA.
2. Public Hearing Process
- a. A public hearing is required for all Minor and Major Stormwater Management Permits (SMP) where design standards cannot be met. Minor Permits and Major Permits that meet design standards shall not require a public hearing.
 - b. Applicants requesting a Public Hearing shall submit an Application for Stormwater Management Permit (SMP) Public Hearing with the SWPA. Applications for a public hearing shall include the materials as specified in Section 5.0 and include a statement on how compliance with the Design Standards as specified in Section 7.0 cannot be met or alternatively a statement of determination of noncompliance prepared by the SWPA. The applicant shall file with the SWPA, one (1) original completed application package for a Stormwater Management Permit (SMP); two (2) paper copies of the plans and one (1) electronic copy of the application package in PDF format.
 - c. Public hearings shall be published in a newspaper of general circulation for two (2) consecutive weeks. The first publication date shall be published not less than fourteen (14) days before the day of the hearing. A copy of the hearing notice shall

be posted in the Office of the Town Clerk for a period of not less than fourteen (14) days before the date of the hearing. Copies of the notice shall be mailed, postage prepaid, to the applicant, property owner (if different) and to direct abutters and owners of land directly opposite on a public or private way as they appear on the most recent Assessor's list.

- d. The SWPA may take any of the following actions following the close of the public hearing for an application for a Stormwater Management Permit
 - i. Approve the Permit Application upon finding that the proposed plan will protect water resources and meets the objectives and requirements of this By-Law;
 - ii. Approve the Permit Application with conditions, modifications or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of this By-Law; or
 - iii. Disapprove the Permit Application if the proposed plan will not protect water resources or fails to meet the objectives and requirements of this By-Law.

D. Deadline for Action

Failure of the SWPA to take final action upon an application within 30 calendar days of receipt of a complete application shall be deemed to be approval of said application, unless extension of said deadline date is mutually agreed upon in writing by the SWPA and the applicant. Upon certification by the Town Clerk that the allowed time has passed without SWPA action, the SWPA must issue a Stormwater Management Permit. For applications requiring a public hearing, the public hearing shall be held within 45 days of the Date of Submission of the Application for SMP Public Hearing. The SWPA shall file a decision within 60 days of the receipt of the Application for Public Hearing.

E. Plan Changes

The Applicant must notify the SWPA in writing of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the SWPA determines that the change or alteration is significant, based on the Stormwater Management Standards in Section 7.0 of these Regulations and accepted construction practices, the SWPA may require that an amended application be filed.

F. Appeals of Actions of the SWPA

A decision of the SWPA shall be final. Further relief of a decision by the SWPA made under these Regulations shall be reviewable in a court of competent jurisdiction of an action filed within sixty (60 days) thereof, in accordance with M.G.L. Ch 249. § 4. An appeal of an action by a board, commission or department that has current regulatory authority for a project and/or activity shall be conducted under the applicable appeal provisions of said board, commission and/or department of the Town of Weston. Such an appeal shall result in revocation of the written approval as described in these Regulations, until such time as the appeal process of the applicable board, commission and/or department has been resolved.

G. Project Delay

Should a land-disturbing activity associated with an approved plan in accordance with this Section not begin within 12 months following permit issuance, the SWPA may evaluate the existing stormwater management plan to determine whether the plan still satisfies local program requirements and to verify that all design factors are still valid. If the SWPA finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the commencement of land-disturbing activities. If the project associated with an approved Stormwater Management Permit granted under the By-Law has not been substantially completed within three (3) years of permit issuance, a new permit or a permit extension will be required by the SWPA.

H. Project Completion

For all Permits, as determined by Section IV.C.1 and 2. of the By-Law, at the completion of the project the Applicant shall request a Certificate of Completion from the SWPA pursuant to the requirements of Section 9 of these Regulations. The SWPA will issue a letter certifying completion upon review and approval of the final inspection reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with the By-Law.

7.0 DESIGN STANDARDS

A. Stormwater Management Design and Performance Criteria

1. At a minimum all projects subject to a Stormwater Management Permit (SMP) shall comply with the performance standards of the most recent version of Massachusetts Stormwater Standards and accompanying Stormwater Management Handbook, as well as the criteria contained herein. The following criteria shall be used in the submittal of an application for a Stormwater Management Permit under the Town of Weston By-Laws:
 - a. The design of the project shall, to the maximum extent feasible, employ environmentally sensitive site design as outlined in the DEP handbook and shall attempt to reproduce natural hydrologic conditions with respect to ground and surface waters.
 - b. Consideration of Low Impact Development practices is required and implementation of such practices is encouraged and preferred, to the maximum extent practicable and where it provides a substantially equivalent alternative. Guidance on these practices is provided in Appendix B of these Regulations and the MA Stormwater Management Handbook.
 - c. The water quality volume for sizing of BMPs shall be based on 1-inch of runoff from the tributary area.
 - d. Stormwater Management systems designed to accept runoff from impervious areas, e.g., infiltration devices for roof and driveway runoff, shall be sited in acceptable areas on the property and shall be evaluated on the basis of the following criteria.

- e. Projects are to be designed such that the peak rates of stormwater runoff and volumes in the post development conditions are less than in the pre-development conditions (See #2 below).

2. Design for mitigation of peak stormwater runoff rates:

- a. A hydrologic analysis using TR-55/TR-20 methodology or other acceptable analysis method shall be performed on the entire project site and include any off site areas that drain to or through the project site.
 - i. The analyses shall be conducted for the 1 inch, and the 2, 10, 25 and 100-year design storms under pre-development and post-development conditions. The 24-hour rainfall amounts for the 2, 10, 25 and 100 year storms are to be based on the Northeast Regional Climate Center "Atlas of Precipitation Extremes for the Northeastern United States and Southeastern Canada." For Weston, the 24 hr. rainfall amounts are as follows (rounded to the nearest one-tenth of an inch):
 - 1. 2 yr. - 24 hr. event = 3.2 inches
 - 2. 10 yr. - 24 hr. event = 4.7 inches
 - 3. 25 yr. - 24 hr. event = 6.0 inches
 - 4. 100 yr.- 24 hr. event = 8.5 inches
 - 5. 1-inch - 24 hr. event = 1.0 inches
 - ii. The analysis is to be performed on a pre-development and post development sub-watershed basis with designated control points at each location where runoff leaves the site.
 - iii. The same land area shall be used in the analysis to facilitate comparison of pre- development and post development conditions.
 - iv. The total volume of discharge as well as peak rate of runoff shall be evaluated at each control point. The analysis must demonstrate that the design achieves a net reduction of volume and peak flow rate in all design storms when comparing existing with proposed conditions.
- b. Stormwater infiltration systems may be needed to provide stormwater storage to mitigate peak stormwater runoff and volume in the proposed conditions to be less than the peak runoff in the existing conditions.
 - i. Infiltration systems must be located 2 feet above high ground water and be constructed in an area surrounded by existing pervious material to ensure drainage from the proposed drainage structures.
 - ii. High ground water and depth of pervious material must be established on the site by a Licensed Soil Evaluator prior to the construction of any drainage structures which discharges through infiltration.

- iii. Systems must be designed so that inspection and maintenance can be readily performed.

3. Roadway Reconstruction Standards

All public/private roadway projects must provide a net improvement to stormwater conditions, either in the area of disturbance or to other areas on the site. The SWPA may require improvements to areas outside of disturbance activity where known problems exist and reasonable solutions are available. Such opportunities might include:

- a. Reduce impervious surfaces
- b. Implement source controls of potential stormwater pollutants on the entire site
- c. Reroute drainage to maximize treatment efficiencies
- d. Update/Prepare Operation and Maintenance plans and procedures for the roadway.

B. Erosion and Sediment Control Design and Performance Criteria

Approval of an Erosion and Sediment Control Plan by the SWPA is required prior to any site altering activity. The plan shall be designed to ensure compliance with the Permit, these Regulations, and if applicable, the NPDES General Permit for Storm Water Discharges from Construction Activities. In addition, the plan shall ensure that the Massachusetts Surface Water Quality Standards (314 CMR 4.00) are met in all seasons. The applicant shall submit such material as is necessary to show that the proposed development will comply with the design requirements.

- 1. If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Storm Water Discharges from Construction Activities (applicable to construction sites that disturb one or more acres of land), then the Applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter) as part of its application for a SMP. If the SWPPP meets the requirements of the NPDES General Permit, it will be considered equivalent to the Erosion and Sediment Control Plan described in this Section.
- 2. The Erosion and Sediment Control Plan shall be designed to meet the following criteria and guidelines.
 - a. Minimize total area of disturbance and minimize unnecessary clearing and grading from all construction sites. Clearing and grading shall only be performed within areas needed to build the project, including structures, utilities, roads, recreational amenities, post-construction stormwater management facilities, and related infrastructure.
 - b. Erosion and Sediment Control measures used shall be chosen based on the goal of minimizing site disturbance from installation of such measures, such as the use of filter mits where appropriate.

8.0 INSPECTIONS

A. Construction Commencement

- 1. Pre-Construction Meeting

The SWPA may require a pre-construction meeting prior to starting clearing, excavation, construction or land disturbing activity by the Applicant. The Applicant's technical representative, the general contractor or any other person with authority to make changes to the project, shall meet with the SWPA or its representative to review construction sequencing and the permitted plans and their implementation.

2. Notice of Construction Commencement

The applicant must notify the SWPA two (3) days prior to the commencement of construction. In addition, the applicant must notify the SWPA two (3) days prior to construction of critical components of any stormwater management facility.

3. A copy of the approved and signed plans and permits for a SMP shall be kept on the construction site at all times.
4. The SWPA or its designee shall be granted the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. The SWPA, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this Regulation and may make or cause to be made such examinations, surveys, or sampling as the SWPA deems necessary, subject to the constitutions and laws of the United States and the Commonwealth.

B. Construction Inspections

The SWPA may require the submission of periodic inspections and reporting by the Applicant as dictated by site conditions.

1. The SWPA may inspect the project site at the following stages, at a minimum:
 - a. Initial Site Inspection of erosion and sedimentation controls prior to any land disturbance to assess overall effectiveness and functioning to protect resources
 - b. Stormwater Management System Excavation Inspection: An inspection will be made of the excavation of the stormwater management system to insure depth to ground water and presence of approved soil type.
 - c. Stormwater Management System Inspection: An inspection will be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.
 - d. Final Inspection
 - i. After the stormwater management system has been constructed, all applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. As-built plans must be submitted both in hard copy and electronically as either AutoCAD drawings or PDF documents.
 - ii. The SWPA shall inspect the system to confirm its "as-built" features. . If the inspector finds the system to be adequate he/she shall so report to the SWPA which will issue a Certificate of Completion.

- e. Notes indicating the required inspections are to be added to the Site Plan(s).

9.0 CERTIFICATE OF COMPLETION

- A.** Prior to the issuance of a Certificate of Completion, the SWPA may require the applicant to submit the following material to the SWPA demonstrating that the completed project is in accordance with the approved plans and specifications:
 - 1. As-built plan. For projects designed by a registered professional engineer, the SWPA may require the as-built plan to be prepared and stamped by the design engineer.
 - 2. Documentation on compliance with all permit conditions
 - 3. All Inspection reports as required during construction have been submitted, if applicable
 - 4. Final Operation & Maintenance Plan, if applicable
 - 5. Maintenance contracts in place, if applicable
 - 6. Stormwater Management Permit has been recorded at Registry of Deeds, if applicable
- B.** Upon receipt and approval of the final inspection and reports and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this Regulation, the SWPA shall issue a letter certifying completion in conformance with this Regulation.

10.0 ENFORCEMENT

Enforcement powers of the SWPA are granted in the Stormwater and Erosion Control By-Law, Section VIII.

- A.** The SWPA shall enforce the By-Law, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil, criminal and non-criminal remedies for such violations.
- B. Notices and Orders**
 - 1. The SWPA may issue a written notice of violation or enforcement order to enforce the provisions of the By-Law or the Regulations thereunder, which may include requirements to:
 - a. Cease and desist from construction or land disturbing activity until there is compliance with the By-Law and the Stormwater Management Permit.
 - b. Repair, maintain; or replace the stormwater management system or portions thereof in accordance with the operation and maintenance plan.
 - c. Perform monitoring, analyses, and reporting.

- d. Fix adverse impact resulting directly or indirectly from malfunction of the stormwater management system.
 2. If the SWPA determines that abatement or remediation of adverse impacts is required, the order may set forth a deadline by which such abatement or remediation must be completed. Said order may further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Weston may, at its option, undertake such work, and the property owner shall reimburse the Town of Weston for expenses incurred.
 3. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the Town of Weston including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the SWPA within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the SWPA affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. Ch. 59, § 57, after the thirty-first day at which the costs first become due.
- C.** Any person who violates any provision of the Town of Weston Stormwater Management By-Law, or Regulations, order or permit issued there under, may be ordered to correct the violation and/or shall be punished by a fine of not more than \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Non-Criminal Disposition

As an alternative to criminal prosecution or civil action, the Town of Weston may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D. The following shall be the fines applicable to the listed offenses:

First violation:	Warning
Second violation:	\$100
Third violation:	\$200
Fourth and subsequent violation:	\$300

Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

F. Remedies Not Exclusive

The remedies listed in the By-Law and these Regulations are not exclusive of any other remedies available under any applicable federal, state or local law.

11.0 SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of these Regulations shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

**Town of Weston
Stormwater Regulations
APPENDICES**

APPENDIX A: DEFINITIONS

ALTER: Any activity that will measurably change the ability of a ground surface area to absorb water, will change existing surface drainage patterns, or will increase or decrease the rate or volume of flow from a site.

APPLICANT: A property owner or agent of a property owner who has filed an application for a Stormwater Management Permit.

BEST MANAGEMENT PRACTICE (BMP): Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point source and nonpoint source pollution, and promote stormwater quality and protection of the environment. "Structural" BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. "Nonstructural" BMPs use natural measures to reduce pollution levels, do not require extensive construction efforts, and/or promote pollutant reduction by eliminating the pollutant source.

CERTIFICATE OF COMPLETION (COC): A document issued by the Stormwater Permitting Authority after all construction activities have been completed which states that all conditions of an issued Stormwater Management Permit (SMP) have been met and that a project has been completed in compliance with the conditions set forth in a SMP.

CONVEYANCE: Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

DEVELOPER: A person who undertakes or proposes to undertake land disturbance activities.

DEVELOPMENT: Any construction that disturbs or alters a parcel of land.

DISTURBANCE OF LAND: Any action causing removal of vegetation or a change in the position, location, or arrangement of soil, sand, rock, gravel or similar earth material.

DRAINAGE EASEMENT: A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

EROSION CONTROL: The prevention or reduction of the movement of soil particles or rock fragments due to stormwater runoff.

EROSION CONTROL PLAN: A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

EXEMPT USE: Any use subject to the provisions of M.G.L. chapter 40A, section 3.

FLOOD CONTROL: The prevention or reduction of flooding and flood damage.

FLOODING: A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: All water beneath any land surface including water in the soil and bedrock beneath water bodies.

HOTSPOT: Land uses or activities with higher potential pollutant loadings, such as auto salvage yards, auto fueling facilities, fleet storage yards, commercial parking lots with high intensity use, road salt storage areas, commercial nurseries and landscaping, outdoor storage and loading areas of hazardous substances, or marinas.

IMPERVIOUS SURFACE: Any material or structure on, above or below the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LOW IMPACT DEVELOPMENT (LID): An ecosystem-based approach to land development and stormwater management that ensures that each development site is designed to protect, or restore, the natural hydrology of the site.

MASSACHUSETTS STORMWATER MANAGEMENT STANDARDS: The latest version as may be amended from time to time of the Stormwater Management Standards and accompanying Stormwater Handbook issued by the Department of Environmental Protection pursuant to authority under the Wetlands Protection Act, M.G.L. c. 131, § 40, and the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53. The Stormwater Management Standards are incorporated in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k) and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Weston.

NEW DEVELOPMENT: Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by man-made activities.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall, snowmelt, or other method of pollutant transport moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into water resource areas.

OPERATION AND MAINTENANCE PLAN: A plan that defines the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to insure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in a property.

PERSON: Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town By-Laws, administrative agency, public or quasi-public corporation or body, the Town of Weston, and any other legal entity, its legal representatives, agents, or assigns.

PERVIOUS MATERIAL: Soil Types that are listed as Class I, II and III soils as defined in 310 CMR 15.243 and 15.244 based upon the general soil classification used by the U.S. Department of Agriculture and depicted in the Soil Textural Triangle

PRE-DEVELOPMENT: The conditions that exist prior to the proposed disturbance activity. When phased development or plan approval is part of the site plan development i.e. (preliminary grading, roads and utilities, etc.), the first plan submission is considered to establish pre-development existing site conditions.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

POST-DEVELOPMENT: The conditions that reasonably may be expected or anticipated to exist after completion of the land development activity in accordance with approved plans on a specific site or tract of land. Post-development refers to the phase of a new development or redevelopment project after completion, and does not refer to the construction phase of a project.

RECHARGE: The replenishment of underground water reserves.

REDEVELOPMENT: Any construction, alteration, improvement, repaving, or resurfacing on a previously-developed site.

RESOURCE AREA: Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Weston Wetlands Protection By-Law.

REVIEWING AGENT: Any Town employee, board or agent delegated in writing by the Stormwater Permitting Authority to administer, implement and enforce the Stormwater By-Law.

RUNOFF: Rainfall or snowmelt water flowing over the ground surface or other source resulting in transport of other pollutants.

SEDIMENTATION: A process of depositing material that has been suspended and transported in water.

SLOPE: The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance (e.g. a 4:1 slope). It can also be expressed as a percentage of the vertical rise divided by the horizontal distance (e.g. a twenty-five (25) percent slope).

SITE: The parcel of land being developed.

STORMWATER MANAGEMENT: The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates. Stormwater Management includes the use of Low-Impact Development (LID) management practices.

STORMWATER MANAGEMENT PERMIT (SMP): A permit issued by the Stormwater Permitting Authority, after review of an application, plans, calculations, and other supporting documents, which is designed to protect the environment of the Town from the deleterious effects of uncontrolled and untreated stormwater runoff.

STOP WORK ORDER: An order issued which requires that all construction activity on a site be stopped.

TSS: Total Suspended Solids.

WATER QUALITY VOLUME (WQv): The storage needed to capture a specified average annual stormwater runoff volume. Numerically (WQv) will vary as a function of drainage area or impervious area.

APPENDIX B: LOW IMPACT DEVELOPMENT PRACTICES

Low Impact Development (LID) strategies use careful site design and decentralized stormwater management to reduce the environmental footprint of new growth and redevelopment. This approach improves water quality, minimizes the need for expensive pipe and pond stormwater systems, and creates more attractive developments. The following are LID strategies and various benefits of implementation.

1. Bioretention cells, commonly known as rain gardens, are relatively small-scale, landscaped depressions containing plants and a soil mixture that absorbs and filters runoff.

Management Objectives:

- Provide quality treatment.
- Remove suspended solids, metals, nutrients.
- Increase groundwater recharge through infiltration.
- Reduce peak discharge rates and total runoff volume.

2. Permeable and porous pavements allow water to soak through the paved surface into the ground beneath. Permeable pavement encompasses a variety of mediums including: porous concrete and asphalt, plastic grid systems and interlocking paving bricks.

Management Objectives:

- Reduce stormwater runoff volume from paved surfaces.
- Reduce peak discharge through infiltration.
- Reduce pollutant transport through direct infiltration.
- Improve site landscaping benefits (grass pavers).

3. Grass swales are broad, open channels sown with erosion resistant and flood tolerant grasses. This has been used alongside roadways for years.

Management Objectives:

- Provide water quality treatment; remove suspended solids; heavy metals, trash.
- Reduce peak discharge rate and total runoff volume.
- Infiltrate water into the ground.
- Provide a location for snow storage.

4. Infiltration Trenches and Dry Wells Dry wells are standard stormwater management structures that store water in the void space between crushed stone or gravel; the water slowly percolates downward into the subsoil.

Management Objectives:

- Remove suspended solids, heavy metals trash, oil, and grease.
- Reduce peak discharge rate and total runoff volume.
- Provide modest infiltration and recharge.

- Provide snow storage areas.

5. Grass Filter Strips are low-angle vegetated slopes designed to treat sheet flow runoff from adjacent impervious areas.

Management Objectives:

- Remove suspended solids, heavy metals, trash, oil and grease.
- Reduce peak discharge rate and total runoff volume.
- Provide modest infiltration and recharge.
- Provide snow storage areas.

6. Roadway and Parking Lot Design:

Management Objectives:

- Reduce total impervious surface.
- Reduce road/parking construction costs.
- Provide safe access and adequate parking.
- Minimize disturbance to natural site hydrology.
- Create opportunities for stormwater treatment and infiltration.
- Improve site appearance.

7. Cisterns and rain barrels harvest and store rainwater collected from roofs.

Management Objectives:

- Storing and diverting runoff.
- Reduce flooding and erosion caused by stormwater runoff.
- They contain no salts or sediment which provides "soft" chemical-free water for garden or lawn irrigation, reducing water bills and conserving municipal water supplies.

8. Other LID Implementations

- Shared Driveways.
- Green Roofs.
- Eliminating curbs and gutters, or minimizing in new construction.
- Roughening surfaces.
- Creating long flow paths over landscaped areas.
- Installing smaller culverts, pipes, and inlets.
- Creating terraces and check dams.
- Infiltration, Filtration
 - Rain gardens.
 - Disconnected downspouts (not on hills).
 - Filter Mitts.

9. Maintenance of Paved Surfaces

- No coal-tar pavement sealants.
- No sodium de-icers.

10. Low Impact Landscaping

- Native, drought tolerant species.
- Turf area conversion (shrubs, etc.).
- Encouraging longer grass length
- Planting wildflower meadows rather than turf along medians.

Conservation Development

Like LID, Conservation Development tries to mitigate the effects of urbanization, but it places additional emphasis on protecting aquatic habitat and other natural resources. Conservation Development subdivisions are characterized by compact clustered lots surrounding a common open space. Conservation Development's goal is to disturb as little land area as possible while simultaneously allowing for the maximum number of residences permitted under zoning laws.

Prior to new construction, conservation developers evaluate natural topography, natural drainage patterns, soils and vegetation. They deploy stormwater best management practices to help prevent flooding and protect natural hydrology. By maintaining natural hydrological processes, Conservation Development creates conditions that slow, absorb, and filter stormwater runoff onsite.

Because future development threatens valuable natural features, Conservation Development provides specific provisions for long-term and permanent resource protection. Conservation easements, transfer of development rights, and other "in perpetuity" mechanisms ensure that protective measures are more than just temporary.

Better Site Design

The goals of Better Site Design are to reduce impervious cover, preserve natural lands, and capture stormwater onsite. To meet these goals, designers employ a variety of methods. To reduce impervious cover, they narrow streets and sidewalks, minimize cul-de-sacs, tighten parking spaces, and reduce the size of driveways and housing lots.

To reduce stormwater runoff, designers preserve natural lands, using them as buffer zones along streams, wetlands and steep slopes. They employ landscaping techniques that flatten slopes and preserve native vegetation and clusters of trees. They create bio-retention areas - open channels, filter strips and vegetated swales - to increase stormwater infiltration, helping to protect streams, lakes, and wetlands.

Water Reuse/Water Conservation

In order to conserve potable water supplies and maximize recharge, it may be appropriate on some sites to store and reuse clean runoff (e.g. from roofs) for reuse on the site for irrigation or other greywater purposes. This can be accomplished through the use of cisterns and rain barrels. Where appropriate, a water budget may be required to be prepared to determine applicability.

WESTON CONSERVATION COMMISSION
TREE REMOVAL POLICY FOR LANDOWNERS
UNDER THE STATE WETLANDS PROTECTION ACT
Approved October 28, 2015

Introduction. The Conservation Commission is a 7-member volunteer board responsible for administering the Massachusetts Wetlands Protection Act (WPA) and regulations (310 CMR 10.00).

The Commission has jurisdiction over the following areas (Jurisdictional Areas):

- Wetland Resource Areas, defined as 100-year flood zones, wetlands, streams, ponds, and marshes.
- Riverfront Areas (land within 200 feet of a perennial stream).
- Buffer Zones - Land within 100 feet of a Wetland Resource Area. A strict standard of review applies to the area within 25-feet of a Wetland Resource Area (the No Disturb Zone, or NDZ).

Landowners must obtain prior permission from the Commission before work of any kind (*e.g.*, tree or brush removal or trimming, vegetation removal or cutting, lawn expansion, soil grading, and construction) is conducted in a Jurisdictional Area. Wetland Resource Areas and Riverfront Areas may sometimes appear to be dry and thus difficult to identify, so all landowners are encouraged to contact the Conservation Office at 781-786-5068 to discuss any proposed work.

Purpose of this Document. This tree removal policy document was developed to:

- Expedite the approval process for tree cutting requests;
- Provide consistent implementation of the Commission's policy under its wetland regulatory authority;
- Recognize the ecological value of natural wooded areas close to wetlands, streams, and waterways;
- Protect the ecological functions trees provide in Jurisdictional Areas; and
- Allow landowners to maintain safety and enjoyment for people and property.

Presumptive Ecological Value of Trees. Trees in Jurisdictional Areas perform ecological functions by providing habitat for wildlife, reducing flood elevations, stabilizing soil, assisting nutrient uptake that improves water quality, and providing shade that contributes to healthy vegetation and cool water. Even dead trees provide habitat for cavity nesters and organic nutrients for soil.

Policy: No trees may be cut from Jurisdictional Areas unless permission has been granted by the Commission. This policy applies to all Jurisdictional Areas, whether natural or landscaped. Landscaped areas are those locations comprised predominantly of lawn or landscaping shrubs. Natural areas are those areas comprised predominantly of naturally occurring vegetation.

I. Guiding Principles

- A. Reason for Tree Removal. For tree-cutting in Jurisdictional Areas to be approved, the trees must either:
 - 1. Pose a safety threat, or
 - 2. Interfere substantially with the landowner's use of property.
- B. Conditions for Tree Removal.
 - 1. Mitigation Requirements. Some tree cutting requests may be granted conditional on the replacement of one or more trees (See Section V Below).
 - 2. Limits on Equipment Use. Generally, the Commission requires that all tree removal equipment remain on landscaped or paved areas and outside of natural areas.
 - 3. Limited Grinding of Trunks. To minimize disturbance, the only tree trunks that may be ground below the surface are those in landscaped areas or outside the NDZ.
- C. Discretion. In certain cases the Commission may exercise its discretion in the application of this policy.

II. Trees Subject to this Policy*

- A. Size. At least 4 inches in diameter (when measured 4 feet off the ground).
- B. Size Categories. Trees are categorized as small (4-10 inches), medium (11-20 inches), or large (more than 20 inches).

III. Tree Removal Request Application

- A. Application Form. A landowner proposing to cut one or more trees in a Jurisdictional Area must file a "Tree Cutting Request Form" (attached or on the Commission website) which includes the following information for each tree proposed to be cut:
 - 1. Tree size, type, and condition;

2. Reason for the tree removal request (*e.g.*, poses a safety threat or interferes substantially with the landowner's use of property);
 3. Statement indicating whether the tree is located in a natural area, landscaped area, or lawn area;
 4. Statement explaining:
 - (a) the type of equipment (mechanical or hand) that is proposed to be used in the removal of the tree,
 - (b) whether the equipment can be kept outside of natural areas, and
 - (c) whether any disturbance to a natural area other than the removal of the tree will be necessary;
 5. Statement as to whether the stump is proposed to be ground; and
 6. Plans for lawn expansion, if any.
- B. Informal Map. The landowner must include, with the Tree-Cutting Request Form, an informal map showing:
1. Location of existing Wetland Resource Areas (including Riverfront Area) and the 100-foot buffer zone, house, trees, and other relevant features; and
 2. Location of proposed trees to be cut (numbered in a way that can be cross-referenced with the Tree Cutting Request Form).
 3. The Conservation Administrator can assist the landowner in creating the informal map using maps online, or other applicable map or plan.

IV. Review and Approval Process

- A. Conservation Administrator Administrative Approval. The Conservation Administrator may administratively approve the following for trees of any size if no lawn expansion is proposed:
1. Within the NDZ or Wetland Resource Area: Up to 5 trees; and
 2. Outside the NDZ: Up to 15 trees that are within Riverfront Area or the 100-foot buffer zone.
- B. Commission Administrative Approval. The Commission may administratively approve the following, if no lawn expansion is proposed:
1. Within the NDZ or Wetland Resource Area: 6-10 trees; and
 2. Outside the NDZ: 16-25 trees that are within Riverfront Area or the 100-foot buffer zone.
- C. Formal Commission Approval. The Conservation Commission may permit the following, provided that the owner has filed a Request for Determination of Applicability (RDA) or a Notice of Intent (NOI) as appropriate (see the Commission website for further information about the permitting process):
1. Any trees in a Jurisdictional Area proposed for lawn expansion;
 2. Any trees that cannot be administratively approved under IV.A. or B. above.

V. Tree Mitigation Requirements and Conditions

- A. Mitigation. The loss of trees cut in a resource area or NDZ shall be mitigated as follows:
1. Large trees: the owner shall plant a native tree sapling (or two native shrubs) for each large tree cut.
 2. Medium trees: For every 5 (or subset of 5) medium trees proposed to be cut, the owner shall plant a native tree sapling or two native shrubs.
- B. Replacement Tree Requirements. A replacement tree shall:
1. Be planted at least as close to the resource area as the cut tree closest to the wetlands that the new tree is replacing;
 2. Be of a native species (see the Commission's Buffer Zone Restoration Guidelines as a resource);
 3. Have a caliper size of 1" or greater;
 4. Optimize wildlife habitat value to the maximum extent practicable; and
 5. Survive two growing seasons. The applicant/owner must describe the steps that will be taken to maintain the tree for at least 24 months after the date that it is planted.

*This Policy is intended to cover only the removal of trees. Other vegetation removal requests within the Commission's jurisdiction, such as cutting trees that are less than 4" in diameter, shrubs, and native groundcover must be reviewed and approved by the Commission. Please contact the Conservation Office for more information regarding removal of these plants.

ARTICLE XXVIII WATER CONSERVATION

SECTION 1: Authority

This By-Law is adopted by the Town under its police powers pursuant to the Home Rule Amendment of the Massachusetts Constitution, Article LXXXIX, to protect public health and welfare and its powers pursuant to M.G.L. c.40, §§21 et seq. and implements the Town's authority to regulate water use pursuant to M.G.L. c. 41, §69B. This By-Law also implements the Town's authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection.

SECTION 2: Purpose

The purpose of this By-Law is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency, by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the Town, by the Department of Environmental Protection or by the MWRA.

SECTION 3: Definitions

"Agriculture" shall mean farming in all its branches and agriculture, as defined in M.G.L. c. 128, § 1A.

"Outdoor watering" shall mean any residential, municipal, industrial, or commercial watering of decorative lawns, trees or shrubbery.

"Person" shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

"State of Water Supply Emergency" shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17

"State of Water Supply Conservation" shall mean a State of Water Supply Conservation declared by the Town pursuant to Section 4 of this By-Law.

"Water Users or Water Consumers" shall mean all persons using water from the Town's public water source irrespective of that person's responsibility for billing purposes for use of the water.

SECTION 4: Declaration of State of Water Supply Conservation

The Town, through its Board of Selectmen authorized to act as such, may declare a State of Water Supply Conservation upon a determination by a majority vote of the Board that the distribution system is nearing capacity and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given under section 6 of this By-Law before it may be enforced.

SECTION 5: Restricted Water Uses

A declaration of a State of Water Supply Conservation shall include one or more of the following restrictions, conditions, or requirements limiting the use of water as necessary to protect the water supply except as provided in Section 11. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 6.

- a) Odd/Even Day Outdoor Watering: Outdoor watering on property having an odd numbered address is restricted to odd numbered days. Outdoor watering on property having an even numbered address is restricted to even numbered days.
- b) Outdoor Watering Method Restriction: Outdoor watering is restricted to bucket, can or hand held hose watering with automatic shutoff nozzle.
- c) Outdoor Watering Ban: Outdoor watering is prohibited.
- d) Outdoor Watering Hours: Outdoor watering is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
- e) Swimming Pools: Filling and topping off of swimming pools is prohibited.
- f) Automatic Sprinkler Use: The use of automatic sprinkler systems is prohibited.
- g) Car washing: Car or vehicle washing is prohibited.

SECTION 6: Public Notification of a State of Water Supply Conservation and State of Water Supply Emergency; Notification of DEP

Notification of any provision, including any restriction, requirement or condition imposed by the Town as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the Town, or by such other means reasonably calculated to reach and inform users of water of the State of Water Supply Conservation. Notification of a State of Water Supply Emergency declared by the Department or MWRA shall be provided by furnishing a copy of the Notice to two (2) radio and up to two (2) television stations serving the area served by the public water system as soon as possible, but no later than 48 hours after the public water system receives notice of the Department's declaration. Any restriction imposed under section 5 or in the Department declaration of emergency or order shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be provided to the Massachusetts Department of Environmental Protection and MWRA at the same time that notification is given.

SECTION 7: Termination of State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Selectmen upon a determination that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required for notice of the Town's declaration of its State of Water Supply Conservation.

SECTION 8: State of Water Supply Emergency; Compliance with DEP US

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection or MWRA, no person shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. The notice prescribed by this section shall be in writing and shall be published once in a newspaper of general circulation within the town where it is to be effective. Such notice shall summarize the provisions of the Declaration of Water Supply Emergency and the requirements and conditions thereof. Notice as prescribed by this section shall be sufficient for enforcement of the requirements of such Declaration on and after the date following newspaper publication.

SECTION 9: Penalties

The Town, through its Public Works Director, Water Superintendent, building inspector or local police may enforce this By-Law. Any person violating this By-Law shall be liable to the Town in the amount of \$50.00 for the first violation and \$ 100.00 for each subsequent violation. Fines shall be recovered by indictment, by complaint before the District Court, or by non-criminal disposition in accordance with section 21D of chapter 40 of the general laws.

SECTION 10: Severability

The invalidity of any portion or provision of this By-Law shall not invalidate any other portion or provision thereof.

SECTION 11: Exemptions

The water use restrictions adopted under this By-Law shall not apply to the specific uses outlined below provided the user meets any applicable eligibility criteria.

- a) Commercial agriculture;
- b) Water to sustain animal life;
- c) Swimming pools used as a primary means of exercise, therapy or Rehabilitation located at a medical or rehabilitation facility;
- d) Commercial car or vehicle washing facilities.

Requests for exemptions shall be made in writing to the Department of Public Works.

(Effective: 11/12/2003)

ARTICLE VIII OF THE BY-LAWS

ZONING BY-LAW

SECTION I. PURPOSES AND VALIDITY

A. PURPOSES

The purposes of this Zoning By-law are to promote the health, safety, convenience, morals and welfare of the inhabitants of the Town and to accomplish all other lawful objectives of zoning, including, but not limited to, the purposes and objectives set forth in Section 2A of Chapter 808 of the Acts of 1975.

B. VALIDITY

The provisions of this Zoning By-Law are severable and if provisions, or the application of such provision to any property, person or circumstances, shall be determined by judicial process to be invalid, such invalidity shall not be construed to affect the validity of any other provision or the application of any provision to any other property, person or circumstances.

If in a Single Family Residence District any such regulation shall be held, by judicial process to be invalid with respect to any property, that property thereafter shall be subject to the comparable regulation applicable in the class of single family residence district next following in the alphabetical designation found in Section IV, Subsection a "District Designations".

(end of Section I)

SECTION II. DEFINITIONS

For the purpose of this Zoning By-Law, certain terms and words are defined as follows. Terms or words not defined in this Section or elsewhere in this By-Law, but defined in the latest edition of the State Building Code (780 CMR), or in the Massachusetts General Laws, shall have the meaning given therein.

ACCESSORY APARTMENT

An apartment located in a Single Family Dwelling or a detached Accessory Building in compliance with a Special Permit issued under Section VI.G of this By-law.

ACCESSORY BUILDING

A detached Building devoted exclusively to an Accessory Use.

ACCESSORY USE

A use of land which is customarily incidental and subordinate to, and located on the same Lot as, the Principal Use it serves.

AQUIFER

A geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

ATTIC

That portion of a pitched roof building located under the roof construction between the ridge line and the ceiling level of the uppermost story.

AVERAGE GRADE

The average of the elevations of the Natural Grades around the perimeter of a proposed building, as determined by the formula:

$$\frac{\sum^s [(e^1 + e^2) / 2 \times L]}{P}$$

where S is a segment of the building perimeter, e^1 and e^2 are the Natural Grades at the respective ends of the segment; L is the corresponding length of the segment; and P is the length of the total building perimeter. In the case of a rectangular building, Average Natural Grade may be determined by taking the average of the Natural Grades of the four extreme corners of the building.

BASE FLOOD

Base Flood shall mean the flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION

Base Flood Elevation shall mean the flood elevations shown on the FIRM.

BASEMENT

That portion of a building which is partly or completely below Finish Grade (See “Story Above Grade”).

BUILDING

Any Structure having a Roof supported by columns or walls, and intended for the shelter of persons, animals, or property of any nature. The word “Building” shall be construed where the context requires as though followed by the words “or part of parts, thereof”.

BUILDING COVERAGE

The area covered by the foundation of a building together with any overhang of any part of the building extending beyond the foundation.

CHILD CARE FACILITY

A Day Care Center or a School Age Child Care Program, *but not including*: (a) any program operated by a public school system; any part of a private organized educational system, unless the services of such system are primarily limited to either a school age day care program, or kindergarten, nursery or related preschool services; (b) a Sunday school or classes for religious instruction conducted by a religious organization; (c) a facility operated by a religious organization where the children are cared for during short periods of time while persons responsible for such children are attending religious services; (d) a Family Day Care Home; (e) an informal cooperative arrangement among neighbors or relatives; or (f) the occasional care of children with or without compensation therefor.

CO-LOCATION

The use of a building or structure already occupied by a Personal Wireless Service Facility by the Personal Wireless Service Facility(ies) of additional Personal Wireless Service(s).

DAY CARE CENTER

A Child Care Facility, whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or any other name, which receives children not of common parentage, under seven years of age or, if such children have special needs, under sixteen years of age, for nonresidential custody and care during part or all of the day separate from their parents.

DESTRUCTION/DEMOLITION

Removal without replacement of the enclosing components of a building’s exterior envelope, including doors, windows, cladding, sheathing, and other similar elements; or the alteration of all or a portion of a building’s exterior envelope such that existing walls, roof, or floor cease to be part of the building’s exterior envelope. For the purpose of this By-law, the frame supporting enclosing components need not be removed for the construction to be considered demolition or destruction. For purposes of this definition, envelopment shall mean the total incorporation of all or part of the building envelope. This definition shall take effect on January 1, 2014.

DISPOSAL

The deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.

DORMITORY

A Building or portion thereof used as living quarters for a group of five or more unrelated persons, as accessory to an exempt religious or educational use located on the same Lot.

DWELLING

A permanent Building used or intended to be used exclusively for human habitation and containing one or more Dwelling Units. Dwelling shall not include a trailer or mobile home, however mounted, or a Dormitory, Long Term Care Facility, or other congregate living facility.

DWELLING UNIT

A permanent Building, or portion thereof, used or intended to be used as the residence of a single Family.

EATING PLACE

A commercial establishment in which the primary business conducted is the sale and service of prepared food, refreshments, and/or beverages for consumption at tables or counters on the Premises. The term Eating Place does not include a Fast Food Establishment.

EARTH

Shall include soil, loam, sand, gravel, clay, rock or other natural minerals and peat.

FAMILY

One or more persons, including domestic employees, occupying a Dwelling Unit as a single non-profit housekeeping unit, provided that a group of five or more persons who are not related to each other by blood or civil law, shall not be deemed to constitute a Family.

FAMILY DAY CARE HOME

Any private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age is such children have special needs, provided that the total number of children in the family day care home shall not exceed six, including participating children living in the residence. The term Family Day Care Home shall not include: a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

FARM, FARMING

“Farming” or “agriculture” shall include farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

FAST FOOD ESTABLISHMENT

A commercial establishment in which the primary business conducted is the sale of prepared food, refreshments and/or beverages in disposable containers for consumption either off the Premises or in vehicles on the premises.

FLOODWAY DATA

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

FRONTAGE/FRONTING

The line measured continuously along the street sideline from the point where one sideline of the lot intersects the street sideline to the point where the second sideline of the lot intersects the street sideline. Where the continuous street sideline is broken by a backup area, the frontage line shall be measured across the mouth of the backup area and not around its perimeter.

GARAGES (in Multiple Dwelling Districts)

Roofed structures or carports rented to or used by residents of a multiple dwelling unit. Such structures may be attached to or separate from the multiple dwelling buildings.

GRADE

For purposes of dimensional determinations, and based upon North American Vertical Datum of 1988 (NAVD 88).

NATURAL GRADE shall be the natural grade of the land at any point along the perimeter of a proposed building prior to disturbance for construction. The elevation of the natural grade prior to disturbance for construction shall be certified by a registered land surveyor, or may be such elevation as may be determined from maps or records satisfactory to the town.

FINISH GRADE shall be the final grade of the land at any point along the perimeter of a building at the completion of construction. The elevation of the finish grade shall be determined by a site plan satisfactory to the Town showing proposed contours at completion of construction.

GRADE PLANE

A horizontal reference plane passing through the elevation of the Average Natural Grade of a proposed building from which building height is determined.

GROUNDWATER

All water found beneath the surface of the ground. In this Zoning By-Law the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

HAZARDOUS MATERIALS

Any substance or combination of substances, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water. Any substance deemed a "hazardous waste" in Mass. Gen. Laws. ch. 21C shall also be deemed a hazardous material for purposes of this Zoning By-Law.

HEIGHT

The vertical distance from the Grade Plane to the highest point of a building.

IMPERVIOUS

Impenetrable by water.

LONG-TERM CARE FACILITY

An establishment for the recuperation, rehabilitation, or care of elderly, invalid, or convalescent persons. The term does not include a hospital or diagnostic medical center.

LOT

The whole area of continuous land under one Ownership, whether there be one or more than one owner and whatever the form of tenure.

MOVE OR MOVEMENT

To dig, excavate, remove, deposit, fill, grade, replace, level, or otherwise alter or change the location of earth or contour of land.

MUNICIPAL PURPOSE USE

The use of land or Structures by the Town of Weston for municipal services and facilities of any kind, including but not limited to schools, libraries, playgrounds, parks, wastewater treatment, solid waste transfer, communications, and offices.

MULTIPLE DWELLING

A Building containing two or more Dwelling Units, such as an apartment house, town houses or row houses, but not including a Single Family Dwelling with an Accessory Apartment.

NON-COMMERCIAL CLUB

The use of a site for provision of meeting, recreational, or social facilities by a private nonprofit association, primarily for use by members and guests and not connected with or engaged in commercial enterprises.

NON-CONFORMING BUILDING OR STRUCTURE

A building, structure or portion thereof which does not conform to the height and location regulations for the district in which it is located.

NON-CONFORMING LOT

A lot which does not conform to the area, frontage, and/or dimensional regulations for the district in which it is located.

NON-CONFORMING USE

A use of a building, structure, or land which does not conform to the use regulations of the district in which it is located.

PERMIT GRANTING AUTHORITY

The Zoning Board of Appeals.

PERSONAL WIRELESS SERVICES

Shall have the same meaning as in the Telecommunications Act of 1996, 47 USC §332(c)(7)(C), including, but not limited to, commercial mobile services, including but not limited to, cellular services, personal communications services, advanced wireless services, and broadband wireless services.

PERSONAL WIRELESS SERVICE FACILITY

Any and all materials, equipment, cabling, storage structures, monopoles, towers, satellite dishes and/or antennas intended for transmitting or receiving Personal Wireless Services.

PREMISES

A lot, together with any structures and appurtenances thereon.

PRINCIPAL USE

A primary or main use of a lot.

PROFESSIONAL

Person formally certified by a professional body or belonging to a specific profession by virtue of having completed a required course of studies and/or practice.

RECHARGE AREAS

Areas from which precipitation or surface water can migrate into an aquifer.

REPLACEMENT SINGLE FAMILY DWELLING

The supplanting of all or a portion of a demolished or substantially demolished single-family dwelling with a substitute single-family dwelling in the same or in a different location on the lot, or the relocation on the lot of an existing single family dwelling.

RESIDENTIAL GROSS FLOOR AREA ("RGFA")

The sum of the horizontal area(s) of the above-grade floors in the residential building(s) on a lot, excluding unfinished attics but including attached or detached garages. The RGFA shall be measured from the exterior face of the exterior walls.

ROOF

The outside top covering of a building with its supporting members, not including vertical supports. For purposes of dimensional determinations, roof slopes shall be established as follows:

Pitched Roof: A roof plane with a slope greater than 3:12 [Three (3) inches of vertical rise for every twelve (12) inches of horizontal run].

Flat Roof: A roof plane with a slope equal to or less than 3:12 [Three (3) inches of vertical rise for every twelve (12) inches of horizontal run].

A building shall be construed to be covered with a pitched roof when 30% or more of the area within the total building perimeter is covered with roofs of slopes greater than 3:12.

SCENIC ROAD

Those early Town Roads and / or core transportation routes which the Planning Board has identified as best representing the historic, rural and otherwise scenic character of the Town. These roads are: Ash Street, Boston Post Road and Boston Post Road By-Pass (Route 20), Brown Street, Chestnut Street, Church Street, Conant Road, Concord Road, Crescent Street, Fiske Lane, Glen Road, Highland Street, Hilltop Road, Kingsbury Lane, Lexington Street, Lincoln Street, Loring Road, Love Lane, Maple Road, Merriam Street, Newton Street, North Avenue (Route 117), Oak Street, Pigeon Hill Road, Pine Street, Ridgeway Road, Ripley Lane, School Street, Silver Hill Road, South Avenue (Route 30), Sudbury Road, Summer Street including By-Pass, Viles Street, Ware Street, Webster Road, Wellesley Street, Winter Street.

SCHOOL AGE CHILD CARE PROGRAM

A Child Care Facility providing supervised group care, on a regular basis before or after school and/or during school vacation and holidays, for children not of common parentage who are enrolled in kindergarten and are of sufficient age to enter first grade the following year, and/or older children of common parentage not more than fourteen years of age (or sixteen years of age if such child has special needs). Such facility must include a planned daily program of activities attended by children for specifically identified blocks of time during the week, usually over a period of weeks or months.

SETBACK

The shortest distance from the street side line, street center line, or lot line, as the case may be, to any part of the foundation of a building or structure.

SIGN

Any advertising symbol or device used or intended to advertise or promote the interests of any entity when the same is placed out of doors or is visible from the exterior by reason of being placed in or on a window or outside door.

SINGLE FAMILY DWELLING

A Dwelling used or intended to be used principally as the residence of a single Family, with or without an Accessory Apartment authorized under Section VI.G of this Zoning By-law. When the context indicates, the term Single Family Dwelling shall also refer to the Principal Use of the lot for such purpose.

SOLID WASTES

Useless, unwanted or discarded solid materials, with insufficient liquid content to be free flowing, including for example, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

The Board of Selectmen, the Zoning Board of Appeals, or the Planning Board, as may be designated in Zoning By-law for the issuance of a particular special permit.

STORY

That portion of a building included between the upper surface of a floor and the upper surface of a floor or roof next above.

STORY ABOVE GRADE

Any Story having its finished floor surface entirely above finish grade, except that a Basement shall be considered as a story above grade where the finished surface of the floor above the Basement is:

- a) More than six (6) feet above average finish grade e;
- b) More than six (6) feet above Grade for more than 50% of the total building perimeter; or
- c) More than twelve (12) feet above Grade at any point.

STREET

In connection with frontage regulations, a street is any constructed and paved public or private way shown on the official map of the Town.

STREET SIDE LINE

The legal boundary between the street right of way and the abutting lot(s).

STRUCTURE

Anything constructed, assembled, erected or maintained at a fixed location above or below ground, including, but not limited to, the following examples: antenna, bridge, building, gazebo, mechanical equipment, pergola, platform or deck, satellite dish, shed, swimming pool, and an apron of five (5) feet measured from water's edge, tennis or similar court, tower, trailer without wheels, trellis, tunnel. The word "structure" shall be construed as if followed by the words "or part thereof," but shall not include underground utilities, septic systems, underground storm water drainage systems, driveways, or landscape features such as birdbaths, fountains, patios, flagpoles, lamp posts, planting boxes and swing sets.

A fence shall be considered a structure only if it is more than six (6) feet high, as measured from existing natural grade.

A wall, other than a retaining wall, shall be considered a structure if it is constructed of any masonry material including concrete and is thirty-six (36) inches or more above existing natural grade.

A retaining wall constructed of any material (including rip-rap) shall be considered a structure if it is thirty-six (36) inches or more above existing natural grade.

For purposes of determining the height of stepped walls or retaining walls, the thirty-six (36) inch height shall be measured in the aggregate, vertically from existing natural grade to the highest point of the wall.

SUBSTANTIALLY DEMOLISHED

Destruction of more than 50% of the exterior walls of a Building or the destruction of more than 75% of the Roof of a Building.

SUBSTANTIAL IRREGULARITY

A lot having a coefficient lower than 0.4 is considered to be substantially irregular, as determined by the formula $r = 16A/p^2$ (where r = the coefficient of regularity; A = area; and p = perimeter).

WIRELESS COMMUNICATIONS FACILITIES

Any and all materials, equipment, storage structures, monopoles, towers, satellite dishes and/or antennae intended for transmitting or receiving telecommunications services including, but not limited to radio, television and cellular telephone services, except as may be incidental to a residential use.

ZONE II

Zone II is defined as that area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated. It is bounded by the groundwater divides which result from pumping the well and by the contact of the edge of the aquifer with less permeable materials such as till and bed rock.

(end of Section II)

SECTION III. PRE-EXISTING NONCONFORMING
BUILDINGS, STRUCTURES AND USES

A. GENERAL

Subject to the provisions of the zoning statutes respecting issuance of Building Permits and construction work, this Zoning By-Law shall not apply to existing buildings or structures, nor to the existing use of any building or structure, nor of land to the extent to which it is used at the time of adoption of this Zoning By-Law, provided that any change of use thereof, any alteration of a building or structure when the same would amount to extension thereof and any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent shall be subject upon application to the finding of the Zoning Board of Appeals as the Special Permit Granting Authority that such change, extension or alteration will not be substantially more detrimental to the neighborhood than the existing nonconforming use or structure.

B. DISCONTINUED USE

A nonconforming use of any building, structure, or land protected by Subsection III,A. above, if discontinued for a period of two years or more, shall not be resumed.

C. RECONSTRUCTION

A nonconforming building or structure protected by Subsection A above, if substantially destroyed by fire or other casualty, may be rebuilt within one year, provided that in rebuilding it shall be made to conform to this Zoning By-Law so far as practicable.

(end of Section III)

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
10. Commercial Districts
11. Wetlands and Flood Plain Protection District (A)
12. Wetlands and Flood Plain Protection District (B)
13. Aquifer Protection Overlay Districts
14. Personal Wireless Service Overlay Districts

B. DISTRICT BOUNDARIES

1. Zoning Map.

The location and boundaries of all districts except the Wetlands and Flood Plain Protection Districts, as amended, and the Aquifer Protection Overlay District are shown on a map on file in the office of the Town Clerk entitled "Zoning Map Town of Weston, Massachusetts, November, 2007. The location and boundaries of all Wetlands and Flood Plain Protection Districts are shown, as amended, on a map on file in the office of the Town Clerk entitled "Wetlands and Flood Plain Protection District, Weston, Mass.-1980". The location and boundaries of all Aquifer Protection Overlay Districts are shown on a map on file in the office of the Town Clerk entitled "Aquifer Protection Overlay District, Town of Weston, 1988" all of which, together with all explanatory matter, boundary lines and designations, are hereby made a part of this Zoning By-Law.

2. General Locations of District Boundaries.

Where the boundary lines are shown upon the map within the lines of public or private ways, the center lines of the ways shall be the boundary lines.

Boundary lines located outside the lines of ways and shown approximately parallel thereto shall be regarded as parallel thereto, and dimensions shown in figures placed upon the map between the boundary lines and the lines of ways are the distance in feet of the boundary lines from the lines of ways, such distances being measured at right angles to the lines of ways unless otherwise indicated.

In all cases which are not covered by other provisions of this Subsection, the location of boundary lines shall be determined by the distance in feet, if given, from other lines or points on the map, by the use of identification as shown on the map, or by the scale of the map.

3. Lots Divided By Zoning Districts.

Where boundary lines of a district, other than the boundary line of the Wetlands and Flood Plain Protection District and Aquifer Protection Overlay Districts divide a lot, the dwelling on such a lot shall conform to the area, frontage, setbacks and lot width requirements of the district where the dwelling is located; and where the dwelling itself straddles a district line, as above defined; the entire lot shall conform to the area, frontage, setbacks and lot width requirements of the strictest applicable district.

4. Aquifer Protection Overlay Districts.

For the purposes of this Zoning By-Law there is hereby established within the Town of Weston an overlay district consisting of certain aquifer protection areas, including aquifer recharge areas calculated in accordance with Department of Environmental Quality Engineering's guidelines for Zone II, which are delineated on a map entitled "Aquifer Protection Overlay District, Town of Weston, 1988," drawn to a scale of 1"=800', and which shall be considered as superimposed over other districts established by the Zoning By-Laws of Weston.

5. Wetlands And Flood Plain Protection Districts.

a. Wetland and Flood Plain Protection - District A - The locations and boundaries of the Wetlands and Flood Plain Protection Districts A are shown on a map entitled "Wetlands and Flood Plain Protection Districts, Weston, Mass. - 1980" as designated in blue on said map. Said District A shall include those areas identified in blue on said Map including those areas specifically described as follows:

- (i) All land bordering any natural waterbody that lies within a horizontal distance of twenty-five (25) feet from the mean high water line except as otherwise shown in blue on the Weston Wetlands and Flood Plain Protection District Map. The mean high water line at a water body is defined as the elevation where vegetation changes from predominantly aquatic to predominantly terrestrial and along a brook, river or stream the elevation on the bank of a channel at which the annual high water has left a definite mark.
- (ii) All waterbodies encircled by boundary lines of the District A in blue.
- (iii) All that land along the following named brooks and their tributaries: Stony Brook, Cherry Brook, Hobbs Brook, Hayward Brook, Bogle Brook and Seaverns Brook and certain unnamed brooks that lie within a horizontal distance of twenty-five (25) feet from the mean high water line along each bank thereof except as otherwise shown on the Weston Wetlands and Flood Plain Protection District Map in blue.
- (iv) All those wetlands which may be described as upland swamps or marshes which lie at the source of the brooks or their tributaries or which lie in surface depressions without drainage outlets, as shown on the Weston Wetlands and Flood Plain Protection District Map in blue.

b. Wetlands and Flood Plain Protection - District B - The location and boundaries of the Wetlands and Flood Plain Protection District B shall include all special flood hazard areas within the Town of Weston that are designated as Zone A and AE as shown on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program effective June 4, 2010. The map panels of the Middlesex County FIRM, that are wholly or partially within the Town of Weston, are map panel numbers 25017C0389E, 25017C0393E, 25017C0394E, 25017C0527E, 25017C0529E, 25017C0531E, 25017C0532E, 25017C0533E and 25017C0534E, all dated and effective June 4, 2010. The exact boundaries of the District B shall be defined by the 100-year base flood elevations as shown on the FIRM and as further defined by the Middlesex County Flood Insurance Study (FIS) report effective June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

6. Personal Wireless Service Overlay Districts.

There shall be two Personal Wireless Service Overlay Districts. Personal Wireless Service Overlay District I ("PWSOD I") shall consist of the land designated on the Weston Assessors Maps as:

- Map # 53: Massachusetts Turnpike Authority land "ballfield," located east of Liberty Mutual Insurance Company, Riverside Road;
- Maps # 49 & 55: 668 South Avenue, Massachusetts State Police Barracks.
- Map # 27, Parcel # 75-10: Town of Weston Police Station and
- A portion of Map # 27, Parcel #74, described as follows:

All that certain Parcel of land located on the southerly side of Boston Post Road By-Pass (Route 20) and described as follows:

SOUTHEASTERLY by land of Town of Weston (Weston Police Station) three hundred seventy-two and 61/100 (372.61) feet;

SOUTHERLY by land of Town of Weston (Weston Highway Department) fifty and 00/100 (50.00) feet;

NORTHWESTERLY by land of the Town of Weston (Weston Highway Department) three hundred thirty-three (333) feet approximately;

NORTHERLY by land of the Commonwealth of Massachusetts (Boston Post Road By-Pass, Route 20) sixty-five (65) feet approximately; containing 0.4 acres, more or less.

Town of Weston Highway Department

- Map # 8, Parcel # 34: Weston Market, 284 North Avenue;
- Map # 59, Parcels # 23-20 (P/O 58): Leo J Martin Golf Course, Park Road;
- Map # 58, Parcel # 23-20: Leo J Martin Golf Course, Park Road;
- Map # 33, Parcels # 16 and 28-10: Weston Golf Club;
- Map # 34, Parcel # 16 (P/O 33): Weston Golf Club;
- Map # 46, Parcel # 4: Pine Brook Country Club;
- Map # 45, Parcel # 4 (P/O 46): Pine Brook Country Club;

- Map # 11: Campion Residence and Renewal Center Parking Lot, across Concord Road from Campion Center, Concord Road;
- Map # 19, Parcel # 35 (P/O 23): Town of Weston Solid Waste Transfer Station;
- Map # 18, Parcel # 35 (P/O 23): Town of Weston Solid Waste Transfer Station; Map # 23, Parcel # 35: Town of Weston Solid Waste Transfer Station;
- Map # 24, Parcel # 6: Weston Mobil Gas Station, 88 Boston Post Road.

Personal Wireless Service Overlay District II ("PWSOD II") shall consist of the land designated on the Weston Assessors Maps as:

- Map # 52, Parcel # 1: 134 South Avenue;
- Map # 41, Parcels # 38 & 39: 75 Norumbega Road, 85 Norumbega Road, 99 Norumbega Road, 101 Norumbega Road;
- Map # 49, Parcel # 33: 100 Brown Street, Hazel Hotchkiss Wightman Tennis Center, Inc.
- Map # 8, Parcel # 35: Shell Gas Station, 290 North Avenue;
- Map # 11, Parcel # 8: Campion Residence and Renewal Center, 319 Concord Road;
- Map # 51, Parcel # 52: Town of Weston Southside Fire Station, South Avenue;
- Map # 24, Parcel # 1: Weston Corporate Center, Biogen Idec, 133 Boston Post Road;
- Map # 13, Parcel # 93: Town of Weston Water Tank, Cat Rock Tank;
- Map # 41, Parcel # 24: Office Building, 101 River Road;
- High Voltage Transmission Poles and Stanchions in the abandoned Boston & Maine (Clinton Division) Railroad Right of Way;
- Map # 13, Parcel # 129: Town of Weston North Side Fire Station, North Avenue;
- Map # 13, Parcel # 103: Sunrise of Weston, 135 North Avenue;
- Map # 8, Parcel # 54-10: Dairy Joy Restaurant, 331 North Avenue;
- Map # 38, Parcel # 1: Regis College, 235 Wellesley Street.

7. Renewable Energy Overlay District

For the purpose of this Zoning By-law there is hereby established within the Town of Weston a Renewable Energy Overlay District, which is delineated on a map entitled "Renewable Energy Overlay District Town of Weston, 2011," which shall be considered superimposed over other districts established by the Zoning By-Laws of Weston and shall consist of the following parcels, identified on the Weston Assessors Maps as:

Map # 23, Parcel # 035
 Map # 24, Parcel #001
 Map # 18, Parcel #28-10

(end of Section IV)

SECTION V. USE REGULATIONS

A. GENERAL

1. Except as may be permitted with respect to lawfully nonconforming uses, buildings and structures regulated under the provisions of Section III of this Zoning By-law, no building, structure or land may be used, and no building or structure may be erected or altered for any use, not expressly allowed in the district in which the building, structure or land is located. A building, structure or use not expressly allowed by this Zoning By-law is prohibited.

2. Notwithstanding any other provision of this Zoning By-law, any building or structure, and any use of any building or structure or premises, which is injurious, obnoxious, offensive, dangerous, or a nuisance to the community or to the neighborhood through noise, vibration, concussion, odors, fumes, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion, or other objectionable feature detrimental to the community or neighborhood health, safety, convenience, morals or welfare, is prohibited.

3. Uses Allowed in All Districts

a. Buildings, structures and land in any zoning district may be used for Municipal Purpose Use, or for any public purpose use conducted by the Federal Government or the Commonwealth of Massachusetts or any of their respective agencies.

b. Commercial Agriculture in accordance with G.L. c.40A, §3.

c. Subject to Limited Site Plan Approval, buildings, structures and land in any zoning district may be used for the following:

i. Religious purposes, in accordance with G.L. c. 40A, §3;

ii. Educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions, or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation, in accordance with G.L. c. 40A, §3; and

iii. Child Care Facility, in accordance with G.L. c. 40A, §3;
provided that:

- off-street parking is provided in accordance with Section VIII.A “Regulations for off-Street parking” and
- height, setbacks and lot area are maintained in accordance with the requirements for the District in which the land, buildings, or structures are located.

d. Upon issuance of a special permit, activities necessary in connection with scientific research or scientific development or related production, which are accessory to activities permitted in the district as a matter of right, provided the Special permit Granting Authority finds that the proposed accessory use does not substantially derogate from the public good.

4. All other uses of buildings, structures and land shall be subject to the requirements and limitations set forth in this Zoning By-law for the zoning district(s) in which the particular building, structure or land is located, including, Accessory Uses in connection with lawful Principal Uses. Accessory Uses are subject to the same special permit and/or site plan approval requirements as the principal use(s) served.

B. SINGLE FAMILY RESIDENCE DISTRICTS (A, B, C and D)

1. By-Right Uses

- a. Unless located on a lot which bounds on a Scenic Road as defined in Section II, single family detached dwelling containing one housekeeping unit only, together with accessory buildings not containing a housekeeping unit. The number of such dwellings with such accessory buildings on any one lot shall not exceed the number which can be located thereon in conformity to Section VI, Subsection F.2., "Numbers and Location of Dwellings on One Lot";

The Residential Gross Floor Area "RGFA" of any new or replacement single family dwelling use constructed pursuant to a building permit issued on or after October 29, 1998, may not exceed the greater of 3,500 s.f. or 10% of the lot area up to a maximum of 6,000 s.f.

- b. Preservation of a lot in its natural condition; fields, pastures, woodlots, and orchards; greenhouses for private use; farm; sale or offering for sale of farm produce by owner or resident tenant providing a substantial portion is raised on the premises;
- c. Wildlife and plant management by nonprofit organization;
- d. The renting of rooms or the furnishing of table board to not more than four persons not members of the family residing on the premises;
- e. Any occupation or occupations conducted by a person residing in the dwelling, provided:
 - (i) That the occupation or occupations are conducted totally within the dwelling and not in an accessory structure;
 - (ii) That the occupant shall maintain at least fifty percent interest in the occupation or occupations so conducted;
 - (iii) That there shall be no use of any accessory structure other than for parking one vehicle used for the occupation or occupations;
 - (iv) That regardless of the number of occupations conducted in the dwelling, no more than one vehicle related to the occupation or occupations shall be regularly on the premises whether or not garaged;
 - (v) That vehicle shall be rated to carry no more than two tons;
 - (vi) That there is no visible exterior storage of material or equipment and no exterior indication from the boundaries of the premises of such use or variation from the residential character of the area;

- (vii) That not more than three persons regularly engaged in the occupation or occupations, whether full or part-time, in addition to the occupant shall work at the premises at one time;
 - (viii) that traffic generated by such occupation is not inconsistent with traffic usually associated with a single family residence and there is adequate parking on the lot screened from abutting properties;
 - (ix) that it does not create a hazard to health, safety, or welfare;
 - (x) That there is no evidence of the occupation or occupations through persistent or excessive sound, vibration, dust, heat, glare, odor, or light discernible at the boundaries of the premises or through interference with radio or television reception or other communications equipment.
 - (xi) That, where required, there is compliance with Section V, Subsection B.5.
- f. Driveways with up to two curb cuts serving a single family dwelling provided:
- (i) the driveway complies with Weston General By-Law Article XXVII entitled “Storm Water and Erosion Control By-law” and provided there is no surface runoff of water from the driveway onto the public or private ways upon which the driveway abuts or onto the abutting properties; and
 - (ii) there is safe vehicular and pedestrian movement onto and from adjacent ways.
2. By-Right Uses Allowed With Site Plan Approval
- a. Privately owned and operated park or playground;
 - b. New or replacement single family dwelling, together with accessory buildings not containing a housekeeping unit, in conformity with Section VI.F.2., which is constructed pursuant to a building permit issued on or after October 29, 1998, and which is located on a lot bounding on a Scenic Road as defined in Section II.
 - c. New or replacement single-family dwelling, together with accessory buildings not containing a housekeeping unit, in conformity with Section VI, subsection F.2, which is constructed pursuant to a building permit issued on or after October 29, 1998 and which exceeds the RGFA limit provided in Section V.B.1.a.
3. Uses Allowed With Site Plan Approval and By Special Permit
- a. Private cemetery;
 - b. Noncommercial club;
 - c. Family day care;
 - d. Day camp;
 - e. Philanthropic or charitable institution, but not a correctional institution or place of detention;
 - f. Accessory use by not more than one business entity of a railroad station existing as of May 1, 1979, provided that no more than four persons are regularly engaged in the activity, and that any Special Permit granted hereunder is conditioned on the establishment and maintenance of a clean, safe, heated and lighted waiting room within the station, a lighted platform, and a lighted and adequate parking area adjacent to the station for the convenience of passengers of the railroad or other connecting

modes of transportation; the conditions relating to the waiting room, platform, and parking area may be waived so long as the railroad station is not in active service.

- g. Veterinarian/Animal Hospital, provided the premises was used by a veterinarian and/or animal hospital as of May 1, 1998 and had been continuously so used for at least the twenty-five years prior to May 1, 1998 and provided said premises abuts Boston Post Road and/or the Boston Post Road Bypass.

4. Uses Allowed by Special Permit

- a. Accessory Apartments (see Section VI.G.)
- b. Division of land pursuant to the Flexible Development provisions of Section VI.H.

5. Uses Allowed By Permit

Storage for Commercial and Business Activities: In Single Family Residence Districts the Permit Granting Authority may issue Permits for the storage of vehicles, materials, supplies and equipment in connection with commercial or business activities principally carried on in the Town and providing services essential to the uses of premises permitted in the residence districts; and may in connection with a farm use, in a residence district, permit the commercial raising, keeping, selling or other dealing with poultry or livestock.

6. Uses Allowed with Special Permit of the Board of Selectmen with Site Plan Approval

- a. antique shop
- b. shop or studio of an artist, potter, sculptor, silversmith, woodcarver, or similar craftsman
- c. office of a doctor, dentist, lawyer, accountant, architect, engineer, or similar professional, provided that for the above uses, the following shall apply:
 - (i) all work and storage shall be conducted within the building and no more than three full-time employees or their equivalents, shall be employed on the premises;
 - (ii) the use is conducted within a building owned by the Town of Weston, which building has a gross floor area equal to or less than 1500 s.f. and been designated by the Weston Historical Commission as a building of historic significance;
 - (iii) all proposed interior and exterior renovations of the building and the site have been reviewed by the Historical Commission and the Historical Commission has issued an advisory report that such renovations will not adversely affect the historical integrity of the building and the site on which it is located;
 - (iv) the Board of Selectmen finds that the impacts on the neighborhood expected to be generated by the proposed use are consistent with other uses permitted in Single Family Residence Districts;
 - (v) the use may be subject to such further terms and conditions as shall be deemed appropriate by the Board of Selectmen in order to preserve the integrity of the historic building and to protect the surrounding neighborhood from detrimental impacts.

C. MULTIPLE DWELLING DISTRICTS (A and B)

1. By-Right Uses

- a. Single Family Residence containing one housekeeping unit only, conforming to Single Family Residence District A requirements;
- b. Preservation of a lot in its natural condition; fields, pastures, woodlots, and orchards; greenhouses for private use; farm; sale or offering for sale of farm products by owner or resident tenant providing substantial portion raised on the premises;
- c. Wildlife and plant management by nonprofit organization;

2. By-Right Uses Allowed With Site Plan Approval

- a. Multiple dwellings numbering four units or fewer;
- b. Privately owned and operated park or playground.

3. Uses Allowed With Site Plan Approval and By Special Permit

- a. Multiple dwellings numbering over four units;
- b. Philanthropic or charitable institution, but not a correctional institution or place of detention;
- c. Long term care facility.

D. BUSINESS DISTRICTS (A and B)

1. By-Right Uses

- a. Open space;
- b. Privately owned and operated park or playground.

2. By-Right Uses Allowed With Site Plan Approval

- a. Office or office building with 1,000 square feet or less gross floor area;
- b. Bank with 1,000 square feet or less gross floor area;
- c. Store, salesroom or showroom for the conduct of retail business with 1,000 square feet or less gross floor area;

3. Uses Allowed with Site Plan Approval and By Special Permit

- a. Office or office building with over 1,000 square feet gross floor area;
- b. Bank with over 1,000 square feet gross floor area;
- c. Store, salesroom or showroom for the conduct of retail business with over 1,000 square feet gross floor area;
- d. Eating place;
- e. Ambulatory medical office;
- f. Noncommercial club;
- g. Personal service establishment;
- h. Filling station or garage for servicing or repairing of motor vehicles;
- i. Commercial greenhouse or nursery;
- j. Veterinarian, animal hospital;

- k. Exceptional uses: in special circumstances the Special Permit Granting Authority by Special Permit for each instance may allow use thereof for any other business purpose which the Special Permit Granting Authority determines to be consonant with a Business District of the foregoing character.

E. OFFICE AND RESEARCH AND DEVELOPMENT DISTRICTS

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 products for sale in the normal course of business, and not creating a hazard to health, safety, or welfare.
- d. Private cemetery.

F. COMMERCIAL DISTRICTS

1. By-Right Uses

- a. Open space;
- b. Privately owned and operated park or playground.

2. By-Right Uses Allowed With Site Plan Approval

- a. Any trade or business of less than 1,000 square feet gross floor area;
- b. Office or office building of less than 1,000 square feet gross floor area;
- c. Bank of less than 1,000 square feet gross floor area;
- d. Store, salesroom, or showroom for the conduct of retail business of less than 1,000 square feet gross floor area;

3. Uses Allowed With Site Plan Approval and By Special Permit

- a. Any trade or business of over 1,000 square feet gross floor area;
- b. Office or trade building with over 1,000 square feet gross floor area;
- c. Bank with over 1,000 square feet gross floor area;
- d. Store, salesroom or showroom for the conduct of retail business with over 1,000 square feet gross floor area;

- e. Eating place;
- f. Personal service establishment;
- g. Filling station or garage for servicing or repairing of motor vehicles.

G. WETLANDS AND FLOOD PLAIN PROTECTION DISTRICTS (A AND B)

1. General

- a. Construction in Wetlands and Flood Plain Protection Districts A and B - Any other Zoning By-Law or regulation to the contrary notwithstanding, no construction requiring any utility, including electric, water, gas and telephone lines, or waste disposal or drainage facilities shall be permitted within the Districts A and B unless the Planning Board acting as Special Permit Granting Authority following, as applicable, the procedures established in Sections X and XI of the Zoning By-Law shall determine that all utilities are located, protected and constructed so as to minimize or eliminate flood damage and that methods of disposal for sewage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards and prevent pollution.
- b. Procedure where Base Flood Elevation is Not Provided -Within Wetlands and Flood Plain Protection Districts A and B, where the base flood elevation is not provided, the applicant for a Special Permit shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization towards meeting the elevation or flood proofing requirements, as appropriate, of this Zoning By-Law and the State Building Code.
- c. Base Flood Elevation Data shall be required for the review of all definitive subdivision proposals or other development greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

2. Wetlands and Flood Plain Protection District A

- a. Purposes - In addition to the purposes in Section I, "Purposes", of this Zoning By-Law, the purposes of this District are:
 - (i) To provide that lands in the Town of Weston subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof or the public generally or to burden the public with costs resulting from the unwise individual choices of land use in wetlands such as streams and other water courses, swamps, marshes, bogs, ponds, or areas subject to flooding.
 - (ii) To protect, preserve, and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town and the Boston metropolitan area.
 - (iii) To assure the continuation of the natural flow pattern of the water courses within the Town and to preserve natural floodwater storage areas so as to protect persons and property against the hazards of flood inundation.
- b. Use Regulations - The Wetlands and Flood Plain Protection District A shall be considered as overlying other districts established by the Weston Zoning By-Law. All uses and structures otherwise authorized by said Zoning By-Law in the portion of the

districts so overlaid shall be permitted in the Wetlands and Flood Plain Protection District A provided that in the Wetlands and Flood Plain Protection District A:

- (i) No existing building or structure shall be moved into such district, and no new building or structure shall be erected or constructed therein except as provided in Section V, Subsection G.2.c. (vi) and V.G.2.f.;
- (ii) No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent;
- (iii) No dumping or filling or relocation of earth materials shall be permitted except as may be required for the uses permitted in Section V, Subsection G.2.c. (vii), (viii) and (ix).
- (iv) No storage of manure, road salt, fertilizer, or other leachable chemicals shall be permitted.

c. Other Activities and Uses - The following activities and uses so far as otherwise authorized by the Weston Zoning By-Law as from time to time amended shall be permitted in the said District A subject specifically to Section V, Subsection G.2.b., as applicable, provided that all necessary permits, orders or approvals required by federal, state or local laws or regulations are obtained as may be required by such laws or regulations;

- (i) Uses directly related to the conservation of water, plants and wildlife.
- (ii) Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.
- (iii) Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.
- (iv) Grazing and farming, including truck gardening and harvesting of crops.
- (v) Forestry and nurseries.
- (vi) Small nonresidential structures of less than 100 square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.
- (vii) Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.
- (viii) Removal of silt and other accumulated debris from a watercourse which tends to interfere with the natural flow patterns of the watercourse.
- (ix) Construction, reconstruction or alteration of golf course areas.

d. Lot Area Allowance

- (i) If any portion of a lot in a Single Family Residence District is overlaid by the Wetlands and Flood Plain Protection District A, said portion may be used to meet the area requirement for that district otherwise provided in the Zoning By-Law provided that no building or structure may be erected on the portion

remaining outside the Wetlands and Flood Plain Protection District A unless that portion has a minimum area of 20,000 square feet.

- (ii) However, a lot with a dwelling existing thereon at the time of the adoption of this Zoning By-Law may be used for all purposes otherwise permitted by the Weston Zoning By-Law except that if a dwelling lies within the Wetlands and Flood Plain Protection District A, the dwelling shall be subject to the provisions of Section V, Subsection G.2.b.(ii) hereof.
- (iv) If any portion of a lot in a Multiple Dwelling District is overlaid by the Wetlands and Flood Plain Protection District A, the proportion of the lot which may be used to meet the area requirements of the Weston Zoning By-Law shall be determined by the Board of Appeals acting in accordance with Sections X and XI of the Weston Zoning By-Law.
- e. Boundary Line Plot Plan - Whenever an application is made for a Building Permit which the Inspector of Buildings believes may be affected by a Wetlands and Flood Plain Protection District A boundary, the Inspector of Buildings shall require the applicant for such Permit to provide as part of such application a plan, certified by a land surveyor registered in Massachusetts, of the lot on which such building is intended to be built showing the exact location in reference to said lot of the District A boundary as shown on the Wetlands and Flood Plain Protection District Map in blue and as described in Section IV, Subsection B.5.a. In the case of a Building Permit for an interior improvement to a building or structure so located, the boundary line location shall not be required.
- f. Determination of Flooding and Suitability - In the event it is proposed to use land or to construct a building or structure within the Wetlands and Flood Plain Protection District A otherwise than is specifically permitted by this Section V, Subsection G.2., application may be made to the Planning Board for a Special Permit for such use, building or structure, in accordance with the applicable procedures under Sections X and XI of the Zoning By-Law. Before rendering its decision, the Planning Board shall refer any such special permit application to the Conservation Commission for a written report and recommendation, including an evaluation of and opinion concerning the sufficiency and accuracy of the environmental information accompanying the special permit application, an evaluation of whether the subject land is subject to flooding and, if so, an evaluation as to the proposed use or construction's probable effect or impact on: (a) flood storage in the surrounding area or on other nearby areas subject to seasonal or periodic flooding, (b) the water table and water recharge areas affecting the Town's present and potential water supplies, and (c) the public health, safety and/or welfare, as well as recommendations as to whether the special permit should be granted and whether any restrictions should be imposed upon the proposed use or construction as conditions of a special permit. Failure of the Conservation Commission to submit its recommendations to the Planning Board within 35 days of the date of referral shall be deemed to be a lack of opposition to the Special Permit application.

The Planning Board may grant a special permit under this Section only if it determines:

- (i) That the subject land is not subject to flooding; or

- (ii) That the subject land is not unsuitable because of drainage conditions; and
- (iii) In either instance of (i.) or (ii.) above, the Special Permit Granting Authority determines that the use of such land for such use or structure will not interfere with the general purposes for which District A has been established; and that the use of such land for such use or structure will not be detrimental to the public health, safety and/or welfare.

Such use, building or structure if permitted, shall comply in all respects with all other provisions of the underlying District or Districts within which the land is located; and all necessary permits, orders or approvals required by federal, state or local law or regulations as may be required by such law or regulation shall be obtained.

3. Wetlands and Flood Plain Protection District B

- a. Purposes - In addition to the "Purposes" in Section I of this Zoning By-Law, the purpose of this district is to satisfy the requirements of The National Flood Insurance Program by limiting the uses of the lands located in such district to the uses deemed appropriate by such program.
- b. Use Regulations - The Wetlands and Flood Plain Protection District B shall be considered as overlying other districts established by the Weston Zoning By-Law. All uses and structures otherwise authorized by said Zoning By-Law in the portion of the districts so overlaid shall be permitted in the Wetlands and Flood Plain Protection District B, provided that in said District B:

(i) All new construction and substantial improvements of nonresidential structures within the District B shall have all utility and sanitary facilities designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy as determined and certified by a registered professional engineer.

(ii) No encroachments within the District B or its designated regulatory floodway, including fill, structures, of any type, new construction, substantial improvements and other developments shall be permitted which would result in any increase in flood levels in said District and downstream areas during the occurrence of the base flood discharge.

All development in District B, including structural and non-structural activities, whether permitted by right or by special permit shall be in compliance with the following:

- Chapter 131, Section 40 of the Massachusetts General Laws;
- Portions of the Massachusetts State Building Code which address floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- FEMA Mitigation Directorate Technical Bulletin 10-01 “Ensuring that Structures Built on Fill In or Near Special Flood Hazard Areas are Reasonably Safe From Flooding in accordance with the National Flood Insurance Program.”

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

H. AQUIFER PROTECTION OVERLAY DISTRICTS

1. The purpose of the Aquifer Protection Overlay Districts is to preserve and protect the quality and quantity of present and potential drinking water supplies, both public and private, and their recharge areas.
2. The Aquifer Protection Overlay Districts shall be considered as overlying other districts established by this Zoning By-law. Uses and structures otherwise permitted in the underlying districts shall be subject to the development and use regulations applicable to such districts only to the extent they are not inconsistent with the requirements of the Aquifer Protection Overlay Districts.
3. Permitted Uses: Within the Aquifer Protection Overlay District, no land shall be used except for one or more of the following:
 - a. Any use or structure that is permitted as of right or by administrative site plan approval in the underlying district, including all necessary excavation and grading;
 - b. Any use or structure that is accessory (i.e., customarily incidental to, including, but not necessarily limited to, driveways, underground utilities, storm water systems, landscaping, retaining walls and residential sewage disposal systems) to a structure permitted as of right or by administrative site plan approval in the underlying district, including all necessary excavation and grading;
 - c. Agricultural, horticultural, or forestry uses and structures and all necessary excavation and grading;
 - d. Any use, structure or accessory use or structure that is otherwise allowed by special permit in the underlying zoning district shall continue to be allowed in the Aquifer Protection Overlay District upon issuance of a special permit based upon the underlying zoning; and all necessary excavation and grading to support activity allowed by such special permit relief shall be allowed as of right in the aquifer Protection Overlay District, provided that the excavation and grading occurs six feet or more above maximum high groundwater table elevation.

For the purposes of this section, the term “excavation” shall mean any digging in one area that disturbs more than one cubic yard of material.

4. Special Permit Uses: The following uses and activities may be permitted in the Aquifer Protection Overlay District only by Special Permit granted in accordance with the provisions of Subsection V.H. 6 and Section X of this Zoning By-law. In addition, any uses which are subject to a special permit requirement in the underlying district shall also be subject to the

Special Permit findings and conditions set out in Subsection V.H. 6 in addition to the Special Permit provisions in Section X. For the purposes of this section, the term “excavation” shall mean any digging in one area that disturbs more than one cubic yard of material.

- a. Any use or structure otherwise allowed by special permit in the underlying zoning district that would result in excavation or grading within 6 feet of maximum high groundwater table elevation shall continue to be allowed in the Aquifer Protection Overlay District, provided that a special permit issues in accordance with the zoning in the underlying district and provided that further special permit issues under this section for excavation and grading;
 - b. Sewage treatment facilities not allowed in Section V.H.3.b.;
 - c. Solid waste transfer station;
 - d. Golf courses;
 - e. Replacement or expansion of buried fuel or chemical storage tanks provided that the new tanks, including underground transmission lines, are upgraded to achieve appropriate environmental protection;
 - f. Storage of deicing chemicals in amounts exceeding 100 pounds;
 - g. Application of pesticides, herbicides, and fertilizers for commercial purposes;
 - h. Rendering impervious more than fifteen (15) percent of the lot area by structures or paving provided that adequate recharge measures are taken;
 - i. Creation of ponds;
 - j. Artificial turf fields not used for personal residential use.
5. Prohibited Uses: In addition to the uses not expressly permitted pursuant to Subsections V.H. 3 and V. H. 4, the following uses and activities are specifically prohibited in the Aquifer Protection Overlay District:
- a. New installation of buried storage tanks of liquid petroleum and/or chemical products of any kind;
 - b. Disposal of any hazardous materials or placement of contaminated fill;
 - c. Storage of hazardous materials in quantities greater than those amounts usually associated with household uses;
 - d. Sanitary landfill, junkyard salvage yard, other solid or hazardous waste disposal, or incineration;
 - e. Industrial or commercial uses which discharge processed wastewater on site;
 - f. Disposal of snow that contains deicing chemicals;
 - g. Use of sodium deicing chemicals in excess of one part of sodium chloride to 10 parts of sand;
 - h. Any excavation or grading, within 6 feet of the maximum high groundwater table elevation, for any purpose that is not expressly allowed either by right or by special

permit shall be prohibited. For the purpose of this section, the term “excavation” shall mean any digging in one area that disturbs more than one cubic yard of material.

- i. Dry cleaning and commercial laundry establishments;
- j. Motor vehicle sales, service, washing, and repair establishments, and filling stations;
- k. Truck terminal;
- l. Commercial wood finishing;
- m. Electronic component manufacturing or assembly;
- n. Commercial photo processing;
- o. Underground transmission lines for chemicals or liquid petroleum products;
- p. Hotels, motels;
- q. Motorized boats;
- r. Outdoor, uncovered storage of pesticides, herbicides, fertilizers, and stockpiled manure not on an impervious base.

6. Special Permit Procedures:

If the bounds of the Aquifer Protection Overlay District, as delineated on the Aquifer Protection Overlay District Map, are challenged, the burden of proof shall be upon the owner(s) of the land in question to show evidence supporting an alternative location of the boundary.

- a. Any person who desires to obtain a Special Permit shall submit a written application to the SPGA. Each application, together with a filing fee, shall contain a complete description of the proposed use, together with any supporting information and plans which the SPGA may require. The applicant shall file ten (10) copies of the application with the SPGA.
- b. The application, where applicable, shall include:
 - A complete list of the quantities and names of all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used or stored on the premises accompanied by a description of measures proposed to protect from vandalism, corrosion, and leakage, and to provide for spill prevention and counter-measures;
 - A description of quantities of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method;
 - Evidence of approval by the Department of Environmental Quality Engineering of any industrial waste treatment or disposal system and of any wastewater treatment system over 15,000 gallons per day capacity;
 - Analysis by a registered professional engineer experienced in groundwater evaluation and/or geohydrology, with an evaluation of the proposed use including its probable effects or impact on surface and groundwater quality and quantity, and natural flow patterns of water courses.

- c. The SPGA shall refer copies of the application to the Board of Health, Planning Board, Conservation Commission, Board of Water Commissioners, Hazardous Waste Coordinator, and Town Engineer, who shall review the application and submit recommendations to the SPGA within thirty-five days of the referral date. Failure to submit recommendations to the SPGA within thirty-five days shall be deemed lack of opposition.
7. Required Findings by SPGA: The SPGA shall not issue a Special Permit unless it shall find that the proposed use:
- a. Is in harmony with the purpose and intent of this Zoning By-Law and will promote the purposes of the Aquifer Protection Overlay District;
 - b. Will not be detrimental or injurious to the neighborhood in which it is to take place;
 - c. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
 - d. Will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge area; and
 - e. Will not adversely affect an existing or potential water supply.
8. Special Permit Conditions: The Special Permit shall include sufficient conditions to satisfy the purpose stated in Section V., Subsection H.1. The conditions may include, but are not limited to, analysis or monitoring of ground and surface waters; hydrogeologic evaluation; erosion, siltation, compaction and sedimentation control; drainage and recharge provisions; and any other limitations or standards deemed necessary by the SPGA. In making a determination regarding the issuance of a Special Permit, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality and quantity which would result if the control measures were to fail. The SPGA may require a bond pursuant to Section X, Subsection B.1.
- I. GENERAL USE PROVISIONS IN ALL DISTRICTS: Notwithstanding anything to the contrary in Section V of this Zoning By-law, and in addition to the other regulations set forth elsewhere in Section V, the following general use regulations apply in all districts:
- 1. Unregistered Vehicles and Hazards to Public Safety
No motor vehicle which is, and for the immediately preceding thirty-day period has been, disabled, dismantled or inoperative, or unregistered, nor any refrigerator, mechanical equipment or other apparatus hazardous to the public safety shall be stored or parked on any land in the Town unless such vehicles, appliance, equipment or other apparatus is enclosed within a building.
 - 2. Exterior Lighting
All artificial lighting placed on a tree, structure, or installed free standing to illuminate walks, driveways, parking areas, storage areas, tennis or paddle tennis courts, swimming and wading pools, other private recreation areas or other portions of the exterior of a structure or installation and its surrounding real estate in any district, shall be so installed or shielded as to prevent direct glare from the light source from interfering with the vision of motorists or pedestrians passing in the street or streets abutting the premises and as to

prevent direct glare from the light source from lighting neighboring properties, particularly residences.

All artificial lights used to illuminate tennis or paddle tennis courts, swimming and wading pools and other private recreation areas shall be extinguished not later than 11:00 p.m.

3. Earth Removal and Movement

The goal of this Earth Removal and Movement By-law is to minimize land disturbance and to achieve a condition where material being imported to a site is equal to or greater than the amount being removed from the site.

a. EARTH REMOVAL

The Removal of Earth from any land in any district shall be allowed by right provided the removal of material from a property does not exceed the import of material associated with the following lawful activities: 1) the construction, alteration of a way (including a driveway); 2) the construction or installation of a residential septic system, drainage system, underground fuel storage tank, or utility on the same premises that the system would be served; 3) and/ or the removal of unsuitable material. The following instances are exempt from this provision when such removal is incidental to the lawful:

- (i) Construction or alteration of a building or structure limited to the foot print of the foundation;
- (ii) Construction, operation, or work undertaken by the Town or other public body at the location where the removal occurs;
- (iii) Operation of a greenhouse or nursery; or
- (iv) Farming, gardening or landscaping done on the farm premises.
- (v) Removal of up to 1,000 cubic yards of material in Residential Districts A & B and 750 cubic yards of material in Residential Districts C & D where the removal of material is required to allow for proper drainage away from a foundation.

In all other instances, other than those specifically enumerated above, Removal of Earth from any land in any district shall be prohibited, except that, subject to the provisions of Section X and XI, Removal of Earth may be authorized by the Planning Board by Special Permit in any appropriate instance where the Board determines that the removal will be advantageous to the premises in question or to the neighborhood or otherwise desirable and will be of such a character and can be so accomplished that by proper re-grading, re-loaming, reseeding or other means, which shall be re-graded if necessary, the land involved will be left in a sightly condition and protected against erosion, and that proper stormwater drainage measures are in place.

b. EARTH MOVEMENT

For non-residential uses, in any district, no Earth in excess of 1,000 cubic yards on any parcel of land shall be moved unless the quantity of material to be moved is certified by a registered professional engineer or land surveyor and a special permit from the Planning Board is obtained in accordance with the procedure provided in Section X. Special Permits, and only under such conditions as the Planning Board may impose, except that a special permit shall not be required for such Earth Movement if the Movement would be:

- i. Incidental to farm, nursery, or gardening activities.
- ii. Incidental to Commercial Agricultural activities, as defined by G.L. c. 40A. §3.
- iii. Incidental to the maintenance and landscaping activities normally conducted on a golf course (i.e. activities, including, but not necessarily limited to, tee box and green relocation and fairway restoration).
- iv. On Town-owned land or involve a transfer of Earth between or among Town-owned parcels.

c. Nothing herein shall be interpreted to allow the movement of Earth as a primary use.

d. Before a special permit is issued pursuant to Section V.I.3.b, the applicant shall show to the satisfaction of the SPGA that the movement will not impair the usability of the area for the purposes permitted in this Zoning By-law, that the grades to be established within the area will permit vehicular access to the area and the continuation of streets from the abutting premises, and that the area may ultimately be developed compatibly with the neighboring land.

4. Aircraft

The use of any premises in any district for the landing or taking off of aircraft is prohibited except for the purpose of pest or insect control or in case of emergency.

5. Construction Trailers The Inspector of Buildings may permit upon written application the location of a construction trailer or trailers on a lot or parcel of land, which construction trailer may be used for a period not exceeding six months as the offices and headquarters for the contractor or contractors engaged in construction on such lot or parcel of land. Such construction trailer shall not be used as living quarters. A permit issued by the Inspector of Buildings may be renewed for an additional six month period or until the project is completed.

J. PERSONAL WIRELESS SERVICE FACILITY REGULATIONS

1. Purpose and Definitions

In order to conform to the Town's responsibilities under the Federal Telecommunications Act of 1996 in a manner consistent with the protection of health, safety and welfare of the public and the preservation of property values in the Town, the regulations contained in this section of the By-Law shall govern the

establishment of any new or altered Personal Wireless Service Facilities in the Town. The Town does not intend this By-Law to prohibit or have the effect of prohibiting the provision of Personal Wireless Services in the Town.

2. Applicability

From the effective date of this By-Law, no building or special permit shall be issued for the placement, construction, erection or modification of any structure to provide for Personal Wireless Service Facilities either whether as a principal use, or as an accessory use, except as set forth below in Section V.J.4 in excess of the height limitations contained in Section VI.E, except in a Personal Wireless Service Overlay District as set forth below in Section V.J.3, or as set forth in section V.J.4.b.

To the extent that dimensional or use criteria applicable to Personal Wireless Service Facilities differ from such criteria set forth in other sections of this By-Law, the dimensional or use criteria in this section shall apply to Personal Wireless Facilities.

3. Personal Wireless Service Overlay Districts

There shall be two Personal Wireless Service Overlay Districts. Personal Wireless Service Overlay District I ("PWSOD I") shall consist of the land designated on the Weston Assessors Maps as:

- Map # 53: Massachusetts Turnpike Authority land "ballfield," located east of Liberty Mutual Insurance Company, Riverside Road;
- Maps # 49 & 55: 668 South Avenue, Massachusetts State Police Barracks.
- Map #27, parcel #75-10, Town of Weston Police Station and
- A portion of Map # 27, parcel #74, described as follows:

All that certain Parcel of land located on the southerly side of Boston Post Road By-Pass (Route 20) and described as follows:

SOUTHEASTERLY by land of Town of Weston (Weston Police Station) three hundred seventy-two and 61/100 (372.61) feet;

SOUTHERLY by land of Town of Weston (Weston Highway Department) fifty and 00/100 (50.00) feet;

NORTHWESTERLY by land of the Town of Weston (Weston Highway Department) three hundred thirty-three (333) feet approximately;

NORTHERLY by land of the Commonwealth of Massachusetts (Boston Post Road By-Pass, Route 20) sixty-five (65) feet approximately; containing 0.4 acres, more or less.

Town of Weston Highway Department

- Map # 8, Parcel # 34: Weston Market, 284 North Avenue;
- Map # 59 , Parcels # 23-20 (P/O 58): Leo J Martin Golf Course, Park Road;
- Map # 58, Parcel # 23-20: Leo J Martin Golf Course, Park Road;
- Map # 33, Parcels # 16 and 28-10: Weston Golf Club;
- Map # 34, Parcel # 16 (P/O 33): Weston Golf Club;
- Map # 46, Parcel # 4: Pine Brook Country Club;
- Map # 45, Parcel # 4 (P/O 46): Pine Brook Country Club;

- Map # 11: Campion Residence and Renewal Center Parking Lot, across Concord Road from Campion Center, Concord Road;
- Map # 19, Parcel # 35 (P/O 23): Town of Weston Solid Waste Transfer Station;
- Map # 18, Parcel # 35 (P/O 23): Town of Weston Solid Waste Transfer Station; Map # 23, Parcel # 35: Town of Weston Solid Waste Transfer Station;
- Map # 24, Parcel # 6: Weston Mobil Gas Station, 88 Boston Post Road.

Personal Wireless Service Overlay District II ("PWSOD II") shall consist of the land designated on the Weston Assessors Maps as:

- Map # 52, Parcel # 1: 134 South Avenue;
- Map # 41, Parcels # 38 & 39: 75 Norumbega Road, 85 Norumbega Road, 99 Norumbega Road, 101 Norumbega Road;
- Map # 49, Parcel # 33: 100 Brown Street, Hazel Hotchkiss Wightman Tennis Center, Inc.;
- Map # 8, Parcel # 35: Shell Gas Station, 290 North Avenue;
- Map # 11, Parcel # 8: Campion Residence and Renewal Center, 319 Concord Road;
- Map # 51, Parcel # 52: Town of Weston Southside Fire Station, South Avenue;
- Map # 24, Parcel # 1: Weston Corporate Center, Biogen Idec, 133 Boston Post Road;
- Map # 13, Parcel # 93: Town of Weston Water Tank, Cat Rock Tank;
- Map # 41, Parcel # 24: Office Building, 101 River Road;
- High Voltage Transmission Poles and Stanchions in the abandoned Boston & Maine (Clinton Division) Railroad Right of Way;
- Map # 13, Parcel # 129: Town of Weston North Side Fire Station, North Avenue;
- Map # 13, Parcel # 103: Sunrise of Weston, 135 North Avenue;
- Map # 8, Parcel # 54-10: Dairy Joy Restaurant, 331 North Avenue;
- Map # 38, Parcel # 1: Regis College, 235 Wellesley Street.

4. Special Permit

- a. The Planning Board may, by special permit, authorize the placement, construction, erection or modification of: a Personal Wireless Service Facility in PWSOD I and PWSOD II, subject to the following limitations:
 - i. A free-standing ground-mounted tower is eligible for a Special Permit in PWSOD I only; and
 - ii. An antenna mount attached to a building or structure other than a free-standing Personal Wireless Service tower, (except for an antenna mount attached to a utility pole located within the layout of a public right of way, which shall be governed by Section V.J.9 below) is eligible for a Special Permit up to 20 feet in height above the height of the building or other structure on which it is mounted in PWSOD I and or II; and
 - iii. An antenna mount attached to a utility pole in the public way that does not extend more than ten feet above the utility pole is eligible for a Special Permit; or
- b. A Personal Wireless Service Facility The Planning Board may also, by special permit, authorize in any zoning district the placement, construction, erection, or modification of a Personal Wireless Service Facility that is totally enclosed in a barn, or an office,

commercial, industrial, religious or municipal building; so long as the barn or other building is not a Dwelling.

- c. The foregoing clauses a. and b. are subject to findings by the Planning Board, in its judgement, after soliciting and reviewing comments from residents, other Town boards, departments, agencies, and their staff and consultants, that reasonable measures shall be or already have been taken to:
 - i. Mitigate against negative impacts on visual quality affecting neighboring properties and streets by incorporating reasonable design, siting and screening methods; and
 - ii. Protect against potential damage to neighboring properties and streets from structural failure or collapse or from falling ice.
- d. In making such findings in c. above, the Planning Board shall consider the extent to which the proposed Personal Wireless Service Facility, including its antenna mount on
- e. a building or other structure or its free-standing ground-mounted tower, if any, meets the following criteria:
 - i. A ground-mounted Personal Wireless Service tower shall be located such that if it were to fall or collapse, it would fall or collapse entirely within the boundaries of the parcel on which it is to be located;
 - ii. The Personal Wireless Service Facility shall be sited, designed and constructed in such a manner that existing vegetation is preserved to the maximum extent practicable;
 - iii. Any fencing proposed shall be screened by a landscape buffer of evergreen shrubs or trees planted along the exterior side of the fence, with a mature height at least equivalent to the fence height, and no such fencing shall be of razor wire or barbed wire;
 - iv. Lighting shall be limited to that needed for emergencies and/or as required by the FAA;
 - v. To the extent technologically feasible, all network interconnections from the Personal Wireless Service Facility shall be via land lines or by wireless means that do not detract from the appearance of the Personal Wireless Service Facility;
 - vi. Ground mounted Lattice-style towers and Personal Wireless Services structures requiring three or more legs and/or guy wires for support are prohibited; To approve a ground mounted, freestanding Personal Wireless Services tower, the Planning Board must find that it is of an architectural design that is compatible with the site and its surroundings. Examples of such designs include, but are not limited to, “unipole,” “slick stick,” or “flagpole style” monopoles.
 - vii. In PWSOD I, the total height of a free-standing Personal Wireless Service tower, including attached accessories, shall not exceed 100 feet in height as measured from the existing natural grade at the base of the tower. In PWSOD I and PWSOD II, the height of a Personal Wireless Service antenna mount,

mounted on a building or structure, other than a free-standing Personal Wireless Service tower, shall not exceed 20 feet in height above the-highest point of the building roof on which it is mounted, or 20 feet in height above the top of the structure on which it is mounted if other than a building. In no event, however, shall the height of a Personal Wireless Service antenna mount in PWSOD I and PWSOD II exceed 100 feet as measured from the ground level at the base of the building or other structure on which it is mounted. The Planning Board may limit a proposed free-standing tower or antenna mount to a building or other structure that is not a tower to a lesser height than proposed by an applicant, if the Planning Board finds that the lesser height better satisfies the intent of the By-Law.

- viii. The Personal Wireless Service Facility shall be designed to accommodate co-location of multiple users to the maximum extent technologically practicable in order to reduce the number of Personal Wireless Service Facilities which will be required to be located in the Town.
- ix. New Personal Wireless Service Facilities will be considered only if existing or already approved Personal Wireless Service Facilities cannot accommodate the equipment planned for the new facility and/or such approved Personal Wireless Service Facilities are otherwise impracticable for the applicant to utilize for the provision of Personal Wireless Services. At its discretion, the Planning Board may deny Co-location if the Board finds that co-location would have a detrimental impact, including a detrimental visual impact, on the neighborhood and the detrimental impact outweighs the benefits of co-location.
- x. The applicant shall demonstrate that the proposed technology is the safest and least obtrusive to the landscape currently available.
- xi. A Personal Wireless Service Facility which is proposed to be totally enclosed in a building or other structure pursuant to V.J.4.b. above, shall be concealed from view and shall not significantly alter the exterior of the existing structure within which the Personal Wireless Services structure is to be enclosed. The Planning Board may permit an extension to such building, if the Planning Board finds: A) the building is in a non-residential zoning district; B) the Personal Wireless Service Facility will be totally enclosed in the extension; C) the extension is consistent with the existing architecture of the building and character of the building's surroundings; and D) the extension does not exceed 20 feet above the highest point of the roof of the building on which it is mounted.
- xii. For example, a new cupola, spire, or faux chimney could be employed to enclose wireless equipment in accordance with this provision, if the Planning Board finds that the above criteria are satisfied.
- xiii. The Personal Wireless Service Facility shall be sited and designed in a manner which minimizes its visibility from neighboring residences and streets. The Planning Board may limit a proposed facility to a lesser height than proposed by an applicant, if the Planning Board finds that the lesser height better satisfies the intent of the By-Laws.

The Planning Board may waive strict compliance with any of the above-listed criteria, except the height limitations, provided it determines that such would not derogate from the intent of these Regulations.

5. Application

- a. The Special Permit Application shall include a site plan submission meeting the requirements of Section XI of this By-Law, the Planning Board Rules and Regulations for Site Plan Approval, to the extent applicable. In addition, the application shall include:
 - (i) A rendering, model or similar, to-scale representation, accurately depicting the proposed facility within the context of the site on which it is to be located and the surrounding area;
 - (ii) A report or reports prepared by professional engineers describing:
 - (a) the technical, economic and other reasons for the facility height, location and design;
 - (b) the capacity of the facility, including the number and type of transmitters and receivers it can accommodate and the basis for the calculation of the capacity;
 - (c) how the proposed facility complies with all applicable Federal and State standards;
 - (iii) Written official statements of compliance with, or exemption from, the regulations of all federal and state agencies governing Personal Wireless Service Facilities or uses, including but not limited to: the FAA, FCC, Massachusetts Aeronautics Commission, and Massachusetts Department of Public Health;
- b. The applicant shall pay the reasonable costs for the Planning Board to have independent consultants review the application materials.
- c. The applicant seeking a special permit for a Personal Wireless Services facility shall provide a demonstration of the visual impact of the proposed Personal Wireless Services structure by raising a balloon, or a temporary structure, on the proposed site to the height of the proposed structure for such period of time as the Planning Board determines to be necessary.

6. Term

- a. Special Permits authorized under this section shall be limited to an initial term of two years and shall be renewed every two years thereafter provided the special permit holder has filed with the Board annual certification demonstrating continuing compliance with the special permit and with applicable federal and state regulatory requirements.
- b. Any parts of the Personal Wireless Service Facility which have not been used for one year shall be dismantled and removed at the owner's expense, except, extensions to buildings or structures that were permitted for enclosing a Personal Wireless Service Facility may be left intact at the discretion of the landowner for potential future use by other Personal Wireless Service providers, unless explicitly provided otherwise as a condition of the special permit. The Planning Board may, as a condition of any special permit or renewal granted under this section, require the applicant or special permit holder to post a bond or other financial security with the Town Treasurer in an

amount deemed sufficient to cover demolition and removal of the facilities in the event of discontinuance of use.

7. Height Allowance for Public Safety Services

The Planning Board may waive strict compliance with the 100 ft. height limitations for a free-standing in the PWSOD I and allow up to 20 ft. of additional height only if it determines that the additional height is necessary for the provision of public safety services in the Town; that due to the location, elevation, and topography of the site on which the proposed structure is to be located, the additional height will not create an undue impact on nearby residential neighborhoods; and that the existing tree canopy on or surrounding the site is such that it would interfere with effective public safety communications if a lesser height were required.

8. Variances

If an applicant seeks a variance under the Telecommunications Act of 1996 for a Personal Wireless Services Facility, the application shall comply with Section V.J. of this By-Law, and the applicants shall also apply to the Planning Board for Site Plan Approval. . In considering an application for a variance, the Zoning Board of Appeals shall consider the factors and criteria described above in Sections V.J.4c and V.J.4d and apply the requirements of Section V.J. of this By-Law. If a variance is sought from the Zoning Board of Appeals, the applicants shall also apply to the Planning Board for Site Plan Approval.

9. Antenna Mounts on Certain Utility Poles

Requests to mount Personal Wireless Services equipment on utility poles located within the layout of a public right of way shall require only a “grant of location” from the Board of Selectmen in accordance with the grant of location process described in Chapter 166, Section 22 of the Massachusetts General Laws (or any related or successor provisions thereto).

K. ACTIVE ADULT RESIDENTIAL DEVELOPMENT (“AARD”)

1. Definition And Applicability

An Active Adult Residential Development (“AARD”) is an alternative type of residential development in which, except as hereinafter provided, permanent occupancy of the dwelling units shall be restricted to persons 55 years of age or older, and in which at least 10% of the total number of dwelling units shall be affordable for purchase or lease by persons of low income, as defined in 760 CMR 45.02, provided however, that some or all of the affordable units may not be age -restricted. Customary, non-commercial accessory uses shall also be allowed as part of an AARD. However, no accessory retail or other commercial use or nursing care facilities shall be allowed in an AARD.

An AARD is an allowable use in the Single Family Residence District (A), Single Family Residence District (B), and Business District (B), with Concept Plan approval by two-

thirds vote of the Town Meeting and subsequent Special Permit with Site Plan Approval issued by the Planning Board.

2. Purposes

The purposes of an AARD are to:

- a. Provide alternative housing for a maturing population;
- b. Provide a type of housing which reduces residents' burdens of property maintenance and which reduces demands on municipal services;
- c. Encourage the development of affordable housing for active adults with low and moderate income, as defined in 760 CMR 45.02; and
- d. Promote flexibility in site planning while protecting natural features, scenic views into property, protect existing vegetation and land forms and utilization of land in harmony with neighboring properties.

3. Minimum Tract Size

No tract of land may be used for an AARD unless it contains at least 40 acres of contiguous land, exclusive of (a) the wetlands resource areas listed in 310 CMR 10.02, 1, a through e, (b) the first (inner) 100 feet of the Riverfront Area as defined in 310 CMR 10.58, and (c) land included in the Town's Wetland and Flood Plain Protection District (collectively, the "Exclusions").

4. Concept Plan

The purpose of the Concept Plan is to present the proposed project to Town Meeting in such a way so that the Town can compare the impacts from a proposed AARD to the impacts from a by-right use development and decide whether this is a suitable use for the tract. The Concept Plan shall include: (1) Preliminary Site Plan which provides a conceptual layout for the AARD, including tree survey, trees required for removal, roadway, driveway and walkway locations, location of utilities, grading plans for dwellings, roads, driveways, walkways, location of waste water treatment structure(s), storm water management structures and associated grading, general landscaping, and exterior lighting; (2) Preliminary Architectural Plans and Elevations; (3) Traffic Analysis of the AARD; (4) A Municipal Impact Analysis of the AARD; (5) Site Impact Analysis of the AARD; (6) In addition, in order to compare the impact of the AARD to the impact of the by-right use in the zoning district(s), the Concept Plan shall also include: Preliminary Site Plan/Site Impact Analysis, Traffic Analysis, and Municipal Impact Analysis for the "By-Right" Plan. An element of the Concept Plan review shall be a comparison of the proposed AARD with the by-right residential use in the underlying Zoning District(s) in which the development tract is located.

The plans and supporting material submitted to the Planning Board and Town Meeting shall be sufficiently detailed to enable the Planning Board and Town Meeting to evaluate and compare the impacts of the AARD and a By-Right project. The submission

requirements for the Concept Plan shall be specified in rules and regulations to be adopted by the Planning Board.

The AARD By-law provides some design flexibility in order to encourage developers to work with the land; however, the Concept Plan for an AARD development shall be evaluated according to the following General Design Guidelines and Standards:

a. General Design Guidelines

(i) Site Design

The development shall be sensitive to the land and take into consideration existing natural resources including but not limited to the following: land forms, woodlands, wetlands, vernal pools, and geological features. Tree and soil removal shall be minimized.

The development shall be sensitive to man-made architectural and historical resources including but not limited to the following: historic buildings, trails, stone walls, and scenic views into the property from the public way.

The development shall take into account Low Impact Development techniques for storm water management and shall incorporate “green” principals in building materials, systems, and site design. Where possible, buildings shall be located to take advantage of solar and wind orientation.

(ii) Relationship to Neighboring Properties

The tract shall be developed in consideration of neighboring properties in regard to scale, character, impact, drainage and storm water runoff.

Awareness of the development, particularly a higher density development, shall be minimized by screening views of the development from nearby streets, adjacent neighborhoods, conservation land and Town properties by the effective use of existing landforms, alterations thereto, berms and by existing vegetation and supplemental plantings.

Open space shall be located and designed so as to increase the visual amenities of the abutting neighborhoods as well as for occupants of the development.

The number of access points to the Town’s system of primary and secondary streets shall be minimized and the location of intersections with primary and secondary streets shall be such to minimize traffic congestion.

(iii) Landscape Design

The natural character and appearance of the Town shall be maintained or enhanced insofar as practical. Landscape design for the AARD shall reflect the desire of Weston residents to preserve the Town’s rural character by avoiding formal manicured

landscape treatments, especially where visible from the roadways, public trails and abutting properties.

A dense vegetative buffer around the entire perimeter of the tract shall be required to screen the AARD from existing roads and adjacent properties. The buffer shall contain existing trees and vegetation. The depth of the buffer may vary but it must provide substantial visual screening and will be classified as a no-cut zone.

In projects where the vegetative perimeter buffer does not screen portions of the development from existing roads and adjacent properties due to topography, additional screen plantings in the interior of the tract will be required.

(iv) Architecture

Buildings shall be located harmoniously with the landforms, trees and other natural features of the site. They shall be located advantageously for views from a building while minimizing intrusion on views from other buildings.

Architecture within the AARD shall reflect or complement the historic architectural fabric of Weston. Preferred building materials include wood clapboard, shingle, and fieldstone.

Without specifying any particular architectural style, the scale, massing and detailing of buildings shall be compatible with those prevalent in the neighborhood. Where a multifamily development is located adjacent to a neighborhood of single family dwellings, the massing scheme and the selection of exterior materials for buildings shall be complementary to a single family neighborhood.

Buildings of historic or architectural significance shall be preserved and readapted wherever possible. New buildings shall be compatible with existing historic structures.

b. Standards

(i) The developer shall make adequate, but not excessive, provisions for parking. There shall be provided at least two parking spaces per dwelling unit (counting garage space) plus additional parking for recreational amenities and provisions of guest spaces. All parking lots must be landscaped to the satisfaction of the Planning Board.

(ii) The frontage and setback requirements in the underlying Zoning District(s) where the tract is located shall be the minimum for an AARD.

(iii) An AARD shall provide at least 45% undisturbed, restored and created open space. Undisturbed open space shall be preferred, especially along the perimeter of the tract. Open space is defined as land not covered by buildings, above ground structures and paving or any other type of impervious surface.

(iv) The maximum AARD floor area ratio (Residential Gross Floor Area, "RGFA" of all buildings minus total gross floor area of affordable units) divided by the total

buildable area of the tract (minus the Exclusions) of an AARD shall not exceed 11%, however, there may be, at the Planning Board's discretion, provision for the addition of bonus gross floor area, up to a maximum floor area of 5%, upon the provision of additional open space, other public benefits and/or additional affordable housing (whether low or moderate income as defined in 760 CMR 45.02), as the Planning Board may determine.

(v) The maximum number of dwelling units per acre shall be 1.5, excluding affordable units. In making such computation, the Exclusions shall be deducted from the total land area.

(vi) Buildings in an AARD shall be arranged efficiently and clustered in order to maximize provision of open space on a site. There shall be no more than four dwelling units in a single building.

(vii) Prior to Town Meeting approval of a Concept Plan, the applicant shall execute a Development Agreement with the Board of Selectmen, after review and approval by the Planning Board. Such Development Agreement shall memorialize any additional obligations which the applicant has agreed to undertake in addition to those obligations which are expressly required by the Concept Plan or the Zoning By-law including, but not limited to, obligations relating to off-site improvements, traffic mitigation, construction timing and truck routes, historic preservation, architectural standards, and reimbursement of Town costs for consulting or other services related to review of the AARD development proposal and monitoring of the project construction.

(viii) All roads within an AARD are intended to remain private.

c. Procedures

i. Approval of an AARD Concept Plan shall be by a two-thirds vote of the Town Meeting, following a recommendation and report to Town Meeting by the Planning Board as to whether and how the proposed Concept Plan meets the purposes of the AARD and the General Design Guidelines and Standards for Concept Plans as set forth in this By-law. It shall be the obligation of the applicant to timely submit an article to the Board of Selectmen for inclusion of the AARD Concept Plan proposal on the warrant for the Town Meeting at which the applicant will be seeking concept approval.

ii. The AARD Concept Plan approval process commences with the filing of the proposed Concept Plan with the Planning Board. Before filing the Concept Plan, the applicant shall meet informally with the Planning Board to discuss the project, including scope, timing of public hearing and Town Meeting and program. A filing fee and a review fee shall be deposited with the Planning Board at the time of submission of the Concept Plan to the Board. The filing and review fees shall be specified in a separate document to be adopted by the Planning Board. In addition to filing the Concept Plan with the Planning Board, the Plan shall be filed with the Selectmen, Town Engineer, Board of Health, Conservation Commission, Fire and Police Department. The Planning Board will determine whether the Concept Plan is complete

and schedule a public hearing within a reasonable time from receiving a complete submission.

5. Site Plan Approval-Special Permit

a. Timing

Not more than twelve (12) months after the Concept Plan has been approved by Town Meeting, and prior to applying for any other permits or commencing any work on the site, including but not limited to demolition, tree or vegetation removal, earth removal, or grading, application may be made to the Planning Board for an AARD Special Permit with Site Plan Approval.

b. Site Plan Approval-Special Permit Submission and Findings

The submissions required of an applicant for a Special Permit with Site Plan Approval for an AARD shall be set forth in rules and regulations to be adopted by the Planning Board. Such submissions shall include the documentation that will govern the use, occupancy and other matters related to the AARD, such as, but not limited to, the master deed, declaration of trust and rules and regulations, if the AARD will be a condominium (collectively, the “AARD Governance Documents”). The Planning Board shall issue a Special Permit and Site Plan Approval for an AARD only if it finds that the AARD presented in the application is not substantially different from the Concept Plan approved at Town Meeting, and if it specifically finds that:

(i) The Site Plan provides for no reduction in setbacks and no increase in number of dwelling units and, no substantial change, in the sole opinion of the Planning Board, in location of the units, gross floor area, height, and amount of open space, as provided for in the approved Concept Plan. However, in the Special Permit, the Planning Board may require additional plantings beyond those shown on the Concept Plan and specify an increase in size of plantings if it furthers the goals of this By-Law.

(ii) The Site Plan provides for no uses which are not permitted by the approved Concept Plan.

(iii) The applicant makes provision that any land shown in the approved Concept Plan as permanent open space be subject to a permanent conservation easement, according to MGL S.31 of Chapter 184, simultaneously with the issuance of a building permit for any dwelling units on the AARD tract. Proof of execution and recordation of this easement shall be delivered to the Planning Board. The restriction shall be held by the Town of Weston or its designee, and the open land may be used for limited recreation by the residents of the Town.

(iv) Walking trails are established within the AARD parcel and connected to the Weston Forest and Trail Association, Inc. network and/or Town of Weston land. The trails shall be established by permanent easement and located in upland areas. If there are not WFTA trails or Town land in the vicinity of the AARD parcel, as determined by the Planning Board, then walking trails shall be established within the AARD tract for the residents.

(v) Buildings and surrounding grounds are located so that fire, police and other emergency personnel have reasonable access to all structures.

(vi) All utilities, other lines and equipment, including but not limited to electric, telephone, cable TV, are located underground.

(vii) The Site Plan locates and screens refuse disposal area, utility buildings, storage areas and other support facilities to make them less visible from sites external and internal to the AARD parcel.

(viii) The provisions of the AARD Governance Documents are satisfactory to the Planning Board and approved as to form by Town Counsel, including restrictions limiting permanent occupancy of the aged restricted units to persons aged 55 or older. Such restrictions may include provisions allowing limited, temporary occupancy by persons under the age of 55 such as guests or necessary health aides.

(ix) The Development is in harmony with the general purpose and intent of the Town of Weston Zoning By-law.

c. Site Plan Approval/Special Permit Rules and Regulations

The Planning Board shall adopt rules and regulations in a separate document that are consistent with this By-law specifying design standards for site development features, including, but not limited to: exterior lighting; storm water management; landscaping; erosion control; architectural design; design and construction standards for streets; street and parcel monumentation.

d. Phasing Plan

A Phasing Plan shall be submitted by the applicant and approved by the Planning Board as part of the Special Permit process. Surety may be required, at the Planning Board's discretion, for different phases of the construction, to guarantee performance and implementation of the Concept Plan and Special Permit Plan(s). The Planning Board shall determine the type and amount of the surety and the timing for deposit of surety with the Town. This phasing plan shall be endorsed by the Board prior to any work done on site, including tree removal, grubbing, excavation of any sort, and, prior to application for a Building or Demolition Permit.

e. Construction Plan

A detailed Construction Plan for the proposed development shall be submitted by the applicant and approved by the Planning Board as part of the Special Permit process. A list of submission items shall be listed in a separate document approved by the Planning Board and may include, but not be limited to the following items: hours of operation, truck routes, material safety data sheets, erosion and storm water control.

L. RENEWABLE ENERGY OVERLAY DISTRICT

1. Purpose

The purpose of this by-law is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to site plan review as specified in Section XI of the Town of Weston Zoning By-law, and in accordance with the additional requirements specified herein.

2. Applicability

This by-law applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also applies to physical modifications that materially alter the type, configuration, or size of any such installations or related equipment.

3. Definitions

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

4. General Siting Requirements

a. Lot Requirements

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be permitted on parcels located within the Renewable Energy Overlay District as established in Section IV.7.

b. Site Control

The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

c. Setbacks

For large-scale, ground-mounted solar photovoltaic installations, the setbacks shall be the same as the underlying district per Section VI of the Town of Weston's Zoning By-law.

5. Permitting Process & Requirements

a. Site Plan Review

Ground-mounted large-scale solar photovoltaic installations with 250 kW or larger rated nameplate capacity shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section.

b. General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

c. Required Documents

Pursuant to the site plan review process, the applicant shall provide the following documents:

- (i) A site plan showing:
 - (a) Property lines and physical features, including roads, for the project site;
 - (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - (c) Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - (d) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - (e) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - (f) Name, address, and contact information for proposed system installer;
 - (g) Name, address, phone number and signature of the applicant, as well as all co-proponents or property owners, if any; and
 - (h) The name, contact information and signature of any agents representing the applicant; and
- (ii) Documentation of actual or prospective access and control of the project site (see also Section 6.e);
- (iii) An operation and maintenance plan (see also Section 7.h);
- (iv) Zoning district designation for the parcel(s) of land comprising the project site;
- (v) Proof of liability insurance; and
- (vi) Description of financial surety that satisfies Section 7.e.

All material modifications to a solar photovoltaic installation made after final approval shall require approval by the Planning Board.

Any portion of this Section 5 may be waived, if in the opinion of the Planning Board the materials submitted are sufficient for the Board to make a decision.

6. Design Standards

a. Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

b. Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section VII of the Town of Weston Zoning By-laws. Solar photovoltaic installations shall not be used for displaying any advertising. Advertising shall not include reasonable identification of the manufacturer or operator of the solar photovoltaic installation. The solar photovoltaic installation shall identify the owner and provide a 24-hour emergency contact phone number.

c. Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

d. Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and by-laws.

e. Appurtenant Structures

All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

7. Additional Provisions

a. Maintenance

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Weston Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

b. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

c. Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 7.d of this by-law shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (i) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- (ii) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (iii) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

d. Abandonment

Absent notice to the Planning Board, as provided above, of a proposed date of decommissioning or written notice to the Planning Board requesting an extension due to extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate or its operations are discontinued for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation. As a condition of approval, an applicant shall agree to grant the necessary license or easement to the Town to allow entry to remove an abandoned installation. All solar photovoltaic installations removal and associated costs will be charged to the property owner in accordance with the provisions of M.G.L. 139, Section 3A as a tax lien on the property.

e. Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally- or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by

a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

f. Compliance with Laws, Ordinances and Regulations

The construction and operation of all large-scale solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

g. Building Permit and Building Inspection

No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

h. Operation & Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the large- scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

i. Utility Notification

No large-scale, ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

j. Emergency Services

The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Weston Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(end of Section V.)

SECTION VI. DIMENSIONAL AND OTHER REQUIREMENTS

A. GENERAL

1. The regulations governing the minimum area, frontage, and width of lots, and the height and location of buildings and structures on lots, in the various districts are hereinafter set forth in this Section. Every lot as established shall be, and shall continue to be, in conformity itself with said regulations such that any building or structure thereon will be in conformity thereto. No building or structure or part thereof shall be constructed, altered, enlarged, reconstructed, extended or moved except in conformity thereto.
2. In the case of a lot fronting on more than one street, the lot must have the entire required minimum frontage on one of the streets but need not have it on more than one.
3. In the case of premises abutting more than one street, the regulations as to setbacks from the street side line and from the street center line shall be applicable with respect to each street.
4. Land located within a way, whether public or private, shall be excluded in computing any lot area.
5. No site alteration work which requires or will require a storm water permit or any zoning or other land development permit or approval shall be performed on any property until such permit or approval is obtained, including any one of the following:
 - a. Approval by the Planning Board of a site plan where such approval is or will be required under the provisions of this Zoning By-law.
 - b. Issuance of a permit by the Storm Water Permitting Authority where such permit is required by the Storm Water By-law, Article XXVII of the By-laws of the Town of Weston.
 - c. Issuance of a permit for building, demolition, or any other permit required by the Massachusetts Building Code or this Zoning By-Law.

B. SINGLE FAMILY RESIDENCE DISTRICTS (A, B, C AND D)

1. Minimum Requirements.

Except in the case of a Flexible Development pursuant to VI.H., every lot in the Single Family Residence Districts shall contain at least the area, shall have frontage on a constructed and paved street of at least the distance, and shall have at least the width at the street setback line, specified in the following table. Every building or structure shall be so situated as to have at least the setbacks from street side line and street center line and all lot lines specified in such table.

2. Table of Conventional Dimensional Requirements.

	District			
	A	B	C	D
Minimum lot area in sq. ft.(b)	60,000	40,000	30,000	20,000
Minimum street frontage, and minimum lot width at street setback line (c)	250 ft	200 ft	175 ft	150 ft
Minimum setback from street side line (a) (e) (f)	60 ft.	50 ft.	40 ft..	30 ft
Minimum setback from street center line (a) (e) (f)	85 ft.	75 ft.	65 ft.	55 ft.
Minimum setback from lot line (e) (f)	45 ft.	35 ft.	25 ft.	20 ft.

Notes

- (a) The governing minimum street setback shall be the greater of the street sideline setback and the street center line setback.
- (b) If any portion of a lot in a Single Family Residence District is overlaid by the Wetlands and Flood Plain Protection District A said portion may be used to meet the area requirement for that district otherwise provided in the Zoning By-Law provided that no building or structure may be erected on the portion remaining outside the Wetlands and Flood Plain Protection District A unless that portion has a minimum area of 20,000 square feet.
- (c) A lot shown on a Plan endorsed by the Planning Board before May 13, 1997 or a lot for which a separate deed has been recorded before said date, and which was otherwise in compliance with this Bylaw when so endorsed or recorded, shall be deemed to comply with the minimum street frontage and lot width requirements of this Bylaw, if it has a street frontage and lot width of at least 200 Ft. in the Single Family Residence District A, 150 ft. in the Single Family Residence District B, 125 ft. in the Single Family Residence District C, or 100 ft. in the Single Family Residence District D.
- (d) For the limited purposes of determining density under Section VI.H.6.d., the applicable minimum frontage and lot width requirements shall be 200 ft. on the Single Family Residence District A, 150 ft. in the Single Family Residence District B, 125 ft. in the Single Family Residence District C, or 100 ft. in the Single Family Residence District D.
- (e) Eaves, overhangs, cantilevers, chimneys, bay windows and similar building parts, and uncovered porches, decks, steps and landings, may project up to three feet into the minimum setback.
- (f) Eaves, overhangs, cantilevers, chimneys, bay windows, and/or similar building parts projecting more than three feet into the minimum setback, but no more than four feet beyond the building foundation, shall be deemed to conform to the minimum setback in the Table, notwithstanding that the distance from the Street Line, Street Centerline or Lot Line, as the case may be, is less than the minimum setback distance specified in the Table for the Single Family district in which the building is located, provided such building was constructed pursuant to a building permit issued prior to April 16, 2009.

3. Substantial Irregularity.

Unless contained in a Flexible Development pursuant to Section VI.H, no building lot shall be created after the effective date of this By-Law which is substantially irregular in shape. For purposes of this provision, “substantially irregular” shall have the meaning set forth in Section II, Definitions, as applied to the entire lot. In addition, except as contained in Flexible Development pursuant to Section VI.H, no building lot shall be created unless it is capable of containing a quadrangle which contacts the street frontage at least at one point along a side at least equal in length to the applicable minimum frontage distance required for the district in which the lot is located, (b) includes 90% of the lot area required for the district in which the lot is located, and (c) has no included angle of less than seventy-five degrees (75°), within which quadrangle all principal buildings, accessory buildings and structures and their above-ground and underground appurtenances shall be located, excepting only signs, driveways, utility service connections, drainage, fences and light standards.

C. MULTIPLE DWELLING DISTRICTS (A AND B)

1. Minimum Requirements.

Lots and structures used for multiple dwellings shall conform to the following requirements as to square footage, frontage, set-backs, square feet of land per unit, number of units per building, buffers, number of bedrooms per unit, and area of living space.

2. Table of Dimensional Requirements.

	District	
	A	B
Minimum lot area in square feet	240,000	600,000
Minimum street frontage on existing public way	200 ft.	100 ft.
Minimum setback from street side line of existing public way	100 ft.	65 ft.
Minimum setback from street centerline of existing public way	125 ft.	N/A
Minimum setback from lot line	100 ft.(a)	65 ft.
Square feet of land per unit (b)	30,000	10,000
Number of units per building	2 to 8	4 to 8
Buffer maintained in natural state, or landscaped, around perimeter of lot.	50 ft	25 ft.
Minimum garage distance from lot line	65 ft..	45 ft
Minimum setback from side line of road located within the lot	20 ft.	20 ft.
Minimum setback from center line of road located within the lot	45 ft..	45 ft
Maximum average number of bedrooms per unit	2	N/A
Minimum floor area of living space in square feet	750	750

Notes

- (a) In cases where a lot line is adjacent to permanent conservation land, a railroad, or certain other types of municipal open land which in themselves serve as buffers, the minimum setback from lot line may be 65 feet.
- (b) The number of square feet of land per unit shall consist entirely of land outside the Wetlands and Flood Plain Protection District.

3. The aggregate of all dwelling structures in Multiple Dwelling Districts shall not cover more than 20% of the lot upon which they are built. The aggregate of all structures and off-street parking areas, whether or not covered, in Multiple Dwelling Districts shall not cover more than 30% of the lot upon which they are built or located.
4. No garage structure shall measure more than 100 feet in length and no other building shall measure more than 250 feet in length. No garage structure shall exceed a height from the ground of one story. All buildings shall be separated from other buildings by a distance of at least 25 feet, and a garage shall be considered as part of such building if attached.
5. Utility space and other space not used for living purposes, roofs, balconies and porches shall not be used in determining living space but balconies and porches shall be used in determining building coverage.
6. Each multiple dwelling unit shall contain cooking and bathroom facilities.
7. Roads, Driveways and Access.
 - a. All roads (as opposed to driveways serving multiple dwellings) providing access to or constructed in a Multiple Dwelling District shall be at least 50 feet in width of which at least 24 feet shall be paved, shall provide for a sidewalk at least 5 feet wide within such width on one side of such road and shall be constructed in such a manner as will permit its acceptance as a public way.
 - b. The grading, surfacing and drainage of such roads shall be approved by the Weston Planning Board. All such roads, or their exterior lines, shall be entered on the official Town of Weston Map, duly certified to by the Town Clerk and filed at Middlesex Registry of Deeds, before any multiple dwellings may be permitted to be built having access to such roads.
 - c. The location of the access roads servicing the multiple dwelling units shall, upon approval by the Special Permit Granting Authority, be entered upon the Official Town Map as if for a subdivision approved by the Planning Board in accordance with M.G.L. Chapter 41, "Municipal Planning", Section 81-E "Official Map".
 - d. The main access road or roads to a Multiple Dwelling District shall enter and exit from a public way and shall be at least 25 feet from the property lines of any adjacent lot or lots of a district other than a Multiple Dwelling District. Each such buffer strip shall be either landscaped or left in its natural state.
8. Utilities And Services.
 - a. All utilities to be utilized in connection with the multiple units shall be installed under the surface of the ground.
 - b. The lot upon which multiple dwellings are constructed shall be supplied with a septic or sewage system or systems acceptable to the Board of Health and with Town water and adequate street lighting. Suitable fire alarms and police call boxes in sufficient numbers to afford health, fire, and police protection for the residents of the multiple dwelling units shall be provided.

9. Long Term Care Facility.

Where a Long Term Care Facility is allowed with Site Plan Approval and by Special Permit, the Dimensional Requirements for Multiple Dwelling Districts shall be modified in the following respects:

- a. Buffer to be maintained in natural state a minimum of 100 feet from street side lines and lot lines. Driveways and underground utility lines may cross the buffer area.
- b. Number of units per Building: Not Applicable.
- c. Minimum floor area of living space in square feet: Not Applicable.
- d. Section VI.C.4.: Not Applicable.

D. 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	Commercial
Min. Street Frontage	50 ft.	50 ft.	400 ft. (a)	50 ft.
Min. Street Setback	15 ft.	25 ft.	150 ft.	25 ft.
Min. Lot line Setback	10 ft.	10 ft.	200 ft. (b)	20 ft.
Max. Bldg. Coverage	25%	25%	15%	25%
Max. Floor to Lot Ratio	1:2	1:2	1:2.5	1:2
Max. Parking Coverage	50%	50%	25%	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.

E. 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		40 Feet	(b)
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 Districts only, rooftop screens or fences erected to conceal equipment shall not exceed twelve (12) feet in height.

F. OTHER DIMENSIONAL REQUIREMENTS**1. Corner Obstructions**

No building, fence or other structure shall be erected or installed, and no tree, shrub, or other growth shall be planted or permitted to grow or exist, which will dangerously obstruct the view of traffic by operators of vehicles at street intersections or otherwise constitute a hazard to public safety; nor shall any fence or other structure be erected or installed, nor shall any tree, shrub, or other growth be planted or permitted to grow or exist higher than 24 inches above the ground in the area formed by the intersecting sidelines of any street or way, whether public or private, and a line joining each sideline at points 35 feet distant from the point of intersection of the sidelines: in the case of rounded corners the distance shall be measured from the point of intersection of the side lines when projected. The provisions of this Subsection shall not require the removal of any existing tree whose entire foliage is not less than 10 feet above its base and whose trunk is not of a size or shape to obstruct the view of traffic for operators of motor vehicles.

2. Number and Location of Single Family Dwellings on One Lot

Except as may be permitted in an AARD, the number and location of single family dwellings on any one lot shall be such that every dwelling (and its accessory structures) can be provided sufficient land to form a separate lot which will itself be in full conformity to the regulations of this Section VI, and on which every dwelling (and its accessory structures) will be in full conformity thereto; and upon alienation of any such dwelling it shall be provided with such a lot and every dwelling remaining on the original lot shall be left capable of being provided with the same.

3. Gross floor Area Limitation

In all Single Family Residence Districts, for any use other than single family detached dwelling, church, or other religious purpose, educational purpose if conducted by a religious or non profit entity, or municipal purpose, the gross floor area (as defined in the State Building Code) of any buildings and parking structures divided by the total lot area shall be no greater than 0.10; and all lots and structures relating to any such use shall conform to the dimensional requirements of the residential district where they are located.

Any project granted Site Plan Approval by the Planning Board before April 18, 1991 is not subject to the provisions of the paragraph provided that such project obtains any required Special Permit by May 6, 1992.

G. ACCESSORY APARTMENT

The Special Permit Granting Authority may authorize, in any Residential District, the alteration of a Single Family Dwelling to include an Accessory Apartment, or the conversion of a detached Accessory Building such as a garage, barn or gate house to an Accessory Apartment, provided that the following criteria have been met:

1. The Single Family Dwelling to be altered or the Accessory Building to be converted, is on a lot which conforms to the lot area requirements for the residential district in which it is located.
2. Construction of the Single Family Dwelling to be altered, or the Accessory Building to be converted, was completed, including any additions or enlargements thereto, at least ten years prior to the date of the special permit application.
3. The Single Family Dwelling to be altered contains at least 3,000 square feet of habitable area, not including unfinished attic or basement area.
4. The proposed Accessory Apartment will have at least 600 square feet of gross floor area but, if to be located within a Single Family Dwelling, will not also have a gross floor area exceeding 25% of the habitable area of the Single Family Dwelling (excluding unfinished attic and basement area).
5. The Accessory Apartment will contain separate cooking facilities and one or more bathrooms, but not more than two bedrooms.

6. The alteration or conversion for Accessory Apartment purposes will not result in any increase in building coverage, other than a fire exit, fire escape or other safety feature required by the State Building Code. In any event, the alteration or conversion will not result in substantial changes to the exterior of the building which would be inconsistent with the exterior appearance of the building immediately prior to date of the special permit application.
7. The Board of Health has issued a favorable recommendation as to the suitability of the subsurface disposal system for the proposed Accessory Apartment. Such recommendation may include conditions which, in the opinion of the Board of Health, are necessary to ensure standards in keeping with public health interests.
8. Sufficient and appropriate space exists on the lot for at least one additional off-street parking space to serve the Accessory Apartment in addition to the off-street parking spaces required to serve the Single Family Dwelling. Said additional parking space, whether already existing or to be constructed, shall have a gravel or paved surface, and shall be accessed from the driveway serving the Single Family Dwelling to be altered or the Accessory Building to be converted.
9. The owner or owners of the property shall live either in the Single Family Dwelling or in the Accessory Apartment.

In granting a Special Permit for an Accessory Apartment, the Special Permit Granting Authority may impose reasonable conditions, including a requirement that the applicant post security in the form of a bond or cash deposit for the performance of representations and agreements made by the applicant in connection with the special permit application.

A Special Permit for an Accessory Apartment shall provide that the Special Permit shall lapse upon transfer of title to the subject property unless the transferee applies for a renewal of the Special Permit within six months of the date of transfer and the renewal is subsequently granted.

H. FLEXIBLE DEVELOPMENT REQUIREMENTS AND PROCEDURES

1. Applicability An owner or owners of land in a Single Family Residence District may apply to the Planning Board for a Special Permit for Flexible Development under this Section VI.H. This will exempt such land from the lot area, frontage, setback and other applicable dimensional requirements set forth in the Table of Conventional Dimensional Requirements of this Zoning By-Law in order to fulfill the purposes of Flexible Development. The Planning Board shall be the Special Permit Granting Authority for any Special Permit for Flexible Development issued under this Section.

Nothing in this section shall be interpreted as conflicting with the right of a landowner to proceed under the Subdivision Control Law with an application for a preliminary or definitive subdivision plan pursuant to G.L. c.41, Sections 81S and 81T, or with an application for endorsement of a plan of land division as "approval not required" pursuant to G.L. c.41, Section 81P.

2. Purpose

The general purpose of Flexible Development is to allow greater flexibility and creativity in the design and layout of single family residential development, without any increase in permitted density, in order to:

- a. minimize alteration of or damage to the natural and cultural features and topography of the land;
- b. avoid undue adverse impacts of new development on existing homes and neighborhoods;
- c. preserve wooded areas and other undeveloped open land particularly along Town roads;
- d. preserve the existing semi-rural appearance of the Town.

3. Fees

An Applicant for a Special Permit for Flexible Development shall pay a filing fee and review fees as the Planning Board shall deem reasonably necessary, which fees shall be set forth in the Planning Board Special Permit Rules for Flexible Development.

4. Procedure

A landowner seeking to create a Flexible Development of land may file with the Planning Board an Application for a Special Permit for Flexible Development. The Application shall conform to the applicable requirements for a Definitive Subdivision Plan as set forth in the Planning Board's Rules and Regulations for the Subdivision of Land, as well as the Flexible Development requirements contained herein and all other requirements in the Special Permit Rules for Flexible Development.

The Planning Board shall give notice, hold a public hearing and file its decision regarding a Flexible Development Application, in accordance with the procedures governing special permits contained in Sections 9, 11 and 15 of M.G.L. c.40A, the Zoning Act.

5. Dimensional Requirements

A Special Permit for Flexible Development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements contained in Section VI.B.2. and VI.B.3.

- a. Lot Area Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of Flexible Development.
- b. Frontage The frontage of each lot for a building site created in a Flexible Development shall be that necessary, in the opinion of the Planning Board, to provide for adequate access to the lot. Where shared driveways or other circumstances provide adequate access to an individual lot, frontage may not be required.
- c. Setbacks All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut an existing street or which otherwise abut land outside the Flexible Development, setbacks from said lot lines shall conform to the Section VI.B.2. setback requirements applicable to conventional development in the underlying zoning district.

- d. Building Height The height of all buildings or other structures within a Flexible Development shall conform to the requirements of Section VI.E.
- 6. Other Requirements
 - a. Buildable Lot Buildable lot shall be defined for purposes of determining the density of a Flexible Development as an area of contiguous land, having sufficient area and dimensions to meet the applicable requirements of this Zoning By-Law for use as the site of one single family detached dwelling, and conforming to all relevant state and local laws and regulations.
 - b. Developed Areas The boundaries of the area(s) within each lot that will contain all principal and accessory structures shall be shown on the plan and designated as the "Developed Areas." The areas so designated shall be of a size and location to satisfy the stated purposes and standards set forth herein.
 - c. Single Dwelling Not more than one single family dwelling and its accessory structures and uses may be located on a lot created under Flexible Development pursuant to Section VI.F.2.
 - d. Density The maximum number of lots for building sites in a Flexible Development shall not exceed the number of buildable lots which could be created through conventional development of the site. The allowable maximum density shall be based upon the maximum number of buildable lots which may be created through conventional development of the land without substantial waivers from the Planning Board's Rules and Regulations for the Subdivision of Land and in conformance with the conventional dimensional requirements for the underlying zoning district. The Planning Board shall make the final determination of density, provided, however, that for the limited purpose of showing conformance with said conventional dimensional requirements, the applicable minimum frontage and lot width requirements shall be 200 ft. in the Single family Residence District A , 150 ft in the Single Family Residence District B, 125 ft. in the Single Family Residence District C, and 100 ft. in the Single Family Residence District D.
 - e. Restrictions Against Further Development No Flexible Development for which a Special Permit has been issued under this Section may be further subdivided. A notation to that effect shall be made on the Lotting Plan as defined in the Planning Board Rules and Regulations to be endorsed by the Planning Board and recorded in the Registry of Deeds or the Land Court.

In addition, a perpetual restriction, running with the land, and enforceable by the Town of Weston, shall be recorded with respect to the land within the Flexible Development. Such restriction shall provide that no lot in the Flexible Development may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the lots as the Planning Board may deem appropriate.

7. Allowed Uses

The land in a Flexible Development may be used for any use otherwise allowable in the Single Family Residence District in which it is located, pursuant to the provisions of Section V. Use Regulations.

8. Standards

In reviewing an Application for a Special Permit for Flexible Development, the Planning Board shall consider the extent to which the Application meets the purposes of Flexible Development by satisfying the following standards:

- a. The laying out of Developed Areas, roads, storm drains, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.
- b. The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems and roads shall be minimized.
- c. Important natural and historic features of the land, as determined by the Planning Board, shall be protected.
- d. The Flexible Development shall be in keeping with and enhance the overall semi-rural appearance of Weston by:
 - (i) preserving views from existing roads;
 - (ii) avoiding undue adverse impacts on neighborhoods;
 - (iii) conserving natural and historic resources, including but not limited to those linked to off-site protected resource areas.
- e. The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.
- f. The design, number and location of curb cuts shall be such that any conflict with existing traffic flow is minimized, and the semi-rural appearance of existing streets is maintained or enhanced.
- g. Provision, satisfactory to the Planning Board, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the Flexible Development.
- h. The design shall minimize the size of Developed Areas.

The Planning Board shall not grant a Special Permit for Flexible Development unless the Application is consistent with the above standards and conforms to the dimensional and use requirements for Flexible Development set forth herein and in the Planning Board Special Permit Rules for Flexible Development.

(end of Section VI)

SECTION VII. SIGNS

A. BUSINESS AND COMMERCIAL DISTRICT SIGNS

In any Business or Commercial District, no sign shall be allowed except as hereinafter specifically permitted. All signs shall be limited to the purpose of advertising or indicating only the person(s) occupying the premises on which it is located, the merchandise for sale, or the activity conducted thereon, except that temporary signs are permitted during periods of construction on the premises or offering the property for sale or rent, which signs shall be promptly removed when such construction, rental, or sale has been concluded.

1. Number:

There shall be not more than one primary sign for each occupant of a building which shall be either affixed to the building or standing, except that if there are walls with direct public entrance into the building or which face upon a street or parking area other than the front wall, there may be a secondary sign affixed to each of such walls; provided, however, that no building shall have more than three secondary signs for each occupant. In addition to the foregoing sign or signs, there may be one directory of the tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each tenant of the building.

2. Location:

- a. An affixed sign shall be securely attached to a vertical wall or parapet of the building, shall be parallel with and not more than twelve (12) inches away from the face of such wall or parapet nor project beyond the face of any other wall or parapet of the building and shall not at any point extend above the wall or parapet to which it is attached, except that if the building to which the sign is to be attached is a one-story building with a slanting roof an affixed sign may be attached securely to such roof but the top of such sign shall be at least eighteen (18) inches below the level of the top of such roof and the bottom of such sign shall not project more than six (6) inches away from the roof and shall be placed not more than two (2) feet above the level of the lower edge of such roof.
- b. A standing sign shall be subject to the provisions of this Zoning By-Law relating to setbacks of structures from lot lines.

3. Size:

- a. The total area of a primary affixed sign or signs shall not exceed more than one and one-half (1 1/2) square feet for each lineal foot or major fraction thereof of front width of the building to which such sign or signs is attached. In cases of multiple occupancy, such total area may be allocated among the occupants. The cumulative area of secondary sign or signs shall not exceed fifty per cent (50%) of the area permitted for the primary sign or signs as above provided. The area covered by the lettering or symbols of any sign shall not exceed 33 and 1/3% of the total area of such sign.

- b. A standing sign shall not exceed 20 square feet in surface area (exclusive of support), or 10 feet in any dimension, or 10 feet above ground level, except that a standing sign on premises used as gasoline filling station and lubritorium shall not exceed 14 feet above ground level.
4. Construction:

All signs shall be painted, applied, or attached to an intermediate frame or support which shall in turn be affixed to the wall or roof of the building or supporting post as the case may be, except that a sign composed of individual letters or devices cut into or securely affixed to the exterior wall of a building is permitted, provided that such letters or devices have a minimum depth or thickness of one-fourth (1/4) of an inch and a maximum of four (4) inches. The material of which the sign is constructed and the intermediate structure and the manner of affixation to the wall or roof of the building or post shall be subject to the approval of the Building Inspector from the standpoint of public safety.
5. Illumination:

No sign shall be illuminated except by a white, steady, stationary light or lights shielded and directed solely at the sign. Flashing, moving, and animated signs and signs illuminated from within or from the rear of such sign are prohibited.
6. Gasoline Filling Stations and Garages:

Gasoline filling stations and garages may, if they elect to do so, divide the one exterior primary sign permitted each occupant under this Section VII into separate departments of the business, provided, however, that the total of the area of the separate signs shall not exceed the maximum area permitted under paragraph 3 hereof. In addition, one standing sign in conformity with the provisions of paragraph 3, b, hereof indicating the company whose gasoline is being sold may be erected upon the premises being used by such filling station or garage. The dimensions of standard type of gasoline pump, bearing thereon in usual size and form, the name or type of gasoline and the price thereof, shall not be included in the dimensions of signs permitted under this Section VII.
7. Permits:

No sign shall be erected on the exterior of any building or on any land unless and until application for the erection of such sign, together with a scale drawing and a colored rendering of such sign and such other information and drawings as the Inspector of Buildings may require, have been filed with him, and a Building Permit for the erection of such sign has been issued. If the requirements and limitations of this Subsection A shall have been satisfied, the Inspector of Buildings shall issue such permit.
8. Nonconforming signs:

The provisions of Section III, "Pre-Existing Nonconforming Buildings, Structures and Uses", shall apply to this Section VII.

B. RESIDENCE DISTRICT SIGNS

1. Signs Permitted Without a Permit:
 - a. One temporary nonilluminated sign with a maximum area of nine square feet advertising the premises on which the sign is located as for sale or rent and containing no other advertising matter.
 - b. A nonilluminated sign or name plate not more than two square feet in area indicating the persons occupying the premises or the activity conducted thereon.

2. Activities permitted by Site Plan Approval and/or a Special Permit to be maintained in residence districts shall be limited to the type of sign authorized for residence districts, except the Special Permit Granting Authority for Special Permits may permit a larger sign, if necessary or appropriate, but not larger than 20 sq. ft. in area and 10 feet in any dimension.

(end of Section VII)

SECTION VIII. VEHICULAR REQUIREMENTS

A. OFF-STREET PARKING REGULATIONS

1. Parking Requirement by Usage:

In order to provide sufficient off-street vehicular parking in the Town, no Building Permit for the new construction, erection or alteration (as defined in Section III, Subsection A) of a building or structure shall be issued and no use or change of use of any building, structure or premises shall be made unless off-street parking facilities have been provided in accordance with the applicable requirements of this Subsection. The minimum number of off-street parking spaces shall be as follows:

- a. Store, salesroom or showroom for the conduct of retail business: at least two spaces for each establishment or one space for each two hundred square feet of gross floor area, whichever is larger, plus two spaces for each three employees or nearest multiple thereof.
- b. Office or office building: one space for each two hundred and fifty square feet of gross rentable floor area plus one space for each three employees or nearest multiple thereof, except in Business District B when the lot contains five acres or more.

In Business District B when the lot contains five acres or more: one space for each two hundred eighty-five square feet of gross floor area, provided that additional land is available for up to a total of one space for each two hundred fifty square feet of gross floor area.
- c. Eating places: one space for each four seats plus two spaces for each three employees or nearest multiple thereof employed in the largest shift.
- d. Other commercial uses: all other types of commercial and industrial uses not specifically mentioned shall have at least one space for each 250 square feet of gross rentable floor area plus one space for each three employees or nearest multiple thereof employed in the largest shift.
- e. Industrial and manufacturing establishments: one space for each two employees based on the maximum number of employees the plant is designed to employ in any one shift plus one space for each three hundred square feet of gross floor area.
- f. Places of assembly including churches but not schools: one space for each four seats.
- g. Occupations permitted under Section V, "Use Regulations": four spaces plus one space for each two nonresident employees. If more than one such occupation shall be conducted in the structure, then the above requirement shall apply to each such occupation.
- h. Nursing homes, long-term care facilities, medical offices: two spaces for each three employees or nearest multiple thereof employed in the largest shift and one space for each four patients based on the maximum capacity of the facility.
- i. Multiple dwelling units: two spaces for each dwelling unit, which requirement may be reduced by the Special Permit Granting Authority where not required (as elderly persons without automobiles) as part of the Site Plan Approval procedure.

- j. Non-Commercial clubs: as may be required by the Special Permit Granting Authority in the Special Permit authorizing such use.
 - k. Schools and other educational uses subject to Massachusetts General Laws, Chapter 40A, Section 3: sufficient spaces, in the judgment of the Inspector of Buildings, to ensure that no parking for vehicles for employees or regular attendants will take place on a public or off-site private way, except that in cases where Limited Site Plan Approval or Special Permit issued by the Planning Board is required, the Planning Board shall make such determination.
 - l. All other non-residential uses not specifically mentioned above: sufficient spaces, in the judgment of the Inspector of Buildings, to ensure that no parking for vehicles for employees or regular attendants will take place on a public or private way.
2. Location and Size of Parking Area:
- Required parking areas shall be located on the same lot as the building, structure or premises with respect to which such areas are provided or may be on adjoining or nearby land when all of the required parking area lies within 200 feet of the principal premises. All parking areas shall be entirely located within a district where the activity carried on in the principal premises is permitted under Section V "Use Regulations". Each parking space shall include space for maneuvering and for access to and from the parking area, shall be continually available and shall be not less than 350 square feet in area. The percentage of the lot utilized for such parking area shall not exceed the percentage specified in Section VI "Dimensional and Other Requirements", Subsection D.
3. Construction Standards of Parking Area:
- The surface of all required parking areas shall be so constructed and be of such material as to avoid undue dust, erosion, and flow of water onto public ways or adjacent property and such areas shall be reasonably landscaped and maintained.
4. Group Parking Areas:
- Owners of buildings, structures or premises required to provide off-street parking facilities under this Subsection may join in establishing a group parking area to be owned in common by them (in fee or with rights of easement) having the required parking area for all the buildings, structures or premises participating therein.
5. Loading and Unloading Areas:
- Facilities for loading and unloading stock, merchandise, equipment, material, and supplies sufficient to serve the use conducted on the premises in question shall be provided and properly screened. In the business districts adequate maneuvering areas and loading facilities for trucks shall be provided on the lot of each building.
6. Pre-existing Uses:
- Use of buildings, structures and premises in existence at the time that this Section was adopted shall not be subject to the requirements set forth herein provided that any existing parking facilities which do not meet the requirements hereof shall not thereafter be reduced in size, or otherwise rendered further nonconforming.

7. Special Provisions for Office and Research and Development Districts:

- (a.) One parking space for each 300 square feet of building space or one parking space for each employee, whichever is greater; however, the Special Permit Granting Authority for Site Plan Approval may reduce the required number of parking spaces to a number equal to the maximum number of people employed at and using the facility during its largest shift or at any one time, whichever is greater.
- (b.) In reference only to applications for 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 parking requirements for such projects set out in Section VI, "Dimensional and Other Requirements", Subsection D in the following particular: The parking requirements of this Zoning By-Law may be satisfied by the location of all or some of the parking space requirements in the abutting municipality; provided that the Special Permit Granting Authority finds that the applicant also satisfies the Zoning By-Law or Ordinance requirements for parking of the abutting municipality. Parking spaces serving structures in the abutting municipality may be permitted in the Town of Weston, but the total number of spaces shall not exceed 150% of the number of parking spaces required for the structures in the Town of Weston.

8. Use in Business Districts that require Site Plan Approval:

With respect to any use in the Business Districts, the Office and Research and Development Districts, or the Commercial Districts which requires Site Plan Approval, the Planning Board may, as part of the Site Plan Approval, allow a reduction of the number of parking spaces otherwise required in this Section VIII by up to twenty percent where it determines that the reduction is reasonable in the circumstances and would not derogate from the intent of the By-law.

B. COMMON DRIVES IN SINGLE FAMILY RESIDENCE DISTRICTS

Not more than three (3) lots in a Single-Family Residence District may have their principal vehicular access over a common driveway to a constructed and paved public or private way shown on the official map of the Town. All lots sharing such principal vehicular access shall conform in all respects to the requirements of Section VI.B. unless said lots have been approved either as Cluster Development lots prior to January 17, 1994 or as Flexible Development lots pursuant to Section VI.H. A common driveway serving two or three lots shall be contained in a recorded easement to the perpetual benefit of the lots served by the common driveway and shall be constructed in accordance with the provisions of "Standards for Common Driveways, Rules and Regulations of the Town of Weston Planning Board." At the time application is made for a Building Permit for the construction of a residence on a lot served or to be served by a common driveway, it shall be the responsibility of the Inspector of Buildings to ascertain whether the said lot is one of the two or three lots served or to be served by a common driveway and, if so, to require compliance with this paragraph. The Inspector of Buildings shall not issue an Occupancy Permit for any dwelling erected on a lot served by such a common driveway until he is satisfied that the common driveway meets the requirements of this Subsection B. Provisions of this paragraph shall not apply to lots shown on plans recorded before May 5, 1980 insofar as such lots so shown and which do not

conform to this paragraph shall not be considered to be non-conforming for other purposes of this Zoning By-Law.

(end of Section VIII)

SECTION IX. PERMIT AND SPECIAL PERMIT
GRANTING AUTHORITIES

A. ZONING BOARD OF APPEALS

1. There shall be a Zoning Board of Appeals consisting of three members to be appointed by the Board of Selectmen. The Board of Selectmen shall also appoint up to three associate members. Appointments shall be in accordance with G.L. c. 40A, §12. The Zoning Board of Appeals shall elect annually a chairman and a clerk. The Chairman may designate any associate member to sit on the Board in the case of absence, inability to act, or conflict of interest on the part of any Board member, or in the event of a vacancy on the Board, until such vacancy is filled.
2. The Zoning Board of Appeals shall have the following powers:
 - a. to hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a Permit or enforcement action from the Inspector of Buildings or any administrative officer under the provisions of G. L.c. 40A, by the Regional Planning Agency or by any person including an officer or board of the Town of Weston, or of an abutting city or town aggrieved by an order or decision of the inspector of buildings, or other administrative official, in violation of any provision of G.L.c. 40A or of this Zoning By-Law.
 - b. to hear and decide petitions for variances from particular terms of this Zoning By-Law, pursuant to G.L.c. 40A, §10, provided however that no variance may authorize a use or activity not otherwise allowed in the district in which the subject land or structure is located.
 - c. to grant permits and Special Permits as provided in this Zoning By-Law.
3. In exercising the powers granted by this Section, the Zoning Board of Appeals may, in conformity with law, make orders or decisions, revoke, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
4. An appeal to the Zoning Board of Appeals taken by any person (as above defined) aggrieved by reason of his inability to obtain a Permit or obtain enforcement from the Inspector of Buildings or any administrative official under the provisions of the Zoning By-Law or applicable statutes, shall be taken within thirty days from the date of the order or decision appealed from, by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk.

B. PLANNING BOARD

The Planning Board shall be the Special Permit Granting Authority for Flexible Developments, construction and determination of flooding and suitability in the Wetlands and Floodplain Protection Districts, Personal Wireless Services Facilities, Earth Movement, Day Camps, and Active Adult Residential Developments.

C. BOARD OF SELECTMEN

The Board of Selectmen shall be the Special Permit Granting Authority for the uses set forth in Section V.6 of this Zoning By-law.

(end of Section IX)

SECTION X. SPECIAL PERMITS

A. SPECIAL PERMIT FOR USES

The Zoning Board of Appeals and the Planning Board may, as the appropriate designated Special Permit Granting Authorities, grant Special Permits for the construction, structural alteration or extension of buildings, structures and premises, establishment of a use or a change of use as set forth in the Zoning By-Law, and may revoke and amend the same for appropriate causes. No Special Permit shall be granted by the Special Permit Granting Authority unless it determines, in addition to factors specified in Section V "Use Regulations", to be determined by it, that driveways with two curb cuts are permitted in Weston and may be prohibited or denied by the special permit granting authority when a project is otherwise before the special permit granting authority only if the SPGA determines that either curb cut will be injurious to the community or neighborhood safety or tht either curb cut fails to satisfy factors specified in Section V "Use Regulations."

1. The proposed use will not be injurious, obnoxious, offensive, dangerous, or a nuisance to the community or the neighborhood through noise, vibration, concussion, odors, fumes, smoke, gases, dust, harmful fluids or substances, danger of fire or explosion or other objectionable feature detrimental to the community or neighborhood health, safety, convenience, morals or welfare;
2. If required under Section V, the Planning Board has approved the Site Plan as provided in Section XI "Site Plan Approval."

B. SPECIAL PERMITS IN GENERAL

1. In the event the Special Permit Granting Authority approves a Special Permit under these provisions, it may require security in the form of a bond or cash or bank book deposited with the Treasurer of the Town for the timely performance of the site work proposed by the applicant and for any conditions, modifications and restrictions imposed by the said Board in connection with the Special Permit. The Zoning Board of Appeals, as Special Permit Granting Authority, may also require, where it deems necessary, that the person to which a Special Permit is granted shall submit periodically certified plans showing the location and elevation of installations and structures placed in or upon the premises of the project or development for which the Special Permit is granted.
2. Special Permits issued by the Zoning Board of Appeals as Special Permit Granting Authority shall require the unanimous vote of the three members of the Zoning Board of Appeals who hear the Special Permit application. Special Permits issued by the Planning Board shall require at least four affirmative votes of the Planning Board.
3. A Special Permit shall lapse if substantial use of the permit, including any construction authorized, has not commenced within two years from the grant of the Special Permit except for good cause. Said two years shall not include the time required to pursue or await a determination of an appeal from such grant.
4. The Special Permit granting Authority shall hold a public hearing within 65 days after the filing of the application and, shall take final action on the application within ninety days after the public hearing. In approving a Special Permit, the Special Permit Granting Authority may impose such reasonable conditions, modifications and restrictions as the Special Permit Granting Authority may deem necessary to insure that the proposed

construction, reconstruction, substantial exterior alteration, or addition will constitute a suitable development and will not result in a substantial detriment to the neighborhood or the environment.

5. In the event that the Special Permit Granting Authority issues or amends a Special Permit under the provisions of this Section, any construction, reconstruction, substantial exterior alteration, addition, use or substantial change in use or activity shall be carried on only in conformity with any conditions, modifications and restrictions to which the Board shall have made its finding and determination subject, and only in substantial conformity with the application and the Site Plan on the basis of which the finding and determination are made.
6. Effective Date of Special Permit: No Special Permit shall take effect until a copy of the decision has been recorded in the Middlesex Registry of Deeds, or for registered land, in the Land Court. Such decision shall bear the certification of the Town Clerk that twenty days has elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed or that if such an appeal has been filed, it has been dismissed or denied.

(end of Section X)

SECTION XI. SITE PLAN APPROVAL

A. SITE PLAN APPROVAL AS A PREREQUISITE

In all instances where Site Plan Approval is required under this Zoning By-law for the construction, alteration or use of structures or premises, or for the establishment or change in use of a structure or premises, such construction, extension, alteration, establishment or change may not commence, and no building permit or occupancy permit may be issued for the subject structure or premises, until Site Plan Approval has been issued by the Planning Board. In all instances where both Site Plan Approval and a Special Permit are required under this Zoning By-law, no Special Permit may be granted until Site Plan Approval has been issued by the Planning Board.

B. PURPOSE

The purpose of Site Plan Approval is to further the purposes of this Zoning By-Law and the purposes set forth in Section 2A of Chapter 808 of the Acts and Resolves of 1975.

C. REVIEW FEES

The Applicant shall make available to the Planning Board funds sufficient to cover any expenses connected with a public hearing and review of plans, including but not limited to the costs of any engineering or planning consulting services necessary for technical review purposes.

D. SITE PLAN APPROVAL APPLICATIONS

1. For uses and developments requiring Site Plan Approval, application may be made to the Planning Board in accordance with the procedures set forth in the Planning Board's Site Plan Approval Regulations.
2. The Planning Board shall hold a public hearing on a Site Plan Approval Application within 60 (sixty) days following the date of receipt of a complete Application submission as determined by the Town Planner. The Planning Board shall cause notice of the hearing to be mailed, at least two weeks prior to the date of said hearing, to the Applicant and to all abutters, owners of land directly across any public or private street or way, and abutters to abutters within three-hundred feet of the property line of the subject land, as they appear on the most recent applicable tax list.
3. In those instances where Site Plan Approval is a prerequisite to the grant of a Special Permit for which the Planning Board is the designated Special Permit Granting Authority, the Site Plan Approval Application may be heard and considered in conjunction with the Special Permit Application and, if so, the Planning Board shall incorporate its decision on the Site Plan Application into the Special Permit Decision. In all other instances, the Planning Board shall issue its written decision on the Application within 45 (forty-five) days after the close of the public hearing, and mail a copy of such decision to the Applicant.

E. REVIEW OF SITE PLAN - REASONS FOR DISAPPROVAL

The Planning Board shall approve an Application in the form submitted or with reasonable conditions which shall pertain to the Standards and Criteria set forth in Subsection F unless the Planning Board finds that:

1. The Application is incomplete;
or
2. The imposition of reasonable conditions would not ensure that the proposed project would conform to the Standards and Criteria set forth in Subsection F;
or
3. The project does not comply with the requirements of the Zoning By-Law.

F. STANDARDS AND CRITERIA

The Planning Board shall review and evaluate the Application and make a determination as to whether it is consistent with the Standards and Criteria listed below. If the Planning Board finds that these Standards and Criteria have been met and the Planning Board does not make any of the findings set forth in Subsection E, it shall approve the Application with or without conditions. The Standards and Criteria are as follows:

1. The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible:
 - a. Minimize use of wetlands, steep slopes, flood plains, hilltops;
 - b. Preserve natural or historic features;
 - c. Maximize retention of open space;
 - d. Preserve scenic views from publicly accessible locations;
 - e. Minimize tree, vegetation and soil removal, blasting and grade changes;
 - f. Screen objectionable features from neighboring properties and roadways.
2. The development shall be served with adequate water supply and sewage disposal systems. For structures to be served by sewage disposal systems, the applicant shall submit a complete design prepared and stamped by a registered professional engineer and containing all information required by the Board of Health to approve sewage disposal systems.
3. The development shall incorporate measures that are adequate to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff, and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and at the project boundaries the rate of runoff shall not be increased.
4. To the extent feasible, development shall minimize demands placed on Town services and infrastructure.
5. The development shall provide for safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.

6. Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town including the use of appropriate building materials, screening, and other architectural techniques.
7. Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally infeasible, in which case such utilities shall be screened.
8. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors from objectionable features.
9. To the extent feasible, proposed projects shall be designed in such a way as to minimize shadows on neighboring properties.
10. There shall be no unreasonable glare onto public roads and other public ways, into the night sky, or onto neighboring properties from lighting or reflection.
11. The site plan shall comply with all zoning requirements.
12. Driveways with two curb cuts are permitted in Weston. Ad development may have a driveway with two curb cuts. A second curb cut may be prohibited or denied by the Planning Board when a project is otherwise before the Planning Board for site plan approval only if the Planning Board finds curb cut fails to satisfy the standards set forth in paragraphs 3 or 5 directly above.

G. WAIVER

The Planning Board may waive compliance with the public hearing requirements and/or some or all of the submission requirements set forth herein for those projects that require a less comprehensive review because they have minor impacts on land use.

H. ENFORCEMENT

The Planning Board may require the posting of a bond or other performance guarantee to assure compliance with the approved site plan and conditions.

I. REVISIONS AND AMENDMENTS

1. Site Plans under Review

Any revision or new information relating to a proposed site plan that is before the Planning Board for review shall be accepted by the Planning Board as part of the original Application with the following exception. If the Planning Board determines that a proposed revision or new information is so significant that it requires substantial reconsideration or reanalysis by the Planning Board of the original Application and/or renotification to the parties in interest and Town Boards and officials, then the Planning Board may require the applicant to file a new Application.

2. Site Plans Already Approved

All revisions to a site plan that has already been approved must be submitted to the Town Planner who shall make a determination as to whether the revisions are significant or insignificant. If the revisions are insignificant, the Town Planner shall approve or deny them. If the Town Planner determines the revisions are significant, or denies an

insignificant revision, he shall so advise the applicant and the Planning Board in writing within five (5) business days of the applicant's presentation to him/her of the revisions. The applicant may then submit the proposed revisions to the Planning Board who shall either accept or reject the proposed revisions as part of the approved site plan.

J. PLANNING BOARD RULES AND REGULATIONS FOR SITE PLAN APPROVAL

The Planning Board shall promulgate or amend Rules and Regulations which pertain to the Site Plan Approval process so long as the Rules and Regulations conform to this Section of the Zoning By-Law. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearings shall be advertised once in a newspaper of general local circulation, at least fourteen (14) days prior to the date of the public hearing.

K. LIMITED SITE PLAN APPROVAL EXCEPTION FOR RELIGIOUS, EDUCATIONAL, AND CHILD CARE FACILITY USES IN ACCORDANCE WITH G.L. c. 40A, §3.

1. For uses listed under Section V.A.3.c., Limited Site Plan Approval is required for the construction, alteration or use of structures or premises or for the establishment, intensification, or change of use of a structure or premises. Construction, extension, alteration, establishment or change may not commence, and no building permit or occupancy permit may be issued, until Limited Site Plan Approval has been issued by the Planning Board.
2. Applications for Limited Site Plan Approval shall be administered consistent with Sections XI.C through XI.J, with the exception of Sections XI.E and XI.F entitled Review of Site Plan – Reasons for Disapproval and Standards and Criteria respectively.
3. The Planning Board's review and evaluation of an application for Limited Site Plan Approval shall be limited to the following criteria:
 - a. Adequate parking shall be provided, meeting the applicable requirements of Section VIII of the Zoning By-law as to minimum number of off-street parking spaces, the location and size of the parking area(s), and construction standards, in a manner which allows for safe vehicular maneuvering and pedestrian movement within the site. Where applicable, adequate facilities for loading and unloading of stock, merchandise, material, and supplies shall be provided and screened in accordance with Section VIII.
 - b. The site drainage shall be designed in accordance with the Town of Weston Storm Water By-laws in effect at the time.
 - c. The design and adequacy of the sewage disposal system(s) to serve the proposed development shall be in accordance with Board of Health requirements.

- d. Electric, telephone, cable TV and other such utilities shall be installed underground, except where this cannot be accomplished because it is physically or environmentally infeasible.
 - e. Parking areas adjacent to residential uses shall be adequately screened year-round from view from said residence by trees, vegetation, and/or fence.
 - f. There shall be no unreasonable glare onto public roads and other public ways, into the night sky, or onto neighboring properties from lighting or reflection.
 - g. The site plan shall demonstrate conformance with applicable lot area, setback and height regulations for the zoning district in which the premises are located.
 - h. All site improvements shall be designed to limit the amount of earth movement on and earth removal from the site. In the event that the amount of earth removal and/or earth movement associated with the proposed site modifications triggers the provisions of Section V. I. 3 of the Weston Zoning Bylaw (Earth Removal and Movement), additional zoning relief shall be required under Section V.I. 3.
4. The Planning Board shall approve an Application in the form submitted or with reasonable conditions which shall pertain to the Standards and Criteria set for in Subsection K.3 unless the Planning Board finds that the Application is incomplete.

(end of Section XI)

SECTION XII. ENFORCEMENT

- A. The Inspector of Buildings shall enforce the provisions of this Zoning By-Law and shall withhold a Building Permit for the construction, alteration or moving of any building or structure as constructed, if such construction, alteration or moving of such building or structure would be in violation of this Zoning By-Law; and no Building or Occupancy Permit or license shall be granted by the Inspector of Buildings for a new use or extended use of a structure, building or land which use would be in violation of this Zoning By-Law.
- B. Any person aggrieved by an order or decision of the Inspector of Buildings, or the failure of such Inspector to act upon written request for enforcement, shall have the right to appeal to the Permit Granting Authority. The word "person" as used herein shall include the owner of the property involved, any abutter to such property, (including properties across the street), the appropriate area planning agency, any officer, committee, board or commission of the Town, or any abutting city or town.
- C. If a violation of this Zoning By-Law is found by a court of competent jurisdiction, the fine for violation of any section of this Zoning By-Law shall not be more than THREE HUNDRED DOLLARS (\$300.00) per day (each day constituting a separate offense) for each day such violation continues after written notice has been given by the Inspector of Buildings to the owner or owners of the property in violation by posting in a prominent place on the largest structure on the property, and delivery in hand or by certified mail, return receipt requested, to such owner or owners. If delivery by certified mail is not made by reason of the actions of the said owner or owners, the date for the commencement of violation shall be the date of posting on the property as above specified.
- D. Violation of this Zoning By-Law may also rise to civil action by the Town acting through the Inspector of Buildings or other appropriate officer.

(end of Section XII)

CHRONOLOGY

- 1928 Zoning By-Law adopted. Residence Districts: 10,000 sq. ft.
- 1934 Zoning By-Law amendments. Residence Districts: 15,000 sq. ft.
- 1937 Zoning By-Law amendments. Residence Districts: 20,000; 30,000; or 40,000 sq. ft. First frontage requirements.
- 1946 Zoning By-Law amendments. Board of Appeals established to hear appeals in place of Selectmen.
- 1950 Zoning By-Law amendments. Business Districts along Boston Post Road.
- 1952 Zoning By-Law amendments. Church or other religious purpose exemption.
- 1954 (June 21) ***Zoning By-Law revised. Complete revision.*** Residence Districts: 20,000, 30,000, 40,000, or 60,000 square feet. Street frontage and setback increases.
- 1963 Zoning By-Law revised to require a permit for certain storage in residential districts.
- 1965 Zoning By-Law amended to provide appeal to Board of Appeals.
- 1967 Zoning By-Law amended to provide for regulation of signs, for stricter requirements for lots in a business district, and for no unregistered vehicles remaining outside a building.
- 1970 Zoning By-Law amended to provide for multiple dwellings and districts therefor.
- 1974 Zoning By-Law amended to provide Site Plan Review procedures.
- 1975 Zoning By-Law amended, Board of Appeals may require security for performance under Site Plan Review.
- 1975 Zoning By-Law amended. Wetlands and Flood Plain Protection District adopted.
- 1978 ***New Zoning By-Law adopted to conform to provisions of Chapter 808 of the Acts of 1975.*** New multiple-dwelling district, cluster development, accessory apartments added. Wetlands and Flood Plain protection district amended. Corner obstruction provision revised and exterior lighting provisions added.
- 1979 Zoning By-Law amended to provide for certain accessory uses of railroad stations.
- 1980 Zoning By-Law amended to provide for Research and Development District, regulation of irregular lots and common driveways, and Wetlands and Flood Plain Protection Districts A and B.
- 1981 Zoning By-Law amended to add and delete wetland areas from the Wetlands and Flood Plain Protection Map.
- 1982 Zoning By-Law amended to amend the provision for certain accessory uses of railroad stations.
- 1985 Zoning By-Law amended to modify the flood plain area near Warren Avenue on the Wetlands and Flood Plain Protection Map.
- 1987 Zoning By-Law amended to change: certain requirements of the accessory apartment provision; rezone land behind Ogilvies from Residential to Limited Industrial.

CHRONOLOGY (Continued)

- 1988 Zoning By-Law amended to: modify certain requirements for height and parking in a Business B District, and rezone 70 acres from Limited Industrial to Business B and 3 acres from Residence A to Business B near the MBS quarry site; add a provision for Aquifer Protection Overlay District and creation of a map for said District.
- 1989 ***Zoning By-Law text completely rearranged and reorganized***; then amended to revise all Use Categories to provide for By-right Uses, and substitution of Site Plan Approval for Site Plan Review; professional accessory uses in a residence district deleted and provision for "occupation(s)" added; Long Term Care moved to Multiple Dwelling Districts.
- 1990 Zoning By-Law amended to clarify Site Plan Approval procedures.
- 1991 Deleted Medical Office use in Residential Zone, added gross floor area limitation for non-residential uses in a residential zone, and amended Site Plan Approval procedures.
- 1992 Zoning By-Law reorganized and amended to add exemptions for churches, educational institutions and child care facilities.
- 1994 Zoning By-Law amended to replace cluster zoning with flexible development provision.
- 1997 Zoning By-Law amended to increase minimum street frontage, minimum lot width at street setback line and at building line in all single family residence districts; to regulate Residential Gross Floor Area in single family residence districts; to impose a six month moratorium on wireless communications facilities and to allow limited non-residential uses of certain Town-owned Historic Buildings with Site Plan Approval.
- 1997 Zoning By-Law amended to add Interim Personal Wireless Service Overlay Districts and related regulations and procedures.
- 1998 Zoning By-Law amended to further regulate irregular lots, amend height regulations, amend Residential Gross Floor Area provision and allow for a Veterinarian/Animal Hospital.
- 1999 Regulate new or replacement construction along designated scenic roads, amend the residential gross floor area provision to include replacement dwellings. Personal Wireless Service Overlay Districts regulations and procedures converted from temporary to permanent.
- 2000 Amend Table of Height Regulations and Parking regulations in Business, Commercial and Research and Development Districts requiring Site Plan Approval.
- 2001 Amend Personal Wireless Service Overlay Districts regulation. Amend definition of "Replacement Single Family Dwelling."
- 2002 Kingsbury Lane added as a designated Scenic Road. Amend Personal Wireless Service Facility Regulations.
- 2002 Zoning By-Law amendment renumbered from Section V.B.7.a to Section V.B.2.d By-Right Uses Allowed With Site Plan Approval.
- 2003 Amend the description of the Personal Wireless Services Overlay District I boundary.
- 2005 Zoning By-Law Amendment: Active Adult Residential Development ("AARD")

- 2008 Zoning By-Law Amendment: Section II, Definitions, by adding the definition of “Structure”
- 2009 ***Zoning By-Law Recodification***, reorganization and clarification changes with Amendments
- 2010 Zoning By-Law Amended with changes to - Aquifer Protection Overlay District; Personal Wireless Service Facility Regulations; Wetlands and Floodplain Protection Districts A&B including changes to the Wetland and Floodplain Protection District Map, Weston, MA 1980 with amendments through October 19, 1981
- 2010 Zoning By-Law Amendment: Section II, Definitions, by changing the definition of “grade” to be based upon North American Vertical Datum of 1988 (NAVD 88)
- 2011 Amend Zoning By-Law Section II, Definitions, by adding the definition of “Earth” and “Move or Movement”; amend Section IX.B inserting Earth Movement and “Day Camps” in text; amend and replace the text in Section V.I.3. by inserting the text “Material Removal and Earth Movement”; amend Zoning By-Law by adopting a new Renewable Energy Overlay District
- 2012 Amend Zoning By-Law, Section II, by changing the definition of “Farm”; amend Zoning By-Law by inserting Section IV.B. 7. “Renewable Energy Overlay District”; Amend Zoning By-Law, Section XI.K. “Limited Site Plan Approval”
- 2012 Amend Zoning By-Law, Section V., I.3, Earth Removal and Movement
- 2013 Zoning By-Law Amendment: Section II, Definitions, by adding the definitions of “Destruction/Demolition”, “Non-Commercial Club”, and “Professional”.
- 2014 Amend Zoning By-Law, Section VIII.A.1 by replacing Paragraph k. with new text and adding a new Paragraph l.; amend Section XI.K.by inserting in Section 3, a new subsection “h” to follow “g”.
- 2015 Amend Zoning By-Law, IV.B.7. by adding a third parcel: Map #18, Parcel #28-10. Renewable Energy Overlay District.
Amend Zoning By-Law Section VI, “Dimensional & Other Requirements”, Section A, “General” add new subsection 5., “site alteration approval process”.
- 2017 Amend Zoning By-Law Section V.J. of Article VIII Personal Wireless Service Facility Regulations (Article 23 ATM 5.8.17) and Section V use Regulations, Section X Special Permits and Section XI Site Plan Approval (Article 24 ATM 5.8.17 Citizen Petition)