

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX

BY-LAWS

of the

TOWN OF WESTON

Includes additions and amendments through September 2022

TOWN OF WESTON, MASSACHUSETTS

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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 one hundred (\$100) dollars for each subsequent violation. Fines shall be recovered by indictment, by complaint before the District Court, or by non-criminal disposition in accordance with G.L. c. 40, §21D.

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.

- i) Commercial agriculture;
- ii) Water to sustain animal life;
- iii) Swimming pools used as a primary means of exercise, therapy or rehabilitation located at a medical or rehabilitation facility;
- iv) 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, §5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:

- i) One (1) member of the Conservation Commission as designated by the Commission;
- ii) One (1) member of the Historical Commission as designated by the Commission;
- iii) One (1) member of the Affordable Housing Trust Board of Trustees as designated by the Board;
- iv) One (1) member of the Planning Board as designated by the Board;
- v) One (1) individual with interest and/or expertise in parkland to be appointed by the Select Board;
- vi) Four (4) 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 chair 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.

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 Select Board 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)

(Effective/voted STM Fall 2016)

SECTION 2. Duties.

Section 2.1. 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.

Section 2.2. 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.

Section 2.3. 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.

Section 2.4. 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 ten (10%) percent 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.30A, §§18-25. 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 5-15-2002)

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, *et seq.*

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, §32 have been met.

(Effective 5-7-2001)

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 Massachusetts Constitution, and all state statutes and regulations thereunder including but not limited to G.L. c. 40A, §3, Paragraph 1; G.L. c. 90, §9; G.L. c. 111, §125A; and G.L. c. 128, §1A. We the citizens of Weston restate and republish these rights pursuant to the Town's authority conferred by Article LXXXIX 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 9-11-2012)

APPENDIX 3

TOWN OF WESTON BY-LAWS 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)