

To Preserve and Protect: Land Use Regulations in Weston, Massachusetts

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The Evolution of Residential Land Use Regulation in Greater Boston

This working paper is part of the research project, The Evolution of Residential Land Use regulation in Greater Boston, carried out under the auspices of Harvard's Joint Center for Housing Studies and the Rappaport Institute for Greater Boston. The goals of this project are to identify and understand the reasons that towns and cities in eastern Massachusetts have made Greater Boston a highly regulated urban region and to help devise residential planning policies that advance general, rather than parochial, interests, and what some call "Smart Growth." In particular, the project aims to discover precisely why and under what circumstances particular communities adopted residential land use regulations by studying the evolution of regulations in residential real estate development in four different Boston-area communities and in the legal interpretation of the state laws of Massachusetts.

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Few towns within a radius of twenty miles of Boston have preserved the old-time characteristics, both as regards population and customs, as has Weston.

Daniel S. Lamson, 1913

In connection with zoning, it should be remembered that the unique character of Weston can only be preserved by a strict zoning law.

Weston Planning Board, 1949¹

Growth has been so slow, and so controlled, that there has been very little change in the overall character of the town.

Weston Local Growth Policy Committee, 1976²

Introduction

In the 1990s, Edward and Polly Dickson, life-long and prominent residents of Massachusetts' most affluent town, decided to ensure that people of diverse incomes could live in their community. Next to their own house they proposed to build eighteen single-family houses, several of which would be affordable to low- and middle-income households. They proceeded cautiously so as not to raise opposition to their plans. They hired a nonprofit, as opposed to a private, developer; they chose an architectural firm with experience in high-end suburban communities; they chose an expensive and popular landscape designer. The plan called for placing houses around a large open green space in such a way that they would be visible only from the single road that bordered the site. The Dicksons lined up support among their many friends and persuaded the town selectmen to back the project. They chose to pursue the project through the process created by the state statute called 40B, which avoided the normally difficult and time-consuming procedures of local approval. Despite all this effort, their neighbors banded together and threatened lawsuits to stop the project while members of the town's planning board, invited as a courtesy to consult on the project, seemed determined to delay the project to the point of collapse.

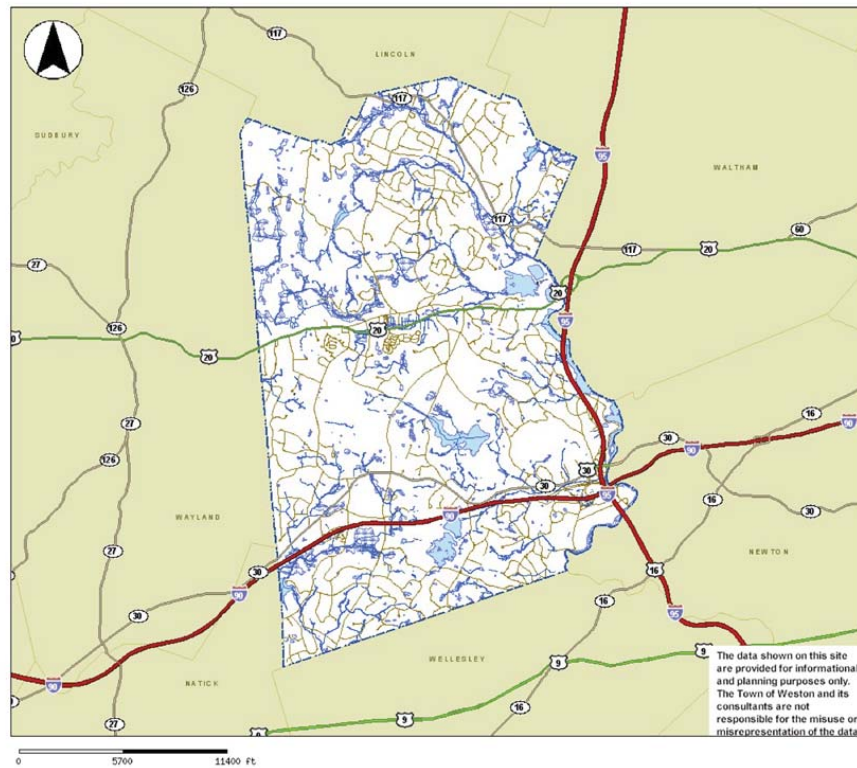
What sort of community could generate objections to the construction of eighteen innocuous-looking houses for families of mixed incomes visible only and just barely from a single road? The answer lies in the particular and singular history of that community, Weston, Massachusetts. But it also explains the processes at work in other towns not nearly as wealthy as Weston.

Section I: Weston in Brief

The Town of Weston, Massachusetts, lies twelve miles west of Boston. Its seventeen square miles are inhabited by about 11,000 residents. Posh suburban communities flank Weston on three sides: Lincoln to the north, Wellesley to the south, and Wayland to the west.³ In contrast, Weston's eastern neighbor is the old industrial city of Waltham, famous for the watches and clocks it once produced. (See Figure 1)

Of all the towns in Massachusetts, Weston is the wealthiest. An estate community in the nineteenth century, it attracted affluent households throughout the twentieth century. Measured by per-capita or median income, Weston's residents for decades have earned more money than the inhabitants of any other locality in the state.⁴

Figure 1: Town of Weston



Source: MapsOnline, <http://www.mapsonline.net/westonma/>

Weston’s lush landscape attracts many of the well-to-do. Public forests, conservation lands, and parks occupy almost a fifth of its land area, and most of the private land consists of woods, meadows, and lawns that complement the town’s many large houses. Unlike most New England towns, even its center is landscaped. Westonians differ as to whether the town’s landscape is “rural,” “semi-rural,” or just suburban, but it is indisputably green.

Weston is also the site of two large water aqueducts and reservoirs. Both were constructed during the twentieth century—the latter completed in 1940—to serve the residents of Boston and communities in the metropolitan area. Weston itself, however, only agreed to obtain water from the Massachusetts Water Resources Authority (originally a division of the Metropolitan District Commission) in the 1970s. It still has no public sewer service.

For commuters, Weston is convenient to transportation. Running through and near the town are two of the region’s largest highways: the inner ring road around Boston, Route 128 (U.S. Interstate-95), and the Massachusetts Turnpike (Interstate-90), as well as three other major roads, U.S. Route 20 and state routes 30 and 117. These roads give easy access to the large and economically vital western sector of the Boston metropolitan area—home to a large portion of the state’s technology industries and venture capital firms—as well as to Boston itself, about 25 minutes by car in good traffic. Two commuter rail stations also serve Weston, which is a half-hour train ride to downtown Boston.

Weston’s form of government, known as an Open Town Meeting, allows all the town’s registered voters to participate. The town meeting functions as the legislature, and votes on town spending as well as changes in the town bylaws, many of which govern land use. In addition, Weston’s citizens elect a three-person Board of Selectmen, which in turn appoints a Town Manager (prior to 2002 a Town Administrator led the local government). As in other Massachusetts towns and cities, a core of professionals and full-time workers staff government departments such as the school, police, fire, and building departments and the Board of Health. Many elected and appointed volunteer boards and committees

support the departments or carry out government work independently. The crucial committee governing land use in Weston is the Planning Board, which is responsible for reviewing proposals for land subdivisions and specific development projects, but other important bodies include the Conservation Commission, the Historical Commission, and the Board of Zoning Appeals. Not surprisingly in such an affluent town, citizen volunteers and candidates in Weston are often highly skilled and knowledgeable.⁵

Weston's population since 1950 has been small relative to the nearby cities of Newton and Waltham and even the towns of Natick and Wellesley. Between 1940 and 2000, Weston increased the number of resident more than did the affluent towns of Lincoln and Wayland and just a little less than Wellesley. Yet Weston has a much smaller population relative to its territory than Wellesley. Moreover, between 1950 and 2000 Weston increased population density by about the same amount as the smaller community of Lincoln and by a smaller figure than the other nearby wealthy suburbs of Wayland and Wellesley. Although Newton and Weston are close in size, Weston has far fewer residents. (See Tables 1 and 2.)

Table 1: Population in Weston and Neighboring Communities, 1950 - 2000

	1950	1960	1970	1980	1990	2000
Lincoln	2,427	5,613	7,567	7,098	7,666	8,056
Natick	19,838	28,831	31,057	29,461	30,510	32,170
Newton	81,994	92,384	91,066	83,622	82,585	83,829
Waltham	47,187	55,413	61,582	58,200	57,878	59,226
Wayland	4,407	10,444	13,461	12,170	11,874	13,100
Wellesley	20,549	26,071	28,051	27,209	26,615	26,613
Weston	5,026	8,261	10,870	11,169	10,200	11,469

Table 2: Population Density in Weston and Neighboring Communities, 1950 and 2000

	Area in Square Miles	Population per Square Mile, 1950	Population per Square Mile, 2000
Lincoln	14.4	169	561
Natick	15.1	1,314	2,130
Newton	18.1	4,530	4,631
Waltham	12.7	3,716	4,663
Wayland	15.2	290	862
Wellesley	10.2	2,015	2,609
Weston	17	296	675

The Growth of a Town

Like many municipalities in eastern Massachusetts, Weston began its modern existence as a part of another town from which it later broke away. In 1630 the English Puritans founded the community of Watertown with extensive boundaries that encompassed the land that would later become Weston. This remote section of Watertown originally functioned as a cattle grazing area. By the seventeenth century, it had become a farming settlement, which, Weston historian Pamela Fox points out, lacked a town green or even a town center. Indeed, its inhabitants had to travel seven miles to attend services at the Watertown church. Eventually the residents tired of their dependent situation and

in January 1713 persuaded the Massachusetts General Court to set off Weston as an independent town.⁶

Despite Weston's early agricultural character, much of the town's land consisted of rocky soil and swamps not conducive to cultivation. The town had four main streams that managed to produce enough power to supply first a gristmill that began operation in 1679 on the Stony Brook and later a sawmill and another gristmill.⁷

In the eighteenth century, the little community of Weston diversified economically, thanks in large part to its location on the Boston Post Road. Starting in 1673 postal riders traveled between Boston and New York on an inland route first called "the great country road" and later "the post road." Postal riders, individuals, and, after 1772, a regularly scheduled stagecoach journeyed down the road. The traffic through Weston inspired residents to build and operate numerous taverns, including the Golden Ball (1750) and Josiah Smith (1757) tavern buildings that survive today. As a result, Weston in the eighteenth and early nineteenth centuries was the scene of boisterous social life marked by heavy drinking and card-playing—a far cry from its genteel future. During the 1700s, the town began to develop small factories, including a tannery on North Avenue and a large redware pottery on Boston Post Road.⁸

During the nineteenth century, Weston was drawn into the economic and social orbit of greater Boston, albeit in diverse and shifting ways. The construction of railroad lines through Weston—the Boston and Worcester Railroad in 1834 and the Fitchburg Company in 1843—connected the town to Boston and other places in New England. The largest portion of land was devoted to agriculture, usually in small parcels—the average size of Weston's farms in 1865 was 53 acres. In the early decades of the century, the town's most valuable crop was hay, followed by potatoes, fruit, butter, and corn, but by the end of the century – no doubt thanks to the growing metropolitan population – milk had become the most profitable product. In the same period, stagecoach travel on the Boston Post Road peaked—with 2,000 trips per week – and brought with it numerous taverns and various shops. By the mid-nineteenth century, however, the advent of railroads rendered the Boston Post Road obsolete, and demand for Weston's taverns and commercial businesses dwindled.⁹

Industries also thrived in Weston. Besides the gristmills common to many New England towns, machine shops produced parts for cotton yarn manufacturing in the region, and wood-planing machinery shops produced widely distributed school pencil sharpeners. In addition, the town had wool knitting and carding mills, a school furniture plant, and a paint and harness workshop. In 1888 Weston's industrial development reached a climax when Francis Hastings moved the Hook and Hastings organ factory from the Roxbury district of Boston to the site of his family homestead near the Fitchburg Railroad line. Hastings erected a factory, cottages, and a clubhouse for his more than seventy workers.¹⁰

Meanwhile, the town also experienced development of a different kind: large country estates for the wealthy. From the late seventeenth century, New England's well-to-do set up gentlemen's farms, country houses, and landscaped estates in towns around Boston. Perhaps the best known surviving seventeenth-century mansions were located in Brookline and Wellesley, Massachusetts, but many others in communities such as Roxbury, Jamaica Plain, Medford, and Cambridge stand as mute reminders of a bygone gentility. During the first part of the nineteenth century, the number of wealthy Bostonians increased, and so too did the number of country estates, especially in places with natural scenery and moderating breezes. As one of these communities, Weston became home to lawyers, gentlemen farmers, and, subsequently, other professionals, merchants, and businessmen. Lured by the town's pleasant views, abundant land, and proximity to

Boston, affluent urbanites at least as early as the 1820s took up residence in Weston as full-time or summer occupants. By mid-century, Weston was home to country houses of some of the richest men in Massachusetts.¹¹

An Estate Community for the Wealthy

By the end of the nineteenth century, Weston – like some other eastern Massachusetts communities that originally contained a mix of mills, farms, and estates – had evolved into “an estate community.” In estate communities, large-property owners sought to maintain low property tax rates. Because the wealthy owners could purchase many services for themselves, they were not averse to a government that provided few such services. On their estates they enjoyed scenic beauty and opposed any changes that might threaten their quiet residential environment. When necessary, they could raise money for essential services, such as road building, by subscription or, if need be, through the town budget. In Weston, for example, several of the town’s wealthy residents in 1896 organized the Weston Water Company, which, until the town took it over twenty years later, sold water to residents. Estate owners generally disliked industrial and urban development that would change the aesthetics of their community and bring hordes of middle- and working-class people to their neighborhoods. Estate owners generally did not oppose having a small number of working-class or middle-class neighbors, to whom they looked for help running their estates and the local government. In the late nineteenth century, however, aversion to taxes, industry, development, and workers fueled the opposition to annexation to the City of Boston in such communities as West Roxbury (unsuccessfully) and Brookline (successfully).¹²

Despite these sentiments, many estate communities eventually experienced real estate development and attracted people with a range of incomes, not just the wealthy. Whether they were Boston neighborhoods, such as Jamaica Plain, or independent towns, such as Brookline or Milton, these estate communities diversified because of their location near an urban center, industrial development, the construction of transportation corridors in or near their borders, or some combination of factors. When such influences became strong enough, individuals in the real estate market pursued—with the cooperation of local government officials—various urban development projects which diluted the elite character of these places.

The town of Weston belongs to another group of old estate communities, which includes such Massachusetts towns as Dover and Carlisle. These towns have retained an exclusive - or at least expensive - character and over time narrowed rather than diversified uses of land. This fate was not completely accidental but rather, at least partly, the result of conscious effort.

Events helped established Weston’s reputation as an elite suburb of Boston. The extension of rail service to the town provided an amenity for well-to-do Boston businessmen. By the late 1880s, the town contained six stations on three rail lines, which allowed riders to reach Boston and other major cities. The town gained further notoriety as a home of the wealthy between 1885 and 1887 when Charles Jackson Paine, a millionaire investor who owned an enormous estate in Weston, bankrolled the yachts that successfully defended the America’s Cup racing trophy in three consecutive races.¹³

In the late nineteenth century, Weston’s leading citizens and officials worked to ensure that it continued to attract rich Boston businessmen and independently wealthy gentlemen. At the conclusion of the Civil War, Weston and other suburban towns benefited when the City of Boston began systematically to collect property taxes, thus unwittingly encouraging an exodus of the wealthy. To attract the arrival of the moneyed classes, Weston deliberately kept property rates low. By the mid-1880s, Weston had

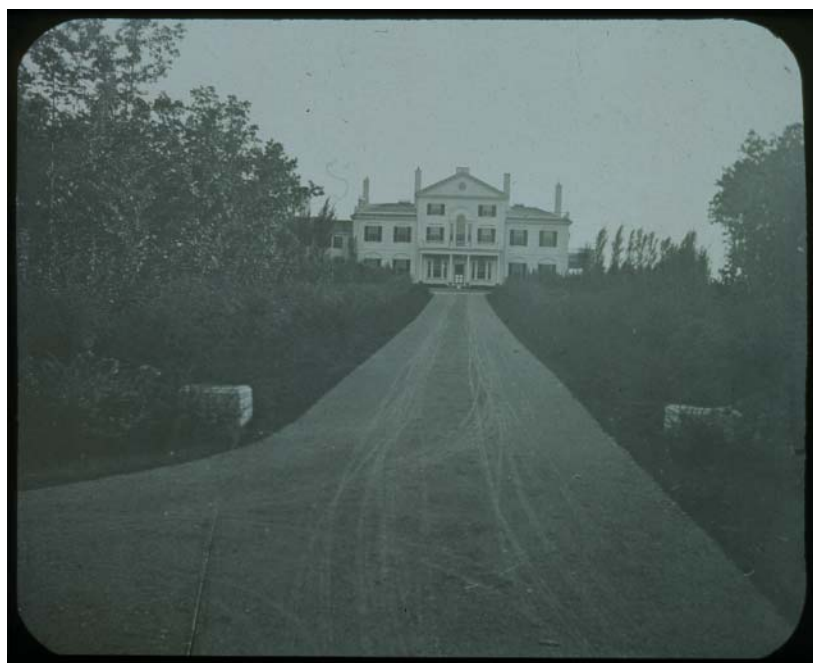
earned a reputation as a low-tax rate town, and over the next decades successive town administrations—dominated by wealthy property owners—kept this reputation. At the turn of the century, the *Boston Herald* calculated that of all the towns near Boston, Weston had the second lowest tax rate, trailing only the small resort community of Nahant.¹⁴

Because it was a home of the wealthy, changes in the behavior of America’s newly formed wealthy elite had a profound impact on the character of Weston. In the early and mid-nineteenth century, rich urban dwellers often clustered their dwellings together but lived in proximity to their middle- and working-class fellow citizens. Beginning in the late nineteenth century, the new elite separated themselves from other elements of society. Socially, they withdrew into exclusive institutions such as the social register, blue blood genealogical societies, and leisure clubs, including the Country Club, the first in the nation, founded in Brookline, Massachusetts in 1882. The wealthy also withdrew physically by moving to communities with tasteful landscapes and homogeneous populations.

Weston became the kind of place that allowed the wealthy to distinguish themselves from the rest of the population. The rich who came to Weston between roughly 1880 and 1915 broke with the earlier tradition of living in existing farmhouses or simple homes. Instead, they constructed great mansions on lavishly landscaped estates. To design their mammoth houses and tame the surrounding grounds, they hired well-known architects – the most prominent of whom was Charles McKim – and landscape architects, including the firm of the renowned Frederick Law Olmsted. At the turn of the century the *Boston Herald* declared that Weston had grown so magnificent that it had become the “Lenox of the East.”¹⁵ (See Figure 2)

The author of the *Boston Herald* profile could not help but contrast the quiet of “this

Figure 2: Horace Sears Estate c. 1906



Courtesy of the Frances Loeb Library, Graduate School of Design, Harvard University

pretty town” with the “whirr of machinery in wide-awake Waltham only four miles away.” Like Weston, Waltham was originally settled by the Puritans as a rural precinct of Watertown and later became a place of great estates—the most splendid being the Gore Estate, the “The Mount Vernon of the North,” built in 1806 on 400 acres. A good stretch of the Charles River passed through Waltham, and in 1813 the Boston Manufacturing Company took advantage of this fact and built the nation’s first large cotton textile mill. From then on, Waltham’s history diverged radically from Weston’s. Although part of the town remained a sparsely settled estate district, Waltham grew into an industrial powerhouse, known for manufacturers such as the Waltham Watch Company, American Crayon Company, and the Waltham Screw Company. Its population swelled with factory workers including Irish immigrants, and in 1884 Waltham became a city. Since then, most Westonians have regarded Waltham as the undesirable and even dangerous opposite of their town.¹⁶

Section II: Precocious Policies of Exclusivity

In the late nineteenth century, Weston’s wealthy residents acted vigorously to reshape the appearance of their town and preserve its exclusive character as an estate community. Weston’s estate owners—particularly members of the Blake, Case, Hubbard, Paine, Sears, and Winsor families—assumed an active role in the public life of the town, including its governance, provision of municipal services, and dedication of private land for public purposes. From 1880, large estate owners—led by Charles Jackson Paine—donated materials and equipment for road construction. Showing the concern for scenery that would become a hallmark of Weston’s land use policy for the next 130 years, the town undertook road improvements to please the town’s well-to-do summer residents who were most interested in good roads and pleasant drives.¹⁷

In the same period—decades before American municipalities adopted zoning—the most prominent citizens of Weston initiated regulatory land use policies aimed at attracting large landowners. The first component of the exclusive land use policy was to discourage objectionable local industry. As early as 1890, in response to estate owners’ protests that a boat builder’s workshop obstructed the road, was noisy, released steam, and lowered the value of their estates, the Board of Selectmen denied his application to expand his workshop on the Charles River. The selectmen laid out the town policy that the future prosperity of Weston depended on attracting “persons seeking country homes in towns at a convenient distance from Boston” which could only be done by keeping taxes low and eliminating businesses that were “obnoxious to the pleasure of home life in the country.” Created in 1888 to promote sanitation and prevent food and water contamination and disease, the town’s Board of Health in 1894 adopted rules that required slaughterhouses to obtain a permit and avoid offensive smells. Imposed after two mills and a slaughterhouse had closed, the new regulatory approach aimed to prevent any activities the estate owners considered a nuisance.¹⁸

As the town moved to restrict industry, some of Weston’s estate owners donated portions of their private property for permanent use as public lands, which effectively removed these lands from the real estate market. Their actions drew inspiration from two popular movements of the late nineteenth and early twentieth centuries. The public park movement led to the creation of the Boston park system, designed by Frederick Law Olmsted, and the region’s metropolitan park system, spearheaded by Charles Eliot, a member of the Olmsted firm. The outdoor recreational movement – which spawned gymnasiums, sports fields, and country clubs across the Boston area – inspired Weston’s citizens to create park land as well as private and municipal recreation facilities.¹⁹

Charles W. Hubbard and Francis Blake led this effort. In 1892, Hubbard donated nineteen acres of land to the Town of Weston for a park along the Charles River. Coming just a few years after the completion of the innovative park system in Boston, this real estate transfer to establish a public park was a remarkable accomplishment for a small town. The deed of transfer to Weston essentially preserved the open space there in perpetuity: it banned any construction of buildings, viaducts, or other structures for 1000 years. The reason, Hubbard clearly stated, was so that his neighbors—here he identified the nearby estate owners—could benefit from the “light, air, prospect and every other advantage” that might be derived by keeping the land open. Hubbard, however, believed that all citizens should benefit from green parklands. The next year he sold 42 acres, including a mile of riverfront land, to the City of Newton at a steep discount, and five years later he assembled 40 acres to develop the Riverside Recreation Grounds, where school, athletic, and social clubs could enjoy a variety of sport and boating facilities.¹⁹

In 1893, another Weston citizen, Francis Blake, led a similar if more elitist effort to “encourage manly sports and promote physical culture.” Blake sold about 25 acres of riverfront land in Weston to the Boston Athletic Association (BAA), of which he was a member. Best known now as the organization responsible for the Boston Marathon, the BAA in the early 1890s was, in Fox’s words, a “private, all-male, distinctly upper-class club” with a clubhouse in the Back Bay and a boathouse on Beacon Hill.²⁰

To Shape an Appropriate Town Landscape

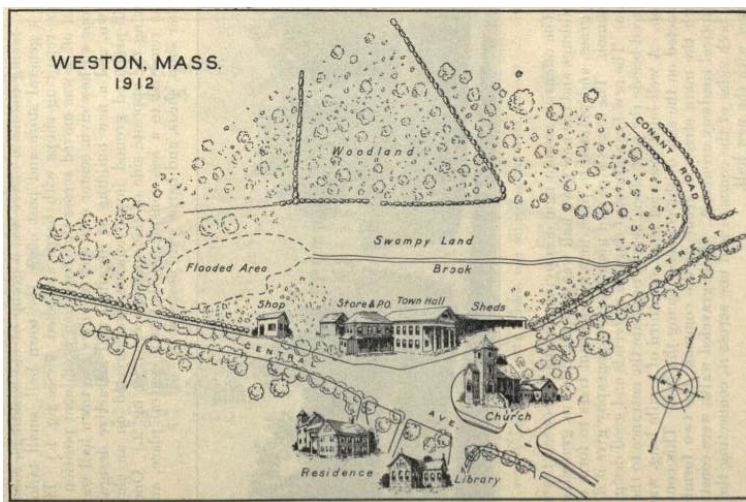
Weston’s early land use policy also sought to shape a town landscape that conformed to the aesthetic sense of the estate owners. To supplement the capacities of the rudimentary town government, in the 1880s a group of citizens organized a Village Improvement Society to erect lampposts and generally improve the streetscapes. (The Westonians were influenced by a village improvement movement that swept across the United States in the late nineteenth and early twentieth centuries.) In 1893, after fire destroyed some structures on the main road, the group expressed their hope that efforts to rebuild the town center area would not be spoiled by “unpicturesque buildings crowding the street.”²¹ Two years later the group reorganized as the Village Improvement Association and explicitly took responsibility for planting trees, maintaining grass along the streets and public squares, promoting street lighting, and watering the roads in the summer to keep the dust from rising.

The Village Improvement Association focused largely on improving the aesthetics of the town center. In the 1890s, its first step was to set up decorative troughs next to a centrally located flagpole. In 1911 in anticipation of the town’s bicentennial celebration, the Board of Selectmen embarked on an effort to improve the town center, as its leader Francis Blake later explained, “so that its beauty could never be marred by squalor or congestion.” In words that Weston’s growth control advocates could write today, Blake wrote: “The people of Weston decided to make plans in advance, believing that by so doing they could avoid incongruous growth and assure a sound and consistent evolution.”²²

The aim of the Committee on Improvement of the Center of the Town of Weston, formed at a town meeting in 1911, was to reshape the existing landscape along the lines of modern town planning. Besides reducing automobile traffic (already a problem in this affluent community) and providing generous open spaces, the committee intended to fashion a traditional New England town common where none existed. Like many old New England towns, Weston had begun its corporate existence with a common for grazing cattle, but in 1718 the town’s residents decided to build a meeting house on this land, leaving Weston without a large communally owned field. Although the construction of a church, town hall, library, and businesses in the 1840s and 1850s gave Weston something resembling a town square, it lacked the aesthetic qualities the townspeople desired.²³

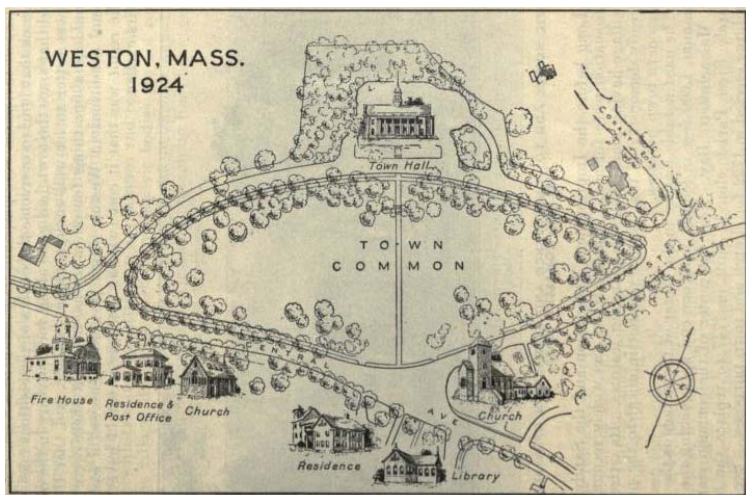
To remedy the situation, the town center committee hired Arthur A. Shurcliff, a landscape designer and town planner who had helped found the Harvard School of Landscape Design, worked extensively in Boston and Massachusetts, and became best known for his work designing the landscapes for Colonial Williamsburg in Virginia.²⁴ In Weston, as in his later work recreating Williamsburg, Shurcliff drew on historical evidence but also imposed his own tastes, which were heavily influenced by the Beaux-Arts and Arts-and-Crafts styles popular in the early twentieth century. The results were invented landscapes that used historical elements to produce highly aesthetic “pictures.” These pictures evoked a history that their sponsors and designers liked to imagine had once existed. The New England commons Shurcliff fabricated in Weston was a similar work of imaginary history. He converted the site of a bog formerly used as a cow pasture into a town green that resembles an early twentieth-century country club or campus.²⁵ (See Figures 3 and 4)

Figure 3: Weston Town Center Before Replanning



Wayne C. Nason, “Rural Planning – The Village,” U.S. Department of Agriculture, *Farmers’ Bulletin*, No. 144, 3

Figure 4: Weston Town Center After Replanning



Wayne C. Nason, “Rural Planning – The Village,” U.S. Department of Agriculture, *Farmers’ Bulletin*, No. 144, 3

Early Subdivisions

During the late nineteenth and early twentieth centuries, Weston's well-to-do citizens not only maintained their community of large estates but also developed portions of their lands for new homes. The practice was not unusual. Even as landowners in estate communities protected their interests by keeping taxes low and discouraging unwanted influences, many also periodically cashed in their holdings by subdividing them into house lots. In the late nineteenth century, owners of large parcels of land in the region of a large city considered their holdings a long-term investment. When they wanted to make money or when nearby urban development raised the value of their land or both, landowners would exploit the opportunity. They would start the development process by subdividing land and selling it as lots. Although this activity changed the landscape, no one questioned the right of landowners to develop their properties. The only restraint on development was the unwritten custom that development should not lower the land values of the neighborhood, although even this restriction would be suspended if local land and business owners concluded that the land would inevitably take on a different character in the near future (if, for example, it lay in the path of industrial development).

For wealthy estate owners such as those in Weston, this was not often a problem since their community retained a high status and they usually preferred to create housing for the upper-middle class and above. In Weston, the process of selling lots or subdividing lots with new roads started in the nineteenth century and resulted in houses along Maple Road and Wellesley Street, North Road, and parts of the Boston Post Road, among other places. By the end of the century, the romantic landscape style of suburban planning had reached Weston. Frederick Law Olmsted had introduced this style to the United States in his 1868 design for the Chicago suburb of Riverside, Illinois, in which he used abundant plantings and curvilinear road patterns that tended to follow rather than alter the topography. In Weston this approach influenced landowners such as Horace Sears, who purchased 46 acres on Pigeon Hill and in 1897 created a planned subdivision of large lots for homes for business and professional households. Land development during the next decades included a failed subdivision of 80 lots at Glenfield in 1905; a successful subdivision, inspired by the closeness to the Boston and Maine Railroad, of the Weston Land Association on Silver Hill; and another carried out in the 1910s on nearby Webster Hill.²⁷

Starting in 1893, investment banker Robert Winsor amassed one of the town's largest estates, Chestnut Farm, which he ran as a gentleman's farm and recreational grounds for family and friends. In 1910 he hired the Olmsted Brothers firm (successors to that of their father Frederick Law Olmsted) to plan roads through his estate for a subdivision of what Frederick Law Olmsted Jr. recorded as "smaller places of (say) ten acres and upwards." Eight years later, when Winsor was 60 years old and his children were grown, he formed the Weston Real Estate Trust to develop his land, the value of which he enhanced by selling 50 acres of adjacent land to the Weston Golf Club for their links. From the 1920s until the 1950s, the trust sold parts of the former Chestnut Farm as house lots. Most of the lots exceeded an acre in size, and the trust sold only to those of, as Fox put it, "accepted socioeconomic and religious background."²⁸

In the 1920s, Charles W. Hubbard brought together a number of owners to subdivide 150 acres as Chiltern Hundreds. Hubbard hired Arthur Shurcliff, then working as Weston's town planner, who designed the subdivision with Olmsted-style curvilinear roads. Lots were relatively modest in size, ranging from a quarter-acre to a half-acre, but house prices were steep—beginning at \$10,000. Other land development projects followed, including those of local developer J. Irving Connolly, who prepared and sold several parcels,

including one with 93 lots ranging from a third of an acre to an acre and a half. Many of the houses built in the 1920s were moderately sized Cape Cod style homes, befitting the current fashion for smaller houses.²⁹

Codifying Permanent Land Use Restrictions

In the early decades of the twentieth century, American municipalities began to adopt the formal tools of planning, some of which they borrowed from Europe. Although Germans originally conceived of zoning as a way to preserve land for working-class residents, across the Atlantic landowners quickly adopted this and other tools to protect the values of their properties and the exclusivity of their neighborhoods. In cities across the United States, white property owners supported zoning to fend off industrial development and keep out members of population groups such as African Americans.

In this exclusionary spirit, Weston made its first strike in systematic land-use regulation. After a crusade by the Massachusetts Civics League, an upper-crust social-reform organization, had persuaded the state legislature in 1912 to pass enabling legislation for local regulation of tenements, Weston seized the opportunity to pass a Tenement House Act the same year. The town's new bylaw aimed at restricting apartment buildings, particularly the indigenous New England three-decker, a flexible if much-maligned building type.

It is remarkable that affluent Weston took action against three-deckers at this early date, as the town apparently contained no three-deckers nor – apart from the handsome double cottages and converted single-family houses near the Hastings organ factory – any multifamily buildings. As the tenement house reform movement originated from the effort to clear big cities, especially New York, of crowded slums, housing reform efforts in Massachusetts focused on densely settled industrial districts— primarily in Boston, its urban suburbs, and mill towns such as Lowell and Fall River. Nonetheless, a few rich communities such as Weston, Brookline, and Lexington, also jumped on the tenement-reform bandwagon, a trend in Massachusetts that did not occur in other states.³⁰

The ultimate purpose of the movement to ban three-deckers and multifamily buildings was, of course, to keep out their tenants, who would likely be working class. The law took aim at physical structures rather than people primarily because courts usually found explicit exclusion of population groups unconstitutional. Nonetheless, as Prescott Farnsworth Hall, an active citizen of Brookline and a leader in the national anti-immigration and eugenics movements, bluntly explained, the Massachusetts towns that passed the law did so “to prevent invasion from outside.”³¹

Like their counterparts elsewhere, the Weston advocates of the state housing act attacked three-deckers for lowering the value of nearby properties. It is difficult, however, to imagine how the presence of such buildings would have lowered assessments of Weston's enormous country estates. In fact, the members of the Weston committee that espoused the ban on three-deckers in their town made no attempt to hide their class prejudices. They opposed the three-deckers because the buildings would attract “a class of tenants who add nothing to the revenues of the town, but who, on the contrary, become the cause of increased expense in all departments.”³¹

After this first act in formal land-use regulation, it is not surprising that Weston officials seized upon the novel practice of zoning to maintain Weston as an exclusive and expensive rural community through its appearance and inhabitants. Writing in 1921, the Weston selectmen argued that the town planning was valuable for both aesthetic and practical business reasons, and the following year the town meeting voted to institute a planning board, comprised of five interested citizens. In its initial report issued in 1924,

the planning board set its main goal: to protect Weston's "distinctive character" as a "quiet, beautiful country village" from such commercial hazards as "roadside stands, refreshment booths, and Sunday selling." To do so, the board urged that Weston "not lag behind in safeguarding its future," and therefore follow the example of dozens of Massachusetts municipalities that had adopted or were preparing to adopt comprehensive zoning. Implementing zoning would allow the town to keep pace with the changes spurred by motor vehicle traffic and counteract "the problems of public garages, oiling stations and the small manufacturing industries which are creeping into towns all over the state."³²

By 1924 the board had already taken steps toward zoning by hiring Arthur Shurcliff as Weston's town planner, a position he held until 1930. Shurcliff assayed the local problems that planning might help solve. These included traffic congestion—a local issue that by the end of the century would become a cliché—as well as dealing with some 800 acres of swamps or "useless land," some of which Shurcliff urged be drained for roads, and the siting of future schools, playgrounds, and cemeteries. Significantly for what would eventually become town policy, Shurcliff urged Weston's government to acquire "lands of scenic interest." "As the town builds up more closely," Shurcliff wrote with great prescience, "the question will arise to what degree the townspeople are willing to allow these landscapes to disappear as land is cut into house lots."³³

Before enacting zoning, however, the town imposed comprehensive control over all construction within its boundaries. In 1926 Weston enacted a building bylaw, which a town committee had drafted the previous year. Besides requiring a permit for construction, the bylaw laid out standards for the height of buildings, their placement on a lot, and the method of and materials used in construction. The town created and immediately filled the position of Inspector of Buildings to enforce the new regulations. These steps were customary for even a small urban community, but seem extraordinarily cautious for a self-styled rural village comprised, for the most part, of extremely wealthy property holders, who could be expected to use superior materials and methods for their building.³⁴

Meanwhile, the planning board drafted a sweeping zoning bylaw, which after some deliberation the town meeting in 1928 adopted virtually unchanged. The law consigned all of Weston's land to one of four types of districts – single-residence, general-residence, business, and industrial – and restricted the use of land within them. As its name indicated, the single-residence district was limited to single-family detached homes, although it allowed exceptions such as churches and greenhouses. The general-residence district permitted the same uses and also allowed attached or semi-attached houses and lodging houses. The business district contained commercial activities and light manufacturing, if not considered dangerous or a nuisance. Industrial districts could include factories but prohibited noxious or offensive activity.

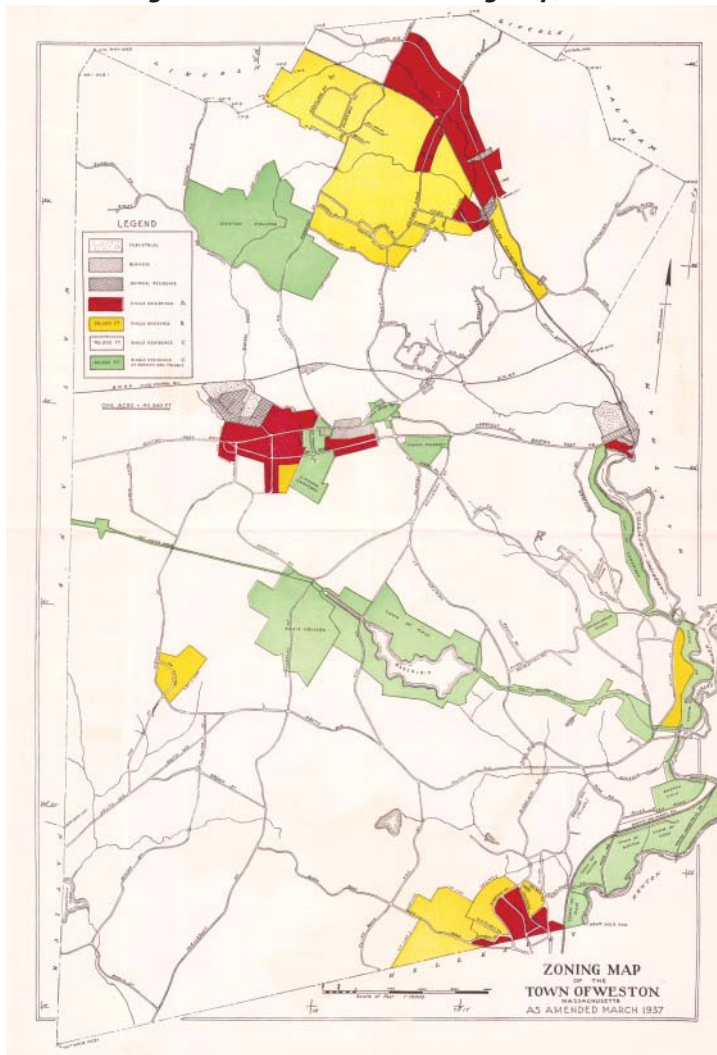
All this seemed reasonable and similar to zoning in other towns and cities. Only an examination of the boundaries and relative sizes of the districts reveals the revolutionary character of Weston's zoning plan. The planning board placed virtually all of Weston's seventeen square miles in the territory of single-family houses. (See the Plan to Accompany Zoning Ordinance.) In drawing their zoning map, Shurcliff and the board took into account land uses as they existed in 1928, but the minuscule districts assigned to uses other than single-family residences ensured that these uses would never occur outside their bounds. In addition, the regulations placed a height limit of three stories throughout the town, another barrier to any future change in use. The only way to obtain an exemption from the regulations was to apply to the Board of Selectmen for a variance, a process which offered long odds in such an exclusive town.³⁶

Tightening Zoning in the 1930s

By later standards, the initial zoning act seems relatively lenient in its rules for minimum lot size in the residential district, setting it at 10,000 square feet or a little less than a quarter of an acre. In the following years, however, the town of Weston placed increasing portions of its land into districts with higher minimum lot sizes. In 1934, the town increased the minimum lot in the single-family district to 15,000 square feet or a third of an acre.³⁷

In 1936, the planning board declared that because of “Weston’s rapid growth,” it was essential to update the town’s zoning to ensure “the health, happiness, and proper progress of the Town.” Continuing the tradition of eliminating any industrial activities, the town’s planning committee called for zoning to reflect the effect of the recent demolition of the closed Hastings organ factory at Kendall Green, “raising the standard of the neighborhood from industrial to residential.” The planning board proposed dividing the single-residence district into three classes, with increased minimum lot sizes of 20,000, 30,000, and 40,000 square feet respectively. In addition, the zoning amendments created a new street frontage requirement of 100 feet in Class A and 125 feet in Classes B and C, where the lot line setbacks were increased to 20 and 25 feet.³⁸ (See Figure 5)

Figure 5: Town of Weston Zoning Map, 1937



The amount of land assigned to each new zoning class was directly proportional to the number of restrictions imposed. The least restrictive, Class A, occupied the least land: a stretch along the Boston and Maine railroad in the northernmost section of town, a section of the center of town adjacent to the Boston Post Road and the bypass, a small area off Dean Road on the town's southern border (with Wellesley), and a tiny patch next to the industrial district at the Waltham line. Most of the Class B districts were large tracts adjacent to the Class A zones in the north (between Sunset Road and the railroad) and south along the Wellesley border. But the overwhelming majority of Weston's territory belonged to the single-residence class C, in which the minimum lot size was almost an acre.

Weston's selectmen recommended that the town adopt the new zoning as a way to prevent speculative builders from changing "the whole character of Weston as a rural community" into "merely another crowded residential suburb." The town meeting voted to enact the far-reaching scheme in 1937, signaling its agreement with the selectmen.³⁹ The selectmen understood the significance of the zoning and accurately assessed its impact: moving away from its earlier informal approach, the town had codified the means to ensure that Weston would remain an undeveloped, well-to-do community. Thus, by the late 1930s, Weston had put in place a set of legal measures to safeguard the town against unwanted forms of development and unwanted working-class people.

This effort to freeze the status quo in Weston did not mean that all the residents were wealthy landowners. Although predominantly a well-to-do Yankee town, it was home to middle- and working-class residents not only of English Protestant but also of Irish and Italian descent, some of whose family members had worked on the great estates. During the Depression, local destitution and unemployment led staunchly Republican Weston officials to accept federal New Deal funds for dozens of local improvement projects, which employed town residents. And even though farms and estates took up most land, the Broken Stone quarry remained an outpost of industrial activity, producing crushed stone and asphalt.⁴⁰

During World War II, labor and materials shortages brought residential development to a halt. In anticipation of the increased demand and resumption of construction and highway traffic after the war, the town continued to be vigilant about maintaining the "general character of the town." Following the lead of recent Massachusetts statutes expanding the duties of local planning boards, in 1943 Weston changed its planning board to an elected body and vested in it responsibility not only for long-range planning, but also for the approval of subdivisions. When the war ended, Weston expected a "substantial amount of building," but zoning would ensure that it would take the form of "well spaced and suitably constructed residences." Even during the extreme postwar housing shortages, the town's committee on veterans' housing recommended that returning veterans be sheltered in existing municipally-owned and private properties rather than by building new homes or allowing denser residential development.⁴¹

Section III: Postwar Campaigns Against Growth

During the postwar era the demand for suburban homes in the Boston region soared, and even Weston found it impossible to resist completely. Through the Depression and the War, the number of Weston's residents and dwellings had increased slowly but persistently, and three years after the war's end, the town experienced a growth spurt. Between 1948 and 1953, the population increased by 20 percent and the number of homes by 33 percent. (By 1950 the town's population had risen to 5,000 people occupying almost 1,200 homes.) The growth spurt hit full stride during the 1950s, when the town added more than 3,000 residents and 800 homes. While these would be small totals in most communities—neighboring Wayland and Wellesley gained twice as many

residents while Lincoln gained about the same number—in Weston they represented a 40 percent increase in both categories.⁴²

As the number of applications to subdivide properties rose, so did the number of houses and residents. Many Westonians concluded the town had taken the first steps toward becoming a much more densely populated community. Looking ahead in 1948, a town historian wrote that, barring major economic upheaval, “Weston ten years hence will bear only a remote resemblance, physically, to the quiet country town it has been these centuries past.” In 1955 a town planning consultant took a longer view and predicted that the town would be “fully developed” in about 40 years, when the population swelled by at least 230 percent to 14,500 residents or possibly much more.⁴³

The town’s leaders grew anxious that the increase in residents threatened the character of the town and its traditional policy of low taxes and minimal services. In 1952 the Board of Selectmen expressed its feelings in terms strikingly similar to those of later generations of suburbanites throughout America:

Of the many problems that have confronted the town in the past year, the most important can be described in one word, “GROWTH” — more houses, more families — more children, more roads, more school facilities, more public services and — more and heavier taxes.

The selectmen complained that the tax revenues generated by the new homes would not match the resulting municipal expenses.

We can only express the hope the many fine new neighbors who are constantly joining us will appreciate that if they demand all the services they received from the urban areas they deserted, we cannot afford to keep Weston the rural area which so attracted them. If we can maintain such rural atmosphere, at a minimum cost to the taxpayers, we hope that owners of large areas will not feel compelled to make further subdivisions, and that our real estate operators will deem it wise not to encourage them to do so, for “Growth” even at our present rate can not be absorbed within our tax structure and without excessive strain on our municipal services.”⁴⁴

There were other threats to the unspoiled beauty. The Commonwealth’s Toll Road Authority approved construction of the Massachusetts Turnpike through the southern part of town. The vigorous protests of Weston residents, the planning board reported, had convinced the Toll Road Authority not to build on a route that would have entailed the demolition of more “attractive homes,” but they could not stop the road altogether. Weston’s leaders understood that the convenient access to Boston that the turnpike offered would increase the number of people who wished to live in Weston and eventually “focus development in our direction.”⁴⁵

Still Tighter Controls

In the face of these threats, Weston’s selectmen and planning board, with the hearty support of the townspeople, again took action to control future growth and preserve Weston’s “rural atmosphere.” First, they enacted a zoning law more restrictive than the previous one passed in 1937. The planning board developed the new scheme, and in 1954 the town meeting adopted it by a vote of more than two-thirds.⁴⁶

The new plan divided the three residential classes of 1937, with their respective minimum lot sizes of 20,000, 30,000, and 40,000 square feet, into four kinds of districts. The 1954 zoning plan expanded the district with the 30,000-square-foot minimum at the expense of the one with the smallest minimum lot size. Thus, the town confined the type of district with the 20,000-square-foot minimum lots to a few small scattered locations. The 1954

scheme carved a new District B out of what had been the largest and most restrictive zone in areas near the Boston Post Road and along the southern, eastern, and northern town borders. Reflecting existing conditions in these areas, the new District B maintained the old 40,000-square-foot minimum lot size from the 1937 classification. In District B and the 30,000-square-foot lot district, however, the planning board increased street frontage and setback requirements. The 1954 plan, moreover, placed the remainder and easily the largest portion of Weston's land into the most restrictive zone yet, District A, where the rules compelled 60,000-square-foot minimum lots (about 1.4 acres), 200 feet of street frontage, and building set back 45 feet from the lot line and 85 feet from the center of the street.⁴⁷

Assessing their accomplishment, the members of the planning board concluded with satisfaction that the new bylaw would ensure that all new development in Weston would proceed "in a manner consistent with the country-like nature of the community."⁴⁸ As it turned out, the planning board members spoke truly. With a few later changes, the 1954 revision of the zoning code has governed Weston's development ever since.

Preserving Land and Protecting Against Development

Besides tightening the zoning law, Weston's leaders and citizens began to protect the town from future subdivision development by acquiring undeveloped land. In 1952 the planning board first considered the idea as a way to protect the water supply and create recreation areas. The following year, the town formed a special Town Forest Committee to investigate practices in other places with town forests and the costs if Weston acquired its own forest preserve. The committee recommended that the town move quickly to obtain woodlands—especially a 400-acre parcel in the Jericho area—"before available areas are all 'built-up.'" As the planning board members felt about the new zoning scheme, these committee members believed that, as in other towns, a town forest would "preserve a country atmosphere."⁴⁹

In 1954 the selectmen appointed a new committee to recommend what areas the town should acquire for town forests. Early supporters of the idea included longtime active residents and selectmen, William R. Dewey, Jr. and Charles M. Ganson, but it was Doctor William Elliston who emerged as the local leader to save wooded areas. A gentleman farmer and amateur naturalist as well as a physician, Elliston became the first chairman of the 1954 committee, which identified likely places for acquisition. Under Elliston, the committee appealed to landowners' financial interests. Because the value of lands abutting the town forest would rise steeply, the committee argued, landowners should sell parcels for use as town forest at a discounted price, which they would quickly recoup.⁵⁰

The following year, Weston's government, acting on the committee's recommendations, established two town forests. The town paid \$51,500 to the trustees of the Charles J. Paine estate for 147 acres near Highland Street south of the water reservoir and set it aside as the Highland Town Forest. Inspired by the effort at land conservation, Paine's heirs gave the town an adjacent five-acre parcel. Marion B. Farnsworth also conveyed a tract of 40 acres to initiate the Jericho Town Forest. In the following years, Weston would add hundreds of acres to these and other town forest sites.⁵¹

In 1955 Elliston joined eleven other Weston men and women to found a private land-preservation organization, the Weston Forest and Trail Association, to acquire through gifts or purchase additional open lands for the town, and to build and maintain walking and horseback riding trails through them. In effect, the association functioned as a nonprofit extra-governmental body, carrying out town conservation policy by keeping up Weston's nature preserves and facilitating further purchases of woodlands by the town. Although anyone could walk in Weston's forests, Elliston specified in the founding document that the new group hoped to develop the town's recreational areas "for the use

and enjoyment of members of the Association and residents of Weston.”⁵²

Finally, in 1961 the town responded to a new state law for wetlands protection by reconstituting the Open Areas Committee as a Conservation Commission. In its first report, the new commission noted that Gertrude Fiske’s heirs had offered the town some 36 acres between the Jericho Forest and a tract given by the Dickson family to the town two years earlier. The commissioners expressed their views on conserving rather than developing land. “Acquisition of such areas [wet pockets] for Green Belt purposes, rather than encouraging their use for building, can often be a sound economy [sic] measure for the Town.”⁵³

With such constraints on supply, the number of large tracts to subdivide began to dwindle. By the mid-1960s, the number of new building lots the planning board approved had slowed noticeably. In 1965 Louis Dean sold the last remnant of his dairy farm that had once included a market garden and piggery. The Dean Dairy was, according to the planning board, the town’s “largest remaining privately owned contiguous parcel of land.” The buyer, developer Ernest Comeau, subdivided the 92-acre plot into 52 potential house lots, which were sold over the next twenty years.⁵⁴

The 1965 Dean Dairy subdivision was the last large subdivision in Weston. Subsequent subdivisions divided only small tracts into handfuls of single-family house lots. This was not because there were no more large tracts with development potential, but because town policy precluded the development of such tracts for homes.⁵⁵

A New Era of Slow Growth

Although the land regulatory and preservation regime first instituted in 1950s ensured that Weston would remain a haven for wealthy single-family homeowners, the town was not immune to outside pressures for development. Weston was located close to Boston in the burgeoning technology belt of the Hub’s western suburbs. The completion of a super-highway through the town – the Weston to Allston segment of the Massachusetts Turnpike in 1964 – made it even more convenient for automobile commuters.

The town’s suburban location and large tracts of land also made it attractive to large institutions. In 1967 the owner of the professional football team then known as the Boston Patriots, which did not have its own stadium, briefly considered Weston as a suitable site for a permanent football arena. (The stadium was later built in Foxborough, Massachusetts.) About the same time, the Lahey Clinic sought to move its facilities to Weston, but the planning board announced it would not support changing the site’s zoning designation from residential.⁵⁶

Through the 1960s and 1970s, the leaders of Weston continued to closely monitor development proposals that might alter the town’s character. Although they allowed a new supermarket in the town center, the selectmen kept track of the population size and number of dwellings to ensure that Weston was not experiencing undue growth. Despite their success in evading a football stadium and the Lahey Clinic, they worried that Weston’s large-lot zoning and large open spaces made it attractive to institutions “requiring a large area close to both the core city and major highways.”⁵⁷

A Local Leader for Land Conservation

No one better embodied the belief in protection and preservation or did more to achieve it in Weston than did Bill Elliston. Elliston had helped found the Weston Forest and Trail Association and persuaded the town to spend heavily on land for preservation. From 1958 to 1979 he also served on the Weston planning board, a critical place for monitoring development, and was recognized as its leader. His philosophy on the planning board was simple, according to one who served with him. Elliston believed that the people

of Weston wanted it to be “a country town,” and with his strong personality, he did what he could to enforce that belief. He opposed building sidewalks because they were incompatible with a country town. To this day, few roads in Weston have sidewalks.⁵⁸

Fearful of too many houses or institutional buildings, Elliston and other town leaders were loathe to let any large land parcels go on the private market. In 1970 Weston College, a theological school established by the Society of Jesus (Jesuits) in Weston in 1922, moved its facilities to Cambridge, Massachusetts, and announced it would sell its old 330-acre campus. The Weston planning board immediately formed a committee, led by Kenneth Germeshausen, to seek ways the town could obtain “a substantial portion of this land for recreation, conservation and other town uses.”⁵⁹

Germeshausen, and committee member Hugo Uyterhoeven, according to historian Fox, “went far beyond the Weston College question” to recommend “a major program of land acquisition.” Reacting to Weston’s construction surge in the late 1960s, they estimated that 200 acres were being developed every year and at that rate the town’s remaining open space would disappear in ten years. Furthermore, they argued, the development of new houses would raise the cost of services more than the taxes they would generate. The committee called for the town to put up a large sum to buy land for conservation. “We asked for a checkbook to compete head-on with the developers,” Uyterhoeven explained later, “who rapidly were buying up the remaining land.” In 1972 the citizens at the town meeting complied, unanimously approving a \$2.8 million bond to obtain new conservation land to be linked with that already in the town’s possession.⁶⁰

Under the leadership of Elliston and others, the town of Weston and the Weston Forest and Trail Association began to aggressively acquire land. Within two years, the town had expended their bond money, with three-quarters purchasing land to create a green belt from the town’s northwest section to the reservoir. Between 1972 and 1975, the town and the Forest and Trail Association obtained 1,115 acres to add to the 760 acres they already owned.

Despite the vote for substantial sums to buy the Weston College land, the deal did not work out immediately. Reflecting intense local opposition to multifamily residential development, the town meeting shot down a proposal to raise the money by developing 100 condominiums on one section of the property. In the end, the Jesuits retained their building and part of the land for a retirement home for 75 priests, a nursing facility, and spiritual retreat center. In 1977 the town obtained 146 acres of the former campus when Elliston, Hugo Uyterhoeven, Kenneth Germeshausen, and Harold “Bus” Willis Jr. arranged the purchase, financed with a separate bond and state matching funds, for conservation land.⁶¹

In 1975, the Weston town meeting voted to impose yet another method of preserving land from development. Following the lead of the state enabling act, the town created the Wetlands and Flood Plain Protection District. As in other communities, the town could prohibit any construction in areas designated as wetlands and flood plain. (See Figure 6)

The following year, the town’s Local Growth Policy Committee, comprised of leading citizens – including preservationists Elliston and Mrs. Sandra Uyterhoeven, the developer Ernest Comeau, and ex-officio State Representative Edward M. Dickson – assessed the impact of the town’s land use practices. “In spite of an increasing pressure to expand because of improved automobile access to Boston,” the members explained, “population density has remained low.” At least part of the reason, they stated bluntly, was the town’s “zoning and land acquisition policies.” The result was clear.

Growth has been so slow, and so controlled, that there has been very little change in the overall character of the town. New homes were only built at a rate of 95 a year in 1963 gradually going down each year to 27 in 1975.⁶²

Figure 6: Town of Weston, Wetland and Flood Plain District, 1980



And yet, Westonians still fretted about the possibility of massive building of new houses in their town. According to a planning board inventory compiled in 1979, Weston had a little more than 2,000 acres which could potentially be developed. If this land were built out in accordance with the current zoning, the board reported, it would add 800 new houses that would shelter 3,000 more residents. They needn't have worried – in the next twenty years, Weston gained not 3,000, but 300 new inhabitants.⁶³

Section IV: Liberal Weston and Civil Rights

As the 1960s dawned, a combination of Weston's historical legacy of wealthy residents, scrupulous preservation of amenities, highly restrictive land-use regulations, and the high quality of government services (particularly schools) had turned the old estate community into one of the most exclusive suburbs in the Boston metropolitan area. In 1960, the census bureau found that the population of Weston, like that of almost all other Boston

suburbs, was more than 99 percent white. The census counted less than a half-percent of Westonians as African American. In contrast, according to the census, Boston was the only community in the region where African Americans made up about 10 percent of the population. Those listed as foreign-born made up 6 percent of Weston's population but almost 16 percent of Boston's. Where the median number of school years completed in Weston was 14.8 years, the comparable figure in Boston was 11.2. The median income of Weston's families was \$13,700, twice as high as that of Boston. In Weston, almost 70 percent of the families earned more than \$10,000 (a very high figure at the time), a stark contrast to the 18.5 percent of similar households in Boston. At the low end of the income spectrum, only about 6 percent of Weston's families earned less than \$3,000, whereas in Boston, the proportion was 15 percent. In short, by 1960 most wealthy white people clustered in expensive suburban towns such as Weston, whereas most people who were working class, immigrants, and/or members of a racial minority lived in cities such as Boston or industrial suburbs such as Waltham, Quincy, or Chelsea.⁶⁴

It would be easy to assume that the composition of the Weston population and the town leaders' deep commitment to preserving exclusive land uses reflected widely held prejudices toward those who were not wealthy white Protestants. To encounter some degree of ethnic and religious bigotry in a conservative Yankee community would not be surprising—after all, prejudices toward members of different racial, ethnic, and religious groups is a deep strain in American culture, and Massachusetts communities of all socio-economic traits have a long history of such attitudes. And, although this brief study could not corroborate their assertions, some longtime Weston residents, believe that some residents, particularly in the past, held anti-Semitic and anti-Catholic views.⁶⁵

However, a number of Weston's citizens were inspired by the civil rights movement to extend Weston's advantages to low-income, African American residents of Boston's inner-city neighborhoods, and the town government supported their efforts. In 1965—the year of the dramatic anti-segregation protest marches in Selma, Alabama, which followed the previous year's passage of the national Civil Rights Act—several Westonians initiated a program to bring youngsters from Boston's Roxbury neighborhood to Weston to join local children at a racially integrated summer camp. Strong believers in racial equality, the summer camp organizers included the minister of Weston's First Parish Church, Reverend Harry Hoehler, and his wife, Reverend Judith Hoehler, Phyllis and Gene Ritvo, Herb and Nancy Baer, Imogene and Ken Fish and Jay and Gay Fay. Doctor Elliston supported the effort by performing medical examinations on the Roxbury children. These Weston liberals persuaded the town recreation committee, whose members initially were unenthusiastic, to help the camp get started.⁶⁶

The following year the camp organizers turned it into a year-round integrated preschool and formed a nonprofit organization, Roxbury Weston Programs, to run it. According to Fish, it is the oldest racially integrated preschool in the country. About this time frustration with the Boston school committee's intransigent attitudes toward racial equality led a group of Roxbury parents, in cooperation with school districts from seven affluent suburbs, to found the METCO program, in which inner-city minority children would travel to attend suburban schools. The members of the Weston school committee refused to participate in the METCO program, however, until the founders of the preschool demonstrated to them that an integrated school would work. Observing the preschool convinced the school committee to join METCO – on the proviso that they gradually increase the number of African American children by matriculating graduates of the preschool.⁶⁷

The Issue of Social and Economic Diversity in Massachusetts

The organizers of Weston Roxbury Programs and the METCO program earnestly and, many would say, successfully responded to the immediate problems created by Boston's social geography, but they did not challenge the geography itself. Others did challenge the inequities of urban and suburban settlement patterns. As the civil rights movement moved north and riots broke out in big cities, reformers and housing experts pointed to the exclusionary policies of suburban towns as a cause of the nation's seething urban ghettos.

To provide low-income and racial minority households with more choices of places to live, critics called on suburbs to allow development of low- and moderate-income housing. After Congress created a commission to find ways to eliminate slums and sprawl, in January 1967 President Lyndon Johnson named former Illinois Senator Paul Douglas as its chair and requested that it "conduct a penetrating review of zoning, housing, and building codes, taxation, and development standards," which, he asserted, stunted opportunity and caused "many of the ills of urban life." Later that year, Johnson set up another committee—headed by industrialist Edgar Kaiser—to recommend ways to improve federal housing programs and the industry generally. Both federal commissions proposed ways to overcome exclusionary land use practices. In Massachusetts, an investigation of suburban zoning practices commissioned by the state senate in 1967 concluded that large minimum lot sizes, minimum frontage requirements, setback requirements, and building height limitations encouraged economic and possibly racial segregation by placing the cost of housing out of reach of low- and moderate-income families.⁶⁸

Impressed by these three reports, in 1967 Massachusetts legislators introduced several bills to restrict municipal zoning powers, including a bill that would have established a maximum lot size of 15,000 square feet where water and sewer facilities are available and 20,000 square feet elsewhere. Such an approach would have had a dramatic and relatively rapid effect on the population density and social diversity of towns such as Weston, but the legislature did not pursue it. It took a different approach and in 1969, enacted a complex mechanism for overriding local land use approval procedures with comprehensive zoning at the state level. The law is sometimes called the "anti-snob zoning law" but more frequently by shorthand for the statute number, "40B."⁶⁹

Under the 40B law, a developer proposing to develop projects in which 25 percent of the for-sale units are affordable to low-income households, or 20 percent of a rental project's dwellings are affordable to very low-income households, avoids the usual permitting process with its plethora of boards and regulations.⁷⁰ Instead the developer applies for a "comprehensive permit" to a single local body, the Zoning Board of Appeals (ZBA). If the ZBA denies the application in a community where less than 10 percent of the total housing stock are in projects with permanently subsidized units, a developer may appeal to the state's Housing Appeals Committee, whose rules generally favor the developers. The law allows developers to build at densities and with designs sufficient to ensure that the proposed project is "economically viable" even if these characteristics would not be allowed under local zoning.⁷¹ This provision and the state's ability to overrule local planning boards make the 40B law controversial in Massachusetts suburban towns such as Weston.

Weston Considers Housing

Weston's officials eventually helped Weston take what was for the town a radical step: to allow multifamily residences within its borders. In the ferment over exclusive land use regulations, town leaders saw an opportunity to alleviate a long-standing problem created

by rising house prices. As early as 1965, the selectmen had taken a cue from that year's master plan and appointed a committee to consider encouraging "multiple type" housing for Weston's elderly and town employees, who were priced out of town. The selectmen, however, drew the line at allowing "general multiple housing," open to the public at large because "the residents of Weston wish the town to remain primarily a single-family residential community."⁷²

Despite their limited ideas about what was possible, the town leaders were serious about finding a way to retain Weston's less affluent elderly who no longer needed or wanted their houses. In 1966 a town committee on elderly multifamily housing concluded that at least a third of aging Weston residents wanted to remain there after they retired but "in housing of a type different from that which they now occupy." Most of these people, they discovered, could finance their own housing, but some were already experiencing financial difficulty.⁷³

In response to the passage of 40B, in 1969 the selectmen set up a standing committee on housing needs and possibilities. This committee gauged townspeople's attitudes toward the introduction of multifamily and low-income housing and investigated the practicality of such methods as tapping government housing assistance programs and establishing a local housing authority. The results of the committee's survey indicated that Weston's residents were most receptive to the idea of housing for the elderly, but opinions varied on the need for housing other population groups. Most Westonians were anxious to preserve "the essential character of the town." The committee decided to stay in business in order to "keep abreast of new developments in legislation or proposed legislation which might compel the Town to revise its zoning and to continue to measure the 'social conscience' of the town."⁷⁴

In 1971 the committee on housing needs and possibilities delivered its final report, which indicated that the townspeople had a "social conscience," although tempered by a desire for the status quo. The committee found that residents did not consider the lack of housing choices in Weston a pressing problem, and to the extent that they considered it a problem were most concerned about the need for moderately priced elderly housing. Still, 60 percent of those questioned supported some development to make low- to moderate-income available, and 41 percent went so far as to endorse bringing such housing to their neighborhood. Those who opposed housing programs emphasized their desire to keep taxes low and preserve the town character.

As it assessed the possibility of new forms of housing in Weston, the committee cautioned that the majority of residents might not be willing to accept the changes that would bring low-income housing to the town. Furthermore, the committee thought that, at least for the present, the town did not have to worry about the state or federal government imposing requirements that localities build different types of housing. Perhaps for these reasons, the committee saw no need for Weston to form a public housing authority.

Despite its cautious attitude, the housing committee strongly favored the creation of 50 to 100 moderately priced dwellings for elderly and town employees. Such projects, it declared, would have to be financed privately. The committee believed that some forms of higher density land uses were inevitable in the future, but they should be carefully controlled. In this regard, it recommended allowing owners to convert or add apartments to existing structures.

First Efforts for Affordable Housing

Stirred by the tumult over suburban exclusivity and prodded by pillars of the town, certain townspeople took action even as the housing committee deliberated. In 1969

members of an old and respected Weston family, the Willises, petitioned the town to create a zoning bylaw category for multiple dwellings that would allow them to develop their property for elderly housing. The members of the Weston planning board analyzed the proposed multiple dwellings amendment and declared themselves satisfied that it would conform to the town's long-range goals as codified in the initial zoning of 1928 and its subsequent revisions of 1937 and 1954. Furthermore, the board members "hoped that the provision for a limited amount of apartments under the new regulations will meet the needs of a number of long-term residents in enabling them to continue to reside within the town despite advancing age." They argued for relief from the long-standing ban on apartments, although they did so on the grounds that the new apartments would serve not newcomers or outsiders, but rather current Weston residents.⁷⁵

Thus reassured, a special town meeting in December 1969 amended the zoning bylaw to create a category for multiple dwellings. It was the first time that such buildings would be allowed in Weston since they had been banned in 1912. The new multiple dwellings zone, however, was restricted to one district where the Willis family land was located. Here the family developed 99 "garden type apartments" in 22 buildings composed of three and four attached units, from one to three bedrooms, arranged along a loop road off Concord Road.

The Willis family was careful that the appearance of the development, named Jericho Village, conformed to Weston tastes. The family hired developers who worked in Boston's affluent suburbs: the architectural firm of Royal Barry Wills and Associates, known for its founder's upscale traditional New England-style homes; and the landscape architects Shurcliff, Merrill and Footit, successors to Arthur Shurcliff, designer of many of Weston's public and private landscapes. With the support of Weston's town leaders, Jericho Village received a permit in 1971 and was completed in 1974.⁷⁶

As the Jericho Village project went forward, the town continued to thrash out the issue of elderly housing. In the mid-1970s, the planning board deliberated the issue cautiously, but local members of the clergy encouraged Westonians to form a committee to find a way to house their elderly citizens of modest means. From this activity emerged a leader, Victor Harnish, an attorney who lived in Weston. With support from Harold Hestnes and Joan Vernon on the Board of Selectmen, the committee prepared a plan for the town to donate land, available thanks to its recent purchase of part of the Jesuits' Weston College campus. Harnish, along with H. Kenneth Fish and others, formed Weston Community Housing, Inc. to which the town sold 15 acres of this land for \$100. Harnish and his allies convinced the townspeople to accept the project by arguing that with the town's rising land costs, there was no place for their parents to retire. In 1978 Weston Community Housing completed construction of Merriam Village, a small project of 30 modestly priced rental apartments for the elderly.⁷⁷

Meanwhile, the momentum for low-cost housing for the elderly continued to build. In 1976 the Weston Planning Board and Board of Selectmen considered five sites to house moderate-income elderly people, finally choosing to recommend the former Brook School buildings for conversion to housing. The following year the town meeting approved the decision and the year after authorized financing through general obligation bonds. Interestingly, the financial plan for the project included utilizing federal subsidies for low-income housing, something new for a town that had never considered developing public housing. The project was completed in 1979 when the town's new Elderly Housing Committee took charge of the property and its 52 apartments, 42 of which came with subsidized rents via the Section 8 low-income rental assistance. Although this project used existing buildings, the Brook School project significantly diversified Weston's housing stock.⁷⁸

Groping for a Balanced Approach

By the late 1970s, then, some of Weston's elected leaders and a number of energetic citizens seemed ready to modify the town's ironclad policy of allowing only single-family homes on large lots. In 1976 the planning board called for "limited multi-family development to provide a wider range of housing opportunities and a modest addition of commercial office development to broaden the Town's tax base," and the next year the board began to develop methods for diversifying the types of residences in Weston. In 1978 the town meeting adopted the board's recommendations to allow cluster single-family developments (with houses grouped together to preserve common areas of open space), accessory apartments "to enable more efficient use of relatively large, old homes, while providing more affordable housing for single persons or couples," and, in response to a petition by local residents, a new multiple dwelling district. In true Weston fashion the second multiple-dwelling district, located off Concord Road in an area that included Merriam Village, came hedged with density and setback requirements to make it "more compatible with existing single-family neighborhoods."⁷⁹

Perhaps encouraged by the earlier reconsideration, two local landowners petitioned to rezone areas for multiple-family use, but many townspeople and some planning board members remained deeply suspicious of multifamily projects. In 1977, the planning board turned down a proposal to develop condominiums on 22 acres of the St. Germain family's property because the members felt the project was out of keeping with an adjacent single-family development on Colchester and Laurel Roads, a decision which the town meeting later let stand. In 1978 the planning board did approve a proposal to build nine condos on 14 acres at South Avenue and Winter and Brown Streets, but a special town meeting rejected the rezoning petition.⁸⁰

Westonians were also suspicious of cluster developments. In 1982 the planning board approved a subdivision plan that clustered 40 single-family attached homes, leaving the remaining two-thirds of the 32-acre site to shared open space. At the town meeting, however, the petition to rezone to a multiple-dwelling district failed to garner the necessary two-thirds vote. The following year Weston finally approved its first cluster development – a smaller project with seven house lots and three acres of open space.⁸¹

By the 1980s it was clear that developers in Weston would face a difficult time building anything other than expensive single-family houses on large lots. Year in and year out the town freely approved small subdivisions of a few house lots each and granted dozens of building permits for single-family dwellings. Still, there were signs that those residents favoring an array of housing for a more diverse population might be able to build on their victories. Between 1974 and 1987, the town allowed 182 new apartments (including those for senior citizens)—not a great number but a start. Before the 1980s were over, however, events would derail any possibilities that Weston would liberalize its policies toward low-income and multifamily development, or even semi-densely settled single-family homes.⁸²

Section V: New Era of Land Use Controls

The Battle Over the Massachusetts Broken Stone Company

Perhaps the event that most profoundly affected Weston's attitude toward future growth was the effort to develop an imposing office complex on a 74-acre tract on Route 20 near the belt highway, Route 128. A tall boulder-strewn hill and a large subterranean cave known as Devil's Den had once occupied this land, but at the end of the nineteenth century a surge of road building in the Boston area spurred interest in using it to crush stone for paving gravel. Two Weston selectmen attempted to have the Metropolitan Park

Commission take the land for a public park in order, as a nearby resident explained, to avoid the “nefarious scheme” of turning it into “an unsightly quarry with a surrounding population of foreign quarrymen.” The park idea fell through, however, and by 1901 the Waltham Trap Rock Company had acquired the land and set up a stone crusher machine. In 1916 the Massachusetts Broken Stone Company, the state’s leading stone-crushing business, began leasing the stone crusher and in 1926 bought the property.⁸³

In the following decades, the government continued to build roads and highways, including interstate expressways, and the Massachusetts Broken Stone Company did a brisk business. It employed numerous workers, including immigrants, many of whom lived in the city of Waltham, Weston’s more diverse neighbor. As early as the 1940s, the town, as part of its long-standing policy of curtailing industry, repeatedly attempted to rezone parts of the Massachusetts Broken Stone Company’s property as residential and otherwise use the zoning code to hamper the company’s activities, although with limited success. By the 1980s both the value of the land and the cost of mining stone had risen to the point that the company decided to quit the business and develop the site.

In 1984 the Massachusetts Broken Stone Company hired Hines Industrial Ltd., a subsidiary of a nationally known development company, which then announced plans to build on the site a monumental office park containing 750,000 square feet of space. Whether this announcement reflected a serious plan or just an initial bargaining position is unclear, but it shocked Weston residents. Despite the town’s location on the belt road famous for its technology office parks, this was Weston’s first experience with large-scale commercial development. The residents and their elected officials recoiled at the prospect of an “immense and overpowering development” they believed would transform the character of that area. The planning board members attempted to negotiate with the developer to scale back the project, a goal the town pursued doggedly in the years to come.⁸⁴

In 1985 the Hines Company offered to decrease the project to 400,000 square feet of office space, but apparently this was not enough. The Weston town meeting declined the developer’s request to adopt a rezoning article. Later that year Hines came back with a new proposal for the site that included a life-care facility and office space reduced to approximately 250,000 square feet. In January 1986 Massachusetts Broken Stone filed a preliminary subdivision plan to fulfill this proposal, but in March the planning board disapproved the plan, and in May the town meeting rejected the rezoning article that would have allowed it. In August the company filed a definitive version of the subdivision plan, which in October the planning board approved but with such stringent conditions that Massachusetts Broken Stone filed suit against the town.⁸⁵

These were only the initial skirmishes in what would become a decades-long legal struggle between the Town of Weston and the site’s developers. In 1988 town officials, Massachusetts Broken Stone, and Hines came to an agreement that the office development would be less than half the density permitted by the zoning bylaw. The town meeting approved this settlement by voting for the necessary zoning, which seemed to end all litigation and resolve the issue. The planning board and selectmen, however, decided to oppose the agreement despite the town meeting votes. There followed continued disputes over the validity of the agreement, the refusal of the planning board to follow a court order to approve a subdivision plan, a long hiatus while the developers waited out a real-estate slump, and lawsuits—including one filed against individual planning board members. In the midst of it all, the president of the Massachusetts State Senate, William Bulger of South Boston, injected some barbed humor into the fight when he declared that the site should be used for a new regional trash incinerator.⁸⁶

Eventually a string of court decisions – most notably a case on the timing of a zoning freeze that the Massachusetts Supreme Judicial Court decided in favor of Massachusetts Broken Stone – made clear that development was inevitable. Boston Properties took over as the developer and, using a conciliatory approach, submitted to the planning board’s rigorous site plan approval process and came to a new agreement with the town. In January 2009 Boston Properties began constructing a corporate office building containing 350,000 square feet, more than Hines had proposed in 1985.⁸⁷

Planning Weston’s Future

As bitter and prolonged as the dispute over the development of the Massachusetts Broken Stone site was, perhaps the proposal’s greatest impact on Weston was to galvanize a large number of residents into action. Soon after people who lived in the vicinity of the quarry got wind of the giant office-park proposal, Weston architect and current planning board chairman Alfred L. Aydelott, Jr. recalls, they organized an informal ad-hoc meeting to discuss it.⁸⁸

From the initial meeting grew a new organization, the Weston Preservation Society, which would become highly influential in Weston affairs. This citizens’ organization, incorporated as 501c3 nonprofit, lasted only five years, but at its peak in 1985 and 1986, it could count 400 members, or about 4 percent of the town’s population. The Weston Preservation Society provided residents who were worried about the future of the town a way to identify what parts of Weston they valued and channeled much of the political resistance to the Massachusetts Broken Stone proposals.

The Weston Preservation Society—and the anti-Broken Stone Company movement generally—helped produce a signal event in local land-use politics: Plan Weston’s Future, a town-wide day-long planning workshop held at the high school on March 28, 1987. Organized chiefly by longtime resident Berry Jones Mensing, the workshop had broad-based support among town officials: it was sponsored by the planning board, Conservation Commission, and local League of Women Voters, “with the support of other Town Boards and volunteers.” Along with the Weston Preservation Society, Plan Weston’s Future was a training ground for committed residents—such as Aydelott—who would go on to serve on town boards—the planning board, zoning board of appeals, and the historical commission—where they could act to realize their vision of Weston.⁸⁹

The leaders of Plan Weston’s Future invited townspeople to envision the town in the frightening context of uncontrolled development. The written material in the kit distributed to the workshop participants pointed out proposals for new uses for some large sites—Massachusetts Broken Stone, the Case Estates, the Field School, and the Merriam Street field—and warned of increasing pressure for higher density redevelopment of existing house lots. Developers had been suing the town more frequently than before, the workshop directors observed ominously, and the 40B law allowed affordable housing developers to bypass local zoning requirements.⁹⁰ The authors were no doubt mindful that the previous year, the town Board of Appeals had approved with conditions a permit for the town’s first 40B project on 17 acres at Winter Street near the Massachusetts Turnpike (although the development was eventually stymied).⁹¹

The workshop kit also included a future “build-out estimate,” a favorite exercise of opponents of growth presenting a worst-case scenario. The kit informed participants that in its current state Weston’s zoning allowed the development of one-third of the town’s land and an additional 1,400 single-family homes (a 45 percent increase above the current number of dwellings). Left unsaid was how long it might take to build out every available private lot. During the decade in which the workshop was held, Weston was actually losing population— by almost a thousand people, according to the U.S. Census. Even in

Table 3: Weston Single-Family House Permits by Decade, 1970 - 2000

1971 - 1980	285
1981 - 1990	165
1991 - 2001	342

Source: Weston Planning Board Reports, 1970 - 2000; except for 1997, figure from Pioneer Institute database, 1997

a boom period, developing all available lots would not happen quickly. Considerable time would elapse before current owners would decide to sell their homes or parts of their land to developers—and some properties doubtless would never be developed. In addition, as we have seen, Weston’s approval process for anything other than a standard, as-of-right single-family house on a large lot was often difficult.⁹²

At the planning forum, residents expressed a number of concerns. Some felt that the town did not actively plan the future uses of land, leaving it to developers to propose what would be done on a given parcel. To take the initiative away from private development, the Westonians proposed to hire a professional—such as a town planner—to assist the planning board and Conservation Commission. They also called for a land trust, a private citizens’ conservation group that could acquire land, based on the trust in the nearby affluent suburb of Lincoln.⁹³

With its close coordination with the town boards, the planning forum proved to be an effective instrument for instituting policies aimed at preserving what the residents considered the town’s character. The workshop helped build the impetus for the town to adopt in 1988 the Scenic Road Bylaw, giving the Planning Board the right to veto any cutting or removal of large trees or tearing down of stone walls on designated scenic byways. It also boosted the passage of an amendment to the town bylaws creating an aquifer district to protect potential water supply sources. Fulfilling a workshop goal, “citizens interested in preserving the open space and rural character of Weston and advocating for land use alternatives that best provide for the town’s needs” in 1991 started the nonprofit Weston Land Trust. Functioning somewhat as a successor to the Weston Preservation Society, the Weston Land Trust has focused primarily on determining the land uses of the town’s large tracts but also has worked on influencing private real estate development of various sized parcels to ensure “sound conservational practices...consistent with the rural character of the Town and the public interest.”⁹⁴

Despite the anti-growth thrust of the planning workshop, some participants worried about the limited choices of housing, including the lack of rental units and condos. They called for homes that low- and moderate-income households could afford, dwellings suited for handicapped and elderly people, and housing for town employees and young families. They urged that any new affordable housing not be developed as a big project on a large tract, but rather be distributed in small numbers in different locales. In addition, they proposed accessory apartments to improve housing diversity, thus minimizing the need for new buildings.

In the mid-1980s Weston set up a new Housing Needs Committee (the previous one had expired in the 1970s) to explore ways to cope with such issues. After gathering information, the committee concluded that the high and escalating cost of land in Weston necessitated placing additional affordable housing on town-owned land. Of the two appropriate sites the committee identified, the Case Estate was not available (the town had dedicated it to such uses as schools and the town pool). This left the land on Merriam Street occupied since 1970 by the town’s Green Power farm, an agricultural program for

middle school students, where the committee proposed building twelve dwellings for families. The members hoped this would be the first of several small affordable-housing clusters, but their proposal ran into farm lovers who objected to using fifteen acres of the tract for housing, even though the town had another large farm. In addition, a large and vocal group of residents rose up to oppose allowing for-profit private sector developers (even those committed to building affordable housing) to use municipally owned land. Wielding Weston's time-honored opposition techniques of objections and delays, the farm advocates and the guardians of the public lands put together a large majority of town voters and defeated the housing proponents.⁹⁵

Preservationists for a New Era

During the 1990s members of the anti-Broken Stone movement and participants in the Weston planning forum moved into positions on town boards and inaugurated a new era in planning for Weston. Weston's new preservationists were extraordinarily determined, and they were fortunate to recruit new talent as well. In 1993, for example, the Weston Historic Commission hired Pamela Fox to survey the town's historic resources. Fox, who had moved to Weston two years before, was not only trained and experienced in preservation research but also deeply committed to the cause. Her survey, which she later expanded into a richly detailed history of Weston, helped convince townspeople that the old mansions and farmhouses were as much historic sites as the revolutionary war battlefields and literary homesteads in Lexington and Concord. After completing the survey, Fox continued to consult for the town on preservation matters, personally maintained the Weston Historical Commission's inventory of historic places, and has served on the planning board since 1997.

In 1996 Fox and other Weston residents concerned about preserving "the semi-rural character and natural resources of the town" formed the Weston Open Space and Recreation Planning Committee. The committee carefully took inventory of areas they considered valuable. Reviewing recent trends, the committee members disapproved of building large new "formula houses" and called for a legal way to stop the practice of "teardowns" and protect "the oldest and most significant Weston homes." Also, they hoped to preserve "parcels of the highest scenic and historic character" (including agricultural land) and encourage Weston landowners to adopt "landscaping styles that reflect rural character." To do so, the committee called for using the recently passed flexible development subdivision law and encouraged the creation of conservation easements that allowed for private ownership but restricted future development.⁹⁶

At the same time, local preservationists and members of town boards raised the specter of a "growth spurt," as a local newspaper dubbed it. They noted with alarm a rising amount of house construction and a decreasing number of large undeveloped parcels.⁹⁷ In fact, the rise in the number of homes being built seemed greater because it followed a period when a recession had lowered the annual construction totals. The level of single-family home construction in Weston during the 1990s was somewhat greater than it had been in the 1970s, but lower in overall production of dwelling units because in the 1970s the town had allowed multifamily projects such as Jericho Village.

More effective than statistics for the preservationist cause were feelings of revulsion toward recent highly visible real estate projects. On Wellesley Street opposite the road to the Weston high school, a developer placed twelve ostentatiously large houses surrounded by formal landscaping and fencing, complete with brick and stone posts flanking the driveway. The aesthetics of the big houses irritated residents who felt Weston should have a rural appearance. "People just hated them," Fox recalled. On the north side of town at a former veterinary and dog training facility, a home builder put up ten new houses with

a larger than usual size ratio of house to lot (the homes taking up about 20 percent as opposed to the more common ratio of less than 10 percent). At town meetings, the two unpopular projects provided preservationists with excellent examples of the ways that development would undermine Weston's "rural character." As in other Massachusetts towns, dislike of the new developments' look generated support for preservationist views.⁹⁸

The Good Taste Police

Although builders in Weston complained about being asked to produce undefined qualities such as a certain "atmosphere" and "character," the preservationists tried hard to convey the look they had in mind to those who wanted to build anew or add to existing homes. In "Preserving Weston's Rural Character," a planning board pamphlet prepared by Fox, the board pointed approvingly to photographs of oversized interpretations of imitation-colonial houses, farmhouses, Greek revival homes, and nineteenth-century shingle-style buildings, and as examples of what to avoid presented images of equally large postmodern-style concoctions. The planning board asked homeowners who were remodeling their houses to shun aluminum and vinyl siding, illustrated by modest-size houses for middle-class families. Landscaping of the visible parts of properties—driveways and roadway lands—was to appear as rustic as possible. Besides preserving meadows, the board urged planting native trees, shrubs, and groundcovers (which it listed), building old-fashioned stone walls, and camouflaging septic systems by planting grass or wildflowers on leaching fields and painting ventilation pipes black or green.⁹⁹

With many Westonians stirred up about teardowns and "McMansions," the watchdogs of the town's "rural" or "semi-rural" character were able to pass a battery of new measures aimed at extending the town's land use powers further into the realm of aesthetics. In 1994 the town meeting passed the flexible development amendment to the zoning bylaw—one of the ideas which the Plan Weston's Future workshop had encouraged. By loosening conventional requirements for lot size, frontage, setbacks, and road design (but not the total number of houses allowed), the town hoped to encourage builders to change the appearance of the land as little as possible, make use of any appealing natural features, and "preserve the semi-rural character of the Town by preserving vegetated buffers around and within the Flexible Development." The new approach allowed more possibilities than simple cluster zoning, and planning board members hoped that land owners would save ornamental features such as old houses, large trees, and rock outcrops. Three years later, the town pushed developers to use this approach instead of conventional residential development by increasing the requirements for street frontage—for example to 50 feet in District A—unless the developer used the Flexible Development provisions to subdivide the property. Using the Flexible Development method, however, required obtaining a special permit from the planning board, which gave board members the ability in each case to decide what met their definition of protecting "important natural and historic features of the land" and what designs would "be in keeping with and enhance the overall semi-rural appearance of Weston."¹⁰⁰

To further control the plans and form of home construction, Weston amended the Residential Gross Floor Area zoning provision. In 1997 the town voted to require home builders to obtain site plan approval from the planning board if the floor area of the proposed house occupied more than 10 percent of the lot or more than 6,000 square feet. The following year, the town added the more onerous requirement of obtaining a special permit for such houses. The special permitting process, of course, provided the planning board the power to review, delay, and reject proposed building plans until they satisfied the members and/or the neighbors who participated in the hearings. By pushing through

an amendment that brought the floor area provision to include replacement dwellings, the planning board in 1999 placed under their purview builders who tore down most of an existing house and built a new home around the remnant.¹⁰¹

The activists also expanded land use control for properties considered historic or located in areas considered historic. Preservationists such as Crescent Street resident Alfred Aydelott had long called for historic districts in Weston, but it was not until 1993 that they convinced the town—against the town administrator’s best judgment—to approve one: the Crescent Street Historic District. The town bylaw set up an historic commission, whose five members were appointed by the Board of Selectmen, with the power to prevent demolition and approve the architectural features of any building construction or alteration within the eight-building Crescent Street district. For an owner to proceed, she or he had to obtain a certificate of appropriateness (or a certificate of non-applicability or hardship), which involved paying a fee, submitting materials, and attending a public hearing. The vague wording of the law gave the commission broad scope to interpret “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.”¹⁰²

Perhaps because of the stringent process the historic preservation law imposed on anyone attempting even small changes to the exterior of their buildings, Weston’s land owners declined to create any more historic districts. In 1998 preservationists did succeed, however, in passing a law to discourage demolitions outside the Crescent Street Historic District. The Demolition Delay law gave the Weston Historical Commission the ability to postpone for six months the destruction of any building constructed before 1945 that the Historical Commission deemed significant for its architecture, part in Weston’s history, or simply its location in a local historical area. The interlude would give the Historical Commission time to find a way to preserve the endangered building or let the owners consider selling the property to buyers who would preserve it.¹⁰³

In 1999 the planning board persuaded the town meeting to drastically revise the Scenic Roads bylaw by expanding the planning board’s authority beyond changes to old stone walls. The new rule subjected to site plan approval by the board all residential construction on any of the 36 designated scenic roads, which were those in existence on a 1795 map of Weston.¹⁰⁴ Although not as sweeping as the special permit process, the review of the site plan allowed the planning board to rule on everything from the choice and placement of shrubs to the angles of floodlights on garages.¹⁰⁵

By increasing the number of official reviews, the new laws gave the local boards plentiful opportunities to adjust the aesthetics of building projects to reflect the “semi-rural” image they cherished, and by all accounts the planning board took advantage of them. In effect, the policy allowed the board to use its authority to sculpt the town’s landscapes much as Shurcliff had in the early twentieth century. In the following years, several of Weston’s homebuilders concluded that the planning board had extended its authority too far and challenged the legitimacy of its rulings, sometimes in court.¹⁰⁶

Today some builders claim that town approval processes, such as site plan review, forces them to build a larger and therefore more expensive house—priced up to 80 percent more than a smaller house on the same lot. In Weston’s rarefied real estate market, that calculation translates into a selling price that is as much as \$2 million above what could have been a \$2.5 or \$3 million house.¹⁰⁷

Section VI: The Movement for Affordable Housing Resumes: The Saga of Dickson Meadow

In the midst of the tightening of local land use policy and the continuing climb of an already pricy real estate market, some Westonians renewed the effort to create affordable housing in their town. Weston residents as a whole felt ambivalent about subsidized housing. A 1994 survey, based on 1,357 respondents to a long questionnaire, showed that pluralities of the respondents favored the town government developing a plan to obtain affordable housing and facilitating the permitting process for affordable housing proposals. Yet large majorities opposed various methods for providing affordable housing—including the donation of town-owned land or allowing private developers to build at an increased density.¹⁰⁸

Despite support for affordable housing in general, actual attempts to build it had to run a gauntlet of opposition, usually from neighbors. In 1993, the long-talked about proposal to build 30 units of affordable housing next to Merriam Village’s elderly housing, to which the town boards had given preliminary approval, ground to a halt when a large number of neighbors suddenly objected vehemently. The selectmen responded quickly by putting the project on hold, although they complained about residents who did nothing while the boards diligently worked on issues and then contested the plans at the last moment.¹⁰⁹

In 1995 the Board of Selectmen voted to support the town’s first use of a 40B project under the Local Initiative Program (LIP), which the state government started in 1990 to encourage more cooperation between developers and local government. Sometimes known as the “friendly 40B,” the LIP requires that the proposal first gain the approval of the head of the town government – in Weston’s case, the Board of Selectmen. From there the Massachusetts Department of Housing and Community Development must review the plan, which then must be approved by the Weston Zoning Board of Appeals.

Despite the selectmen’s endorsement of Winter Gardens, a condominium development of 24 single-family homes including six designated as affordable, members of the ZBA and planning board were unhappy about the usurpation of their normal prerogatives and proposed to use their powers to try to reject the project. Selectman Joseph Mullin, however, insisted to the hostile members of the boards that the state would approve the proposal whether they liked it or not. Enough other board members agreed with Mullin to get the necessary approval. As result of the two boards’ unhappiness, however, developers were unable to get the town agencies to support a cluster plan and produced a conventional suburban subdivision that many townspeople considered ugly.¹¹⁰

The Dicksons and their Dream

Even with the difficulties encountered by recent projects, in the late 1990s Edward M. and Priscilla Dickson decided to develop a piece of their land for mixed-income housing. Ed Dickson had grown up in Weston and served on the Board of Selectmen from 1954 to 1969 (as chairman from 1959 to 1965), and as a Republican member of the Massachusetts House of Representatives from 1965 to 1978. His wife, Priscilla—known to all as Polly—moved to the Dickson family house in the 1960s after they married. The Dicksons owned about 55 acres of land on Highland Street, on which sat the Dickson house where they lived, a barn where neighbors stabled their horses, but mainly trees and hay fields. For many years they owned seven houses around Weston—including a small farm building, a colonial-style duplex, and two cottages. When Ed and Polly married, they knew Weston as a home not only to old Yankee and wealthy families but also to working-class families including many Italians—some of whom were the children of immigrants who came to work on the large estates. These families lived in modest

houses. Like the preservationists and many longtime Weston residents, Ed complained when he saw new grandiose constructions, and Polly teased him about the size of his family's rambling nineteenth-century house they inhabited. Polly was a social worker who for decades had promoted social justice and anti-racism programs in Boston and the Episcopal Diocese of Massachusetts.¹¹¹

Beyond the banter, the Dicksons for years had been among Westonians who felt the town should promote housing that was affordable to a broad spectrum of incomes. They had already acted on their commitment to a more diverse town by leasing six of their houses (including one across the street from their home) at a reduced rent to – at various times – a Cambodian refugee family, a single mother and her two teen-aged children, and the family of a local church's custodian.¹¹²

The Dicksons felt the town could do more, however, and were dismayed when the town government buckled under pressure from opponents of the Merriam Street housing project. During that debate, at a town meeting Polly and Ed were particularly struck by a neighbor's objection to concentrating low-income housing in the area near Merriam Village. "Why is this housing here?" he had complained, "Why can't you have it in other parts of town?" Polly and Ed took that to heart—although perhaps not in the way the housing opponent meant. Polly remembered thinking, "Well, that sounds like a good idea – we should build some here."¹¹³

The Dicksons began to hatch a plan to donate about ten acres of their land, adjacent to their house on Highland Street, for low-income housing, that eventually was named Dickson Meadow.¹¹⁴ In fact, for years they had been thinking about implementing this sort of scheme. Additionally, giving the land for housing would lessen the taxes their four children would have to pay when they inherited the remaining land on Highland Street. These ten acres had for years been declared agricultural land and had been used chiefly for growing hay. Under state law 61A, such land would be taxed at a low rate as long it was used for agriculture, but when it changed use, it would be taxable at normal rates. If it were developed for residential use, the town had the right of first refusal, i.e., to purchase the land.

In the hay field next door, the Dicksons envisioned a subdivision in which families of diverse incomes would own their own homes. Using the 40B process would allow them to produce more dwellings than would the current residential zoning on Highland Street, which would have permitted at most seven single-family houses on 60,000 square-foot lots. It would have been easier to gain approval for a senior housing project, Polly recalled, but with two senior housing projects already in town, the Dicksons wanted homes for families, and preferably families with children, who could attend Weston's schools. Thus, their vision directly clashed with the sentiments—strong in Weston and most affluent suburbs—of homeowners who wanted to prevent families with school-age children from moving to town and burdening the tax rolls.¹¹⁵

As longtime residents, Ed and Polly Dickson knew that developing houses in Weston — especially for low-income people—was not a simple proposition. Laying the groundwork for a full-blown campaign, in the late spring of 1997, the Dicksons called on fellow Westonians and housing supporters—Ken Fish, Eleanor and Campbell Searle, Edward Lashman, and Robert Brown—to form what they called an advisory committee.¹¹⁶

During the next three years, the members met regularly to plan both land development and political strategy, providing the Dicksons with valuable advice as well as working to communicate the virtues of the Dickson Meadow plan and persuade Westonians to accept it. Through press releases and timely phone calls to reporters, the Dickson team got the newspapers to present their story—its economic-class aspects gave it journalistic appeal.

The Dicksons also drew on an extensive network of friends they had made over the years as neighbors and members of church and town organizations.

The Dickson team's next important move was to hire a housing developer to whom the Dicksons would donate the land, and they thought Weston's residents and office holders would more easily accept a nonprofit developer. By September they had fixed on The Community Builders, Inc., a national nonprofit housing developer and manager based in Boston, and Edward Marchant, in particular, an experienced real estate professional who once worked for Community Builders and continued to work for it on specific projects. Furthermore, Marchant had previously worked in Weston – on converting the Brook School to income-restricted senior housing – and with his pleasant and responsive attitude had made a favorable impression on the Westonians with whom he worked. Hiring Community Builders brought to the Dickson project a wide array of expertise, including its own legal department.¹¹⁷

Such resources were costly, and the Dickson team was taken aback by the development fees Community Builders charged. In response, the organization lowered its usual rate from 20 to 15 percent of the project. As the proposal went forward, opponents of the Dickson housing development made an issue of the company's fees, arguing that a nonprofit should receive only enough return to pay for expenses. However, this alternative would have forced the Community Builders to eliminate the usual safety reserves that for-profit and non-profit developers consider prudent.

In the fall of 1997, the Dicksons and their committee worked with Ed Marchant and Lisa Alberghini, the director of the Community Builders' Boston office, to formulate the project. To get an idea of the possible scale and appearance of the Dickson meadow project, the team visited subsidized housing developments in Boston suburbs such as Westwood, Lincoln, and Lexington. As they considered siting the houses, the Dicksons set goals in keeping with the reigning Weston aesthetic: to maintain a visual screen of trees along Highland Street, keep stone walls intact wherever possible, and take advantage of existing natural features such as trees and meadows. For the actual placement, design, and building of the houses, the group looked to Acorn Structures, whose work they had admired in a mixed-income housing project in Bolton, Massachusetts.¹¹⁸

At first the Dicksons wanted to build 22 or 24 homes, between a quarter and a half of which would be affordable and for families, and the remaining possibly geared toward "empty-nesters," couples whose grown children had moved away. The purchasers would buy their units as part of a condominium association, with the market-rate units (not government programs) subsidizing the lower sales price of the low-income units.¹¹⁹

By December 1997, political considerations by members of the team had winnowed the number of homes to 18. Ed and Polly wanted half of these units to be at below-market prices, with six for low-income families (officially defined as those who earned less than 80 percent of the Boston metropolitan area median income), and three for moderate-income families (earning between 80 and 120 percent of the area median income). Marchant disagreed with them on the number of moderate-income units because the project required more market-rate units to pay for the six low-income homes. In the end, such considerations dictated that Dickson Meadow contain two, not three, moderate-income units.¹²⁰

On December 31, 1997, the Dicksons donated the site to Community Builders. The plan, devised by Acorn Structures, preserved a large part of the hay field by placing the houses off Highland Street along a road that looped around most of the preserved meadow.¹²¹

The Town and Dickson Meadow

Because of their long participation in Weston's civic life and their wish to avoid a contentious process, the Dicksons chose to apply for 40B under the Local Initiative Program (LIP). Besides the merits of their appeal and their reputation in town, the Dicksons had reason to believe the Board of Selectmen—the first hurdle in the process—would support their cause. Two members in particular, Joe Mullin and Elizabeth Nichols, favored the idea of increasing affordable housing in Weston; thus the Dicksons were anxious to complete the approval process before Mullin left office in 1998.¹²²

The selectmen nonetheless wanted to pursue an objective public approval process that would give their ultimate decision credibility among the townspeople. For technical advice, they first referred the Dicksons to the Weston Housing Needs Committee, which after duly holding public meetings and considering the proposal, unanimously voted to support the Dicksons' proposal.

The members of the Weston Planning Board were unhappy not to have a say about a development on a scenic road and pushed the selectmen to allow them to review the Dickson plans on their own schedule. Wishing to minimize dissent, the selectmen asked the Dickson team if they would meet with the planning board members, even though the planning board was not legally part of either the 40B or LIP process. To maintain the good will of the town, the Dicksons and Community Builders acceded to this request, but only on a non-binding voluntary basis.

The members of the planning board took the invitation as an opportunity to conduct the kind of exacting site-plan review for which they were famous. Soon planning board members were deliberating the choice of building colors—they preferred something neutral—and whether single detached or double-attached buildings were more congenial to the Weston aesthetic. The planning board chair, Roger Lee, did not want any homes on the meadow near Highland Street. According to meeting minutes, he declared that the enjoyment of the occupants of the houses was less important than the preservation of the streetscape character and requested that all houses be placed in the back woods. Such control over site planning was more than Community Builders was willing to give up. Realizing they had no authority and wishing to avoid blame for the result, the planning board withdrew from the talks.¹²³

The Opponents of Dickson Meadow

From the first, the Dicksons knew that neighbors usually provided the most intense opposition to development in Weston, especially development of low-income housing. The location of the proposed site, however, seemed to them relatively uncontroversial. Although it was situated off Highland Street, designated by the town a historic road, the only visible and close abutters were the Dicksons themselves and the Paine estate, which was soon to be developed. The Dicksons owned the building nearest to the site, 105 feet away. Other adjacent parcels were large tracts of woods belonging to the Paine estate. Beyond these woods were property abutters who owned single-family houses.¹²⁴

Nonetheless, opponents quickly emerged. Representatives of the heirs to the Paine estate opposed Dickson Meadow because they feared it would harm the prospective development of the Paine land. Indeed, in an early meeting, a representative of the Paine family told the Dicksons, "You're ruining me" and suggested they move the housing to the other side of town. This wealthy family hired an established downtown Boston law firm that aggressively represented the interests of the trustees. The estate was particularly interested in the leaching field for Dickson Meadow, which they feared might affect the Paine holdings. Despite the trustees' willingness to swap strips of land with the Dicksons, they nonetheless pressed to the bitter end to reduce the project to 12 or 13 units.¹²⁵

Several residents of Highland Street formed a group, the Highland Area Association, with which the Dicksons met. The Highland Street residents claimed the project would look different from the nearby houses. It would be too dense, and the size of the units and the buildings too great—even though others were building larger houses with more bedrooms and baths. They feared that the construction would destroy all the trees on the site and argued that future residents of Dickson Meadow might have too many cars and cause traffic congestion. And they calculated that three bedrooms would mean lots of children, although how this might affect them was unclear.¹²⁶

These opponents of Dickson Meadow expressed the class prejudices typical of many affluent suburbanites. “Who are ‘these’ people going to be?” asked a Weston resident at a Highland Area Association meeting in March 1998. “Will they keep boats in the yard?” Similarly, during the time of the Dicksons’ application, for example, the townspeople voted by an almost two to one margin against allowing a 23-mile bicycle trail on an abandoned railroad line to pass through the town—because of numerous concerns including fears that people from working-class communities, such as Waltham, would despoil property in Weston.¹²⁷

A particularly tenacious set of opponents were the closest abutters—Richard Harrison, president of Parametric Technology Corp., who lived in a mansion on Claridge Drive, his wife, Johanna, and Elliot Lobel, an attorney who lived on Love Lane, and his wife, Lenore. The Lobels led a group of ten couples and three individuals from the vicinity and hired their own downtown-Boston law firm to fight the Dicksons. It seems doubtful that the neighbors could see the Dickson’s former hay field through the trees and fields that separated it from their homes, but for whatever reason Richard Harrison and Elliot Lobel in particular seemed incensed about the proposed development. Over the course of the approval process, Harrison, often through his lawyer, repeatedly threatened to sue and, once via Lobel, sent word that he would call off his lawyers and even support the project if the Dicksons would accede to his demands to slash the number of units by half or a third.¹²⁸

The opponents had many complaints but were most united in their desire to see fewer units in the hay field adjacent to the Dickson house. They pressed Weston officials to act on its first right of purchase of the agricultural land to allow the town to develop a smaller mixed-income subdivision, which could be done within 120 days of the change from agricultural to residential land-tax status. On his own, Harrison created a nonprofit corporation, to which he hoped the town would give control of the site and allow him to develop the 12 units he was willing to accept on the site. Just as the selectmen were prepared to decline the town’s option to purchase the meadow, Harrison obtained a temporary restraining order from the Middlesex County Superior Court. But a few days later, on April 8, 1998, a Superior Court Judge denied the injunction that would have stopped the development process. Harrison offered \$1 million to Community Builders or any other developer who would adopt a 12-unit plan for Dickson Meadow. The planning board, ever hopeful of playing a role in the design of the project, then unanimously recommended the smaller Harrison scheme. Regardless, the Board of Selectmen on April 28, 1998, waived the town’s right to buy the Dickson land and ten days later unanimously endorsed the LIP application, although with several conditions.¹²⁹

Although holding firm on the number of units and the basic plan, the Dickson team proved flexible in other respects. Responding to the desire of the town and assorted neighbors for natural beauty and a visual plant barrier, the Community Builders hired Thomas Wirth Associates, a well-known high-end landscape architectural firm. Although the plan they developed exceeded the costs that Community Builders would normally pay

for landscaping, it helped reassure the townspeople that the project would have a high-quality appearance.¹³⁰

In November 1998 Community Builders sent the comprehensive permit application to the Board of Selectmen, Town Manager, Board of Health, Building Department, fire and police chiefs, Planning Board, Building Inspector, and Superintendent of Streets. As the application made the rounds, some of the agencies requested technical studies, which Community Builders then produced. The Department of Public Works, for example, requested calculations of the rate of drainage to verify that storm water would not adversely affect the new dwellings. The Board of Health required tests to determine the proper placement of the leaching field and successfully pressed for a secondary treatment unit (at a cost of \$100,000) to ensure that the soil had the capacity to handle the output of automatic garbage disposals. From January to April, 1999, the Zoning Board of Appeals held three of its own public hearings—one in the midst of severe snowstorm attracted more than 100 people, 90 percent of whom favored the project. The ZBA too went back and forth with the Community Builders on several matters. Nonetheless, the process made steady progress, in part because Marchant made sure to respond promptly to requests, earning his team credibility.¹³¹

The negotiations with neighbors and the town produced several modifications, although the Dickson team did not believe these altered their basic plan significantly. The Community Builders agreed to build a combination of attached and single homes, with some placed further into a wooded area so as not to encroach upon the central meadow; to conceal the houses from the public roadway; to preserve as many full-grown trees as possible; and to design the septic system so as to exceed the Massachusetts standard requested by 50 percent.¹³²

Despite pressure and threats of lawsuits from opponents, the Dicksons persisted. The Community Builders' lawyers and their extensive network of loyal friends and supporters aided the couple, but it took an astounding amount of work. By January 1999, Community Builders reported the Dickson team had already met eleven times with the Board of Selectmen, five with the Housing Needs Committee, seven with the Planning Board, innumerable times with sundry neighbors, not to mention more than 75 telephone conversations that the Dicksons and their committee had with interested Weston residents, many of whom were supporters. Even this tally did not count the frequent meetings of the Dickson committee itself, including Ed Marchant, to map out strategy, prepare for public hearings, and, of course, plan the Dickson Meadow development.

By April 1999, Community Builders had made all the compromises it needed and persuaded the Selectmen that no more discussions with the planning board were necessary. On April 26 the ZBA approved the Comprehensive Permit Application for Dickson Meadow by unanimous vote. This meant that three town boards had voted unanimously in favor of the project and any legal challenge would have a high hurdle. The protracted regulatory process had reinforced, not weakened, the viability of this proposal.

Seeing little to be gained from continuing, on May 17, 1999, the opponents threw in the towel. Although the abutters, including the Paine estate, could have appealed the decision in the Middlesex Superior Court, they decided against it. "We agonized over the decision," said Elliot Lobel. "But in the end we saw no value in being obstructionist and vindictive. Even if our appeal was successful, we'd likely get two fewer units -- not much different from the original plan."¹³³

The chief result of all the opponents' expense and effort was to delay the project—which in some cases is enough to kill a proposal. Not this time, however, and on November 2

a lottery chose the six fortunate families to purchase the subsidized units for \$105,000 apiece, followed later by another lottery for the moderate-income houses. On April 21, 2000, the ground-breaking ceremony for the Dickson Meadow project was held. The event was too late for Ed Dickson, however, who had passed away just days before at age 88. (See Figure 7)

Figure 7: Dickson Meadow



Photograph courtesy of Glenna Lang

The Accomplishment

The supporters of Dickson Meadow, including Polly Dickson, viewed the outcome of the process as a significant accomplishment. The care and expense in building design, site planning, and landscaping produced a handsome subdivision whose appearance has garnered general approval in Weston. More to the point, Dickson Meadow gave the town eighteen new homes, six affordable to low-income families, two affordable to moderate-income households, and ten market-rate units. Even the market-rate units at Dickson Meadow – sold for between \$700,000 and \$850,000 – diversified the housing opportunities in Weston. Because of the savings from more intensive use of the land (the density that opponents so dreaded), the market-rate units were available to households who ordinarily would not have had enough income to purchase such a house.¹³⁵ Moreover, Marchant pointed out, Dickson Meadow set an important precedent not only for Weston, but also for other affluent Boston suburbs.

Indeed, the contentious history of Dickson Meadow does not mean that Weston is unalterably opposed to 40B projects. Despite all the wrangling, Marchant feels that the nine months between the submission and approval of the comprehensive permit was relatively expeditious for an affluent suburban community. Both town planner Susan Haber and planning board member Pamela Fox proudly point to the smooth sailing for two 40B housing projects completed in 2005—including one in which the developer used the LIP process, worked extensively with the Weston Historical Commission and received Community Preservation Act funds to preserve a barn.¹³⁶

Despite the admirable accomplishments of the 40B process in Weston, the results have been meager. The 18 homes in Dickson Meadow produced by three years of maximum effort comprised only a half percent of all of Weston's dwelling units in 2000. The project's six subsidized units made up less than two-tenths of a percent of the town's homes. The economic impact on the broader market for suburban homes was negligible. The number of units in the two 2005 40B projects was also low: one had eight dwellings, including two homes affordable to low-income people; and the other had sixteen dwellings, including four affordable. As a result, the share of Weston's housing stock that qualifies for the state's Subsidized Housing Inventory in 2010 was 3.6 percent.

In contrast, since 2000 the town has allowed relatively large developments for affluent older people: Highland Meadows, composed of 69 single and townhouse units for people over the age of 55 (developed on the Paine estate by the trustees who had so bitterly opposed 18 units on the Dickson property), and Norumbega Point, a 93-unit assisted living facility. The Highland Meadows development, however, is contributing to the affordable housing stock, thanks to a requirement proposed by local advocates that required that 10 percent of the total number of units, located on and off-site, be offered for sale at low costs for income-eligible applicants. (See Figure 8)

Figure 8: Highland Meadows



Photograph courtesy of Glenna Lang

The immediate reason for the minimal production of the affordable housing is resistance from neighbors. In other words, few units are built because many townspeople, especially abutters, want few (or no) units to be built. The specter of low-income units only intensifies these feelings. Although some members of town boards support affordable housing, elected officials feel obligated to respond to their constituents' deep-seated feelings, not to mention the threat of lawsuits from deep-pocketed residents. Thus, in assessing whether Weston could ever build enough subsidized units to gain immunity from Chapter 40B zoning overrides, Douglas Gillespie, a current selectman and the town's representative to the MetroWest Growth Committee (a regional planning group), concluded that the reality in Weston is that "we are not going to reach the ten percent threshold." The political obstacles to development are too great.¹³⁸

Section VII: Conclusion

Weston has a deep history of land use controls dating from the late nineteenth century when estate owners first acted to discourage new industry. In the early twentieth century, the town leaders took preemptive action to keep out industrial workers by banning three-decker apartment buildings. The beautification and later re-creation of the town center in a turn-of-the-century planning style gave Weston's exclusive identity a particular physical form. At its first opportunity the town leapt to impose single-family zoning throughout most of the town, and in the following years the town officials methodically increased the minimum size of house lots in order—as they made clear—to keep Weston as a rustic bedroom community for the affluent, free of unwanted activities and people.

From the 1950s to the 1970s, Weston leaders pioneered an aggressive policy of land conservation. The acquisition of conservation parcels served two mutually reinforcing purposes: to maintain a “rural” appearance and to hinder real estate development by removing significant portions of land from the market. Since that time, the townspeople have supported the creation of conservation and recreation lands and fought to protect “open space,” private or public. If this speaks to the enduring appeal of natural suburban land and townscapes, it also helps raise the cost of land by limiting its supply.

Meanwhile, in the 1960s and 1970s idealistic Weston residents worked to make Weston's schools available to poor urban children and Weston homes accessible to low- and moderate-income households who wanted to live there. Despite some notable accomplishments in providing housing, the spirit of preservation and protection revived and strengthened. The proposal in 1984 to build a giant office complex at the old Broken Stone quarry site shocked many Westonians and provided a catalyst for tightening regulatory control of development in the 1990s. As land values in Weston grew ever more expensive, millionaires tore down old houses and built mansions, adding to the general unease of preservation-minded Weston residents.

Because their predecessors had long before imposed land conservation and regulatory controls that restricted most development, Weston's new generation of preservationists were free to concentrate on controlling the design of new projects at a level of detail that people in many other Massachusetts towns would not have contemplated. Using sophisticated methods such as the scenic roads bylaw and site plan review, for example, the town's planning board attempted to assert its authority in ways that resembled a homeowners' association in a gated community.

Although Weston's land use controls have their limits—generally due to a backlash among some home builders and wealthy landowners—the town's regulatory machinery can slow or stop almost any kind of development except as-of-right single-family homes. The wealth of homeowners in Weston enhanced their ability to fight developments on the ever-popular principle of “not in my backyard.” As a result, even with the state's 40B law, new residential development in Weston consists mainly of luxurious homes and high-end senior communities along with a small number of subsidized dwellings for the middle and lower part of the income range. Even though some residents sincerely support the idea of affordable housing, opportunities for diversifying the types of people who could afford to live in Weston remain slim.

It would be a mistake to think that Weston's land use regime is unique because of its affluence. The same sentiments—in favor of maintaining a town's existing physical form at all costs, keeping low-income “others” out, preserving open space, and so on—exist in most other suburbs. Many of the same methods of land use control are available in other towns as well. What sets Weston apart—and makes it serve as an example to other

communities—is its ability to carry out its policies effectively. Those policies took root in the long-ago past and, thanks to recent circumstances, have grown ever more entrenched. Only a fundamental change in local prerogatives, it would seem, could truly open Weston and other Boston suburbs to people of all walks of life.

Endnotes

¹Daniel S. Lamson, *History of the Town of Weston*, Massachusetts, 1630-1890 (Boston: George H. Ellis, 1913), 148; Weston, Massachusetts, Town Records (hereafter WTR), Report of the Weston Planning Board (hereafter PB report), 1949, 100.

²Weston Local Growth Policy Committee, *Weston Local Growth Policy Statement*, Massachusetts Office of State Planning, July 1976, 3, 4a.

³Small portions of the prosperous but more economically diverse communities of Natick and Newton border Weston on the southwestern and southeastern corners respectively.

⁴For income data for 1990 and 2000, see “Summary of Income Characteristics: Per Capita, Household, Family, Median Male and Female in 1999” and “Median Household and Family Income, Census 1990 and 2000,” < <http://www.massbenchmarks.org/statedata/data.htm>> viewed June 14, 2010.

⁵After deciding the increasing complexity of local government called for a town manager form of government, Weston passed act establishing that position in 2001.<http://weston.govoffice.com/index.asp?Type=B_BASIC&SEC={8F622365-6927-448E-B339-59E420BA60AA}>viewed June 14, 2010; Town Of Weston, *By-Laws of the Town of Weston* (2009), available at [39CF-4EF7-BBE5-E20C388E7260}&DE={B1647747-F6D0-4C4B-8B12-5A7966B328FB}](http://weston.govoffice.com/index.asp?Type=B_BASIC&SEC={1BB36FB5-</p>
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⁶Pamela W. Fox, *From Farm Town to Suburb: The History and Architecture of Weston, Massachusetts 1830 -1980* (Portsmouth, NH: Peter E. Randall Publisher, 2002), 2-3.

⁷Today the major streams are Stony Brook, Hobbs Brook, Seaverns Brook, and Cherry Brook. Fox, *Farm Town to Suburb*, 1, 5; <<http://www.city-data.com/city/Weston-Massachusetts.html#ixzz0dwEJVpTL>> viewed January 28, 2010.

⁸Fox, *Farm Town to Suburb*, 3-5; Town of Weston, *Brief History* <http://weston.govoffice.com/index.asp?Type=B_BASIC&SEC={4B820259-C0BD-4FC8-A30A-16350219453E}> viewed March 6, 2009.

⁹Fox, *Farm Town to Suburb*, 5, 18, 20, 53.

¹⁰Lamson, *History of the Town of Weston*, 160-164; Fox, *Farm Town to Suburb*, 37, 202-203.

¹¹Fox, *Farm Town to Suburb*, 24-25, 38; Alexander von Hoffman, *Local Attachments: The Making of an American Urban Neighborhood, 1850 to 1920* (Baltimore: Johns Hopkins University Press, 1994), 8-11, 47-51, 66-70; see also Tamara Plakins Thornton, *Cultivating Gentlemen, The Meaning of Country Life among the Boston Elite, 1785-1860* (New Haven: Yale University Press, 1989).

¹²von Hoffman, *Local Attachments*, 167-180; Ronald Dale Karr, “Brookline and the Making of an Elite Suburb,” *Chicago History* 13 (Summer 1984), 36-47; Fox, *Farm*

Town to Suburb, 81-82.

¹³Fox, *Farm Town to Suburb*, 39, 46.

¹⁴Fox, *Farm Town to Suburb*, 44-46.

¹⁵Fox, *Farm Town to Suburb*, 47-52.

¹⁶Fox, *Farm Town to Suburb*, 48. For timeline of Waltham history, see <<http://www.waltham-community.org/history.html>>, viewed February 12, 2010.

¹⁷Fox, *Farm Town to Suburb*, 40, 52.

¹⁸Fox, *Farm Town to Suburb*, 46-47 (quotation from Town of Weston, Annual Reports, 1891), 68.

¹⁹Fox, *Farm Town to Suburb*, 478 (quotation), 482-485.

²⁰Fox, *Farm Town to Suburb*, 481. In a more egalitarian expression of the recreational impulse, Horace Sears in 1905 contributed land for Weston Town Pool, which was developed by the Weston Athletic Association. See *ibid*, 85-86.

²¹Waltham Free Press, 1893, quoted in Fox, *Farm Town to Suburb*, 80.

²²Fox, *Farm Town to Suburb*, 347.

²³Fox, *Farm Town to Suburb*, 16, 347; Lamson, *History of the Town of Weston*, 1, 10

²⁴Shurcliff designed private gardens and landscape restorations, planned public parks, roadways and other recreational facilities, worked for decades as a consultant to the Boston Park Department, and held the post of chief landscape architect for the (Massachusetts) Metropolitan District Commission. < <http://oasis.lib.harvard.edu/oasis/deliver/deepLink?collection=oasis&uniqueId=des00001>>. For Shurcliff’s career, especially his public commissions, see Hope Cushing, “The Life and Work of Arthur Ashel Shurcliff, Landscape Architect 1870-

1957,” Ph. D. dissertation, Boston University, 2010.

²⁵Edward A. Chappell, “The Museum and the Joy Ride: Williamsburg Landscapes and the Specter of Theme Parks” in Terence Young and Robert Riley, eds., *Theme Park Landscapes: Antecedents and Variations* (Washington, D.C. : Dumbarton Oaks Research Library and Collection, 2002) 119-156. Hence, the scenery of Colonial Williamsburg presented a tableaux of beautiful and similar-looking historic buildings with well-manicured Beaux-Arts gardens but no evidence of the slaves who were integral to the maintenance and economy of this eighteenth-century Virginia community.

²⁶Fox, *Farm Town to Suburb*, 331 (caption); James M. Mayo, *The American Country Club: Its Origins and Development* (New Brunswick, New Jersey: Rutgers University Press, 1998) 105-108. Shurcliff’s designs for the Weston town center also share features with the plans of contemporary exclusive residential subdivisions and planned company towns. See Mayo, *idem*, 126 ; Margaret Crawford, *Building the Workingman’s Paradise: the Design of American Company Towns* (New York: Verso, 1995).

²⁷Compare, for example, to the outer Boston neighborhood of Jamaica Plain, where the extension of trolley lines and the creation of Franklin Park in the mid-1880s spurred estate owners to subdivide portions or all of their holdings for large houses (on lots, interestingly, that were relatively close to one another.)Von Hoffman,

Local Attachments, 51; Fox, *Farm Town to Suburb*, 59. The influence of Olmsted’s Riverside on suburban planning is well documented, see David Schuyler, *The New Urban Landscape: The Redefinition of City Form in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 1986), 162-167; Robert Fishman, *Bourgeois Utopias: The Rise and Fall of Suburbia* (New York, 1987), 126-131. William S. Worley, *J.C. Nichols and the Shaping of Kansas City: Innovation in Planned Residential Communities* (Columbia and London: University of Missouri Press, 1990), 27-28;.

²⁸Pamela W. Fox, “A ‘Quiet and Natural’ Place: The Winsor Estate and Meadowbrook Road Area, *Wellesley Weston Magazine*, Spring 2009, reprinted at <http://www.wellesleywestonmagazine.com/spring09/quietandnaturalplace.htm>, viewed February 17, 2010; Fox, *Farm Town to Suburb*, 136.

²⁹Fox, *Farm Town to Suburb*, 136-137.

³⁰The tenement reform movement began in New York City, quickly spread to other urban centers such as Boston, Philadelphia, and Washington, and eventually inspired efforts to remedy poor housing in the countryside, although this was a first limited to the state of Indiana. For Massachusetts, see Frederick Huntley Magison and Thomas Tracy Bouvé, *The Statute Law Of Municipal Corporations in Massachusetts...* (Albany, New York: Matthew Bender and Co., 1917), 742; Kenneth Baar, “The National Movement to Halt the Spread of Multifamily Housing,

1890-1926,” *Journal of the American Planning Association* 58: 1 (Winter 1992), 39-48; Robert W. de Forest, “A Brief History of the Housing Movement in America,” *Annals of the American Academy of Political and Social Science* 51, Housing and Town Planning (January 1914), 12. Since Massachusetts passed a law specifically for cities the following year (1913), it may be that the intent of the Massachusetts Civic League, the author of the bills, was for suburbs to adopt it. For views of cottages, double-houses, and converted single-family house inhabited by the Hastings Company’s workers, see Fox, *Farm Town to Suburb*, 210-212.

³¹In discussing working-class residents in Brookline, Hall declared simply, “Many of them do not need to be here.” Prescott Farnworth Hall, “The Building Situation in Brookline,” Address to the Brookline Civic Society, May 31, 1916, in Prescott Farnworth Hall, *Immigration and Other Interests of Prescott Farnworth Hall* (New York, 1922), 36-37, 41; Fox, *Farm Town to Suburb*, 130. For a vigorous defense of the architectural value of three-deckers, see Douglass Shand-Tucci, , *Built in Boston: City and Suburb, 1800-1950* (New York, 1978; reprinted., Amherst, 1988), 120-127.

³²Shurcliff also recommended using zoning to restrict ills associated with cars such as public garages, repair shops, filling stations, and “food-vending booths, restaurants and rest rooms.” Fox, *Farm Town to Suburb*, 131, 133; WTR, PB report, 1924, 60, 61.

³³Fox, *Farm Town to Suburb*, 130-133, (quotation) 132; WTR, 1925, 157.

³⁴Fox, *Farm Town to Suburb*, 133; WTR, PB report, 1925; WTR, Board of Selectmen report (hereafter B of S report, 1926, 24.

³⁵WTR, PB report, 1926, 86-92; *ibid*, 1927, 83; *ibid*, 1928, 88, 270-271.

³⁶WTR, PB Report, 1926, 86-90. In addition, the single-family districts allowed the house to occupy no more than 40 percent of the lot and all zones required 15 foot setbacks.

³⁷For comparison, Levittown, built for the middle-class in the late 1940s, had lot sizes of 6,000 square feet. Fox, *Farm Town to Suburb*, 133.

³⁸WTR, Report of the [Planning] Study Committee, 1936, 108 (quotations)-111.

³⁹As in the past, fears of urban development had a fiscal as well as aesthetic and social dimension: the selectmen warned that development would entail great expense for water and sewage disposal. Fox, *Farm Town to Suburb*, 133.

⁴⁰Fox, *Farm Town to Suburb*, 133, 146-147.

⁴¹WTR, PB report, 1942, 87; *ibid*, 1943, 93; Report of Committee on Veterans' Housing, 1947, 142-163. In 1942 the Selectmen acting as a Board of Appeals apparently discouraged a request to convert a building to an apartment house. WTR, B of S report, 1942, 15-16.

⁴²Weston's growth rate during the 1950s was only half that of Lincoln and Wayland while exceeding that of the more populous town of Wellesley WTR, B of S report, 1953, 16.

⁴³Fox, *Farm Town to Suburb*, 155;

WTR, B of S report, 1955, 93-94.

⁴⁴The selectmen also pointed out that recent increase of population, measured by the last census at more than 5,000 residents would reduce the town's share of the distribution of state taxes by approximately \$20,000. WTR, 1951, Board of Selectmen, 16. ⁴⁵WTR, PB report, 1953, 95; WTR, B of S report, 1954, 18. Interestingly, the affluent residents of Weston were keen on creating facilities for their automobiles, clamoring for parking spaces on town streets, and voting to purchase a site for a garage in the town center. WTR, Board of Selectmen, 1950, 15.

⁴⁶The vote for the revised zoning law was 308 to 62. WTR, PB report, 1954, 90. Another part of the strategy was to tighten the town building code. This revision is not examined here, in part because in 1977 all towns in Massachusetts were required to enforce the state's uniform building code.

⁴⁷WTR, PB report, 1954, 163-168. The new zoning renamed the letters connoting the zones so as to place them in descending order of degree of regulation—e.g., Residence District A was the most restrictive, Residence District B the next most restrictive, etc.

⁴⁸WTR, PB report, 1954, 90.

⁴⁹WTR, PB report, 1952, 97; WTR, Town Report, 1953; Town Forest Committee Report, 142-145.

⁵⁰WTR, Board of Selectmen Report, 1954, 18; Fox, *Farm Town to Suburb*, 170-171; Weston Forest and Trail, "Background and History," <<http://www.westonforesttrail.org/>

[background.html](#)> viewed January 4, 2010.

⁵¹Fox, *idem*; WTR, Board of Selectmen Report, 1955, 17.

⁵²Eventually the association also would acquire a small amount of forest land as well as numerous conservation and trail easements. Fox, *idem*; Tom Selldorff, "Reflections on the Occasion of the 50th Anniversary of the Weston Forest and Trail Association," *Weston Land Trust Newsletter*, March 2005, 13.

⁵³WTR, Conservation Commission Report, in Town Reports, 1961, 109-110.

⁵⁴WTR, PB report, 117; Weston Department of Planning records; Fox, *Farm Town to Suburb*, 387

⁵⁵In particular, institutions such as Weston College—see below—and Regis College (currently) owned large tracts which they proposed to develop.

⁵⁶Eventually the Patriots chose to build in Foxborough, where the owner of a race track gave the team land as a gift, and the Lahey Clinic Medical Center was built in Burlington, Massachusetts, where the townspeople voted "overwhelmingly" in favor.

WTR, Reports of the Planning Board, 1967, 33; 1968, 31 ("prime residential" quotation); <http://www.lahey.org/About/LaheyHistory.asp>; viewed March 17, 2010.

⁵⁷WTR, Reports of the Planning Board, 1960, 109; 1967, 30; 1969, 30 (quotation); Fox, *Farm Town to Suburb*, 357-358.

⁵⁸H. Kenneth Fish, interview with author, Needham, Massachusetts, December 7, 2009.

⁵⁹WTR, PB report, 1970, 33-34.

⁶⁰Fox, *Farm Town to Suburb*, 172-173.

⁶¹Boston College, History: School of Theology and Ministry, <<http://www.bc.edu/schools/stm/about/history.html>>, viewed March 13, 2010. Brian Donahue, "Land Protection and Stewardship in Weston," 2005, <<http://www.communitiescommittee.org/pdfs/Weston%20MA.pdf>>, viewed March 18, 2010, 2; Fox, *Farm Town to Suburb*, 273-275.

⁶²*Weston Local Growth Policy Statement*, Massachusetts Office of State Planning, July 1976, 3, 4a.

⁶³WTR, PB report, 1979, 41.

⁶⁴Fox, *Farm Town to Suburb*, 191; U.S. Bureau of Labor Statistics/ U.S. Department of Labor, *100 Years of U.S. Consumer Spending: Data for the Nation, New York City, and Boston* Report 991 (Washington, D.C. 2006), 30-31; Barry Bluestone and Mary Huff Stevenson, *The Boston Renaissance: Race, Space, and Economic Change in an American Metropolis* (New York: Russell Sage Foundation, 2000), Table 2.2, 26.

⁶⁵None of the relatively small number of residents to whom this researcher spoke could cite actual incidents of this nature.

⁶⁶Fish, interview; Kara M. Fleming, "Looking back at Roxbury Weston Programs," *Weston Town Crier*, November 13, 2009, <<http://www.wickedlocal.com/weston/news/education/x809129161/Looking-back-at-Roxbury-Weston-Programs>> viewed April 5, 2010.

⁶⁷The original seven towns participating in METCO were Lincoln, Arlington, Lexington, Newton, Wellesley, Brookline and Braintree.

Fish, interview; Massachusetts Department of Elementary and Secondary Education, "Metco Program," <<http://www.doe.mass.edu/metco/>> viewed April 5, 2010; METCO Inc., "Chronology of the Early Development of METCO," <<http://www.metcoinc.org/history.htm>> viewed March 2, 2010; Roxbury-Weston Programs, Inc., "Who We Are," <http://www.roxwes.org/who.html>, viewed March 19, 2010; Ben Aaronson, "Moving to the Front of the Bus," *Lincoln Journal*, January 29, 2009, <<http://www.wickedlocal.com/lincoln/news/education/x1278522412/Moving-to-the-front-of-the-bus>>, viewed March 18, 2010.

⁶⁸The Massachusetts Senate commissioned the state's Legislative Research Council to study the shortage of low cost housing and especially the involvement of suburban zoning in causing the shortage. National Commission on Urban Problems, *Building the American City: Report of the National Commission on Urban Problems to the Congress and to the President of the United States* (Washington D.C.: U.S. Government Printing Office, 1968), 18-22, 199-227, 240-244; President's Committee on Urban Housing, *A Decent Home: The Report of the President's Committee on Urban Housing* (Washington, DC: Government Printing Office, 1969), 24-25, 140-144; Emily F. Reed, "Tilting at Windmills: The Massachusetts Low and Moderate Income Housing Act," *Western New England Law Review* 4:1 (Summer 1981), 106-107.

⁶⁹The law is Massachusetts General

Laws, Ch. 40B, Sections 20-23. Paul K. Stockman, "Anti-Snob Zoning in Massachusetts: Assessing One Attempt at Opening the Suburbs to Affordable Housing," *Virginia Law Review* 78: 2 (March 1992), 548-550; Reed, "Tilting at Windmills," 105-107; WTR, Board of Selectmen, 1967, 33.

⁷⁰For the purposes of the law, low income is defined as less than 80 percent of the median household income for the metropolitan area; very low income is defined as equal to or less than half the area's median household income.

⁷¹For the operations of the Massachusetts 40B law, see Lynn Fisher, "Chapter 40B Permitting and Litigation, A Report by the Housing Affordability Initiative," Working Paper, MIT Center for Real Estate, Cambridge, Massachusetts, 2007.

⁷²WTR, B of S report, 1965, 35-36.

⁷³WTR, Elderly Multiple Housing Study, 1966, 36-37.

⁷⁴WTR, B of S report, 1969, 30.

⁷⁵The board members quoted from a consultant's report of 1965 to express the goals: "to preserve and enhance the general character of Weston as an outstandingly attractive suburban residential community and protect it from adverse effects of urbanization and non-residential forms of land development." WTR, PB report, 1969, 123.

⁷⁶The developers were F. William Smith and Paul W. Boyd. <<http://www.potterpond.com/history.html>>; http://www.royalbarrywills.com/low/small/profile/detailed_history/dh1.htm;

⁷⁷According to the 1970 and 1980 censuses, 11 percent of the Weston

population was elderly, and of the elderly residents about five percent were poor. Social Explorer; U.S. Census Bureau; Census Tract Data, 1970 and 1980; Fish, interview; WTR, PB report, 1973, 42; PB report, 1974, 44; B of S report, 1977, 25; B of S report, 1978, 21; Fox, *Farm Town to Suburb*, 170, 261.

⁷⁸WTR, PB report, 1976, 42-3; B of S report, 1978, 21; B of S report, 1979 27.

⁷⁹WTR, Reports of the Planning Board, 1976, 43; Reports of the Planning Board, 1978, 38.

⁸⁰WTR, Reports of the Planning Board, 1977, 47; 1978, 39.

⁸¹Perhaps it helped the second project, Sutton Place, that its developer granted an easement to the Weston Forest and Trail Association. WTR, Reports of the Planning Board, 1982, 40; 1983, 40.

⁸²WTR, *Participation Kit, Plan Weston's Future*, March 28, 1987.

⁸³The resident was willing to sacrifice the expected rise in the value of his land that the building of a quarry would entail, stating that “we would rather keep a higher plane of development even at a loss.” For an excellent summary of the site’s history, see Fox, *Farm Town to Suburb*, 292-296, 294 (quotation).

⁸⁴WTR, B of S report, 1984, 25; Donald B. Myers, interview with author, Weston, Massachusetts, November 24, 2009.

⁸⁵Sources on the size of the office building to accompany the life care facility vary between 225,000 and 270,000 square feet. WTR, PB report, 1985, 50; John J. Griffin,

Jr., Memorandum, Re: Chronology of Efforts To Permit and Develop the Massachusetts Broken Stone Company Site in the Town of Weston, Massachusetts, November 11, 2009.

⁸⁶Griffin, memo; John J. Griffin, Jr., interview with author, Cambridge, Massachusetts, November 11, 2009; Michael Wyner, “Corporate Center Gets Green Light,” *Weston Town Crier*, February 12, 2008.

⁸⁷Griffin, memo; WTR, Report of Board of Selectmen, 1988, 23; PB report, 1988, 59; Report of Board of Selectmen, 1995, 27; Pamela Fox, interview with author, Weston, Massachusetts, November 18, 2009; *Massachusetts Broken Stone v. Town of Weston*, 45 Mass. 648 (1998) and *Massachusetts Broken Stone Co. v. Weston*, 430 Mass. 637 (2000). The decision of the Supreme Judicial Court can be found at <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=ma&vol=sjcsclip/7989&invol=1>

⁸⁸Al Aydelott, interview with author, Weston, Massachusetts, December 3, 2009.

⁸⁹Aydelott, interview.

⁹⁰WTR, *Participation Kit, Plan Weston's Future*, March 28, 1987.

⁹¹“The Vineyard” was to contain 80 units in four buildings, with at least 16 of the homes reserved for low- and moderate-income renters, but the project became bogged down in reviews and restrictions promulgated by Weston land use boards, and eventually was not built because of septic requirements.

⁹²In addition, the construction of new houses, however many, would have no effect on the open space occupying

more than 1,000 acres of town conservation lands.

⁹³Started in 1957, the Lincoln Land Trust claims to have contributed to the protection of more than 1,000 acres of land. Town Of Weston Planning Board, *Land Planning Forum Report* (1987); http://www.lincoln-ma.com/town_groups/llct.htm, viewed July 30, 2010.

⁹⁴Al Aydelotte, interview; WTR, Historical Commission Report, Town Report, 1988, 52-53; Weston Open Space and Recreation Planning Committee, *Open Space & Recreation Plan: Resource Analysis for the Town of Weston, Mass.* (1996), 71; Weston Land Trust, Membership, <<http://www.westonlandtrust.org/Membership.html>>viewed June 15, 2010; Weston Land Trust, About Us, <<http://www.westonlandtrust.org/AboutUs.html>>, viewed June 15, 2010.

⁹⁵WTR, Annual Town Report, Report of the Housing Needs Committee, 1986, 46; Annual Town Report, Report of the Housing Needs Committee, 1987, 53; Annual Town Report, Report of the Housing Needs Committee, 1989; B of S report, 1988, 23; Joseph Mullin, interview with author, Maynard, Massachusetts, November 13, 2009; Doreen Iudica Vigue, “Farm or Affordable Housing?” *Boston Globe*, July 25, 1993.

⁹⁶The committee’s goals were not all consistent with one another. It called for preserving open space not only “to prevent crowding and limit residential density” but also “to encourage a more compact and efficient form of development” than suburban sprawl.

Open Space and Recreation Planning Committee, *Open Space & Recreation Plan*, 1, 22, 62.

⁹⁷*Weston Town Crier*, November 9, 1995, quoted in WTR, Press Commentary on 1996 Open Space Plan.

⁹⁸Ironically, the Wellesley Street mansions occupied a site where Westonians had previously vetoed a proposal for a clustered development surrounded by greenery. Fox, interview.

⁹⁹Pamela Fox, *Preserving Weston's Rural Character* (Weston Planning Board: 1998), available at http://www.westhistcomm.org/Preserving_Rural_Character/Index.htm, viewed February 23, 2010.

¹⁰⁰Although the law offered no incentive to use the flexible approach, designs in some cases might produce an extra lot for the property. Town of Weston, Flexible Development Subdivisions - Special Permit Rules, viewed October 13, 2009; Town of Weston, Weston Zoning By-Law (2003), 40; Fox, interview; WTR, *Participation Kit, Plan Weston's Future*.

¹⁰¹The code allowed building a house of less than or equal to 3,500 square feet of residential gross floor area by right, without further review, unless the house took up more than 10 percent of the lot. Weston had used the site plan review since at least the 1960s been used to supervise industrial developments. WTR, Planning Board, 1997, 71; *ibid*, 1998, 66-67; *ibid*, 1999, 66; Town of Weston, *Weston Zoning By-Law* (2003), 12-14. This provision

influenced other towns to adopt similar provisions. See, for example, in Norwell (Mass.) Master Plan Steering Committee and Planning Board, *Norwell Master Plan, 2005-2025* (*n.d.*), 38, <http://www.docstoc.com/docs/40387535/Norwell-Master-Plan> viewed on July 1, 2010.

¹⁰²Aydelott served as chairman of the Weston Historical Commission in the 1990s WTR, PB report, 1973, 41-42; *ibid*, 1993, 62; Town of Weston, Massachusetts, *General By-laws* (through May 2009), Article XXIV, Sections 6, Section 8; Fox, interview.

¹⁰³WTR, PB report, 1998, 66-67; <http://www.westhistcomm.org/demolitiondelay1.htm>, viewed June 16, 2010.

¹⁰⁴Roads of colonial origin are common in New England. A designation of historic roads in the City of Boston would include almost all byways in the downtown, North End, and Beacon Hill, and most of the main thoroughfares in Boston's neighborhoods.

¹⁰⁵WTR, PB report, 1999, 66.

¹⁰⁶Donald Myers, interview by author, Weston, Massachusetts, November 24, 2009; Harold Hestnes, telephone interview by author, Boston, Massachusetts, August 22, 2005.

In 2002 a builder challenged the legality of the special permit requirement of the Residential Gross Floor Area zoning on the grounds that state law forbade tying a special permit to the size of a house. When the planning board learned it was on shaky legal ground, it persuaded the town meeting to change the requirement back to site plan review.

Town of Weston, *Records for the Year Ending December 31, 2002*, Record of Special Town Meeting, November 25, 2002, 42-43; Michael Giaimo, interview by author, Cambridge, Massachusetts, December 8, 2009; Aydelott, interview.,

¹⁰⁷Olga Shulman and Eric Polyak, interviews, Weston, Massachusetts, December 3, 2009.

¹⁰⁸A plurality of residents like the idea that developers either provide low-income housing or contribute to a fund to develop it. Weston Housing Needs Committee, "Level of Support for Affordable Housing Proposals," May 16, 1994, revised June 2, 1994. Copy in Binder # 1, Dickson Meadow archives, (courtesy of Polly Dickson).

¹⁰⁹WTR, B of S report, 1993, 27, 30; Dickson, interview.

¹¹⁰The project was occupied in 1997. WTR, B of S report, 1997, 27; Mullin, interview.

¹¹¹Priscilla Dickson, interview by author, Weston, Massachusetts, November 13, 2009; "\$100K to Support SSW Scholarships and Initiatives," *Simmons School of Social Work News*, August 14, 2008, available at <http://alumnet.simmons.edu/NetCommunity/Page.aspx?pid=1223>, viewed July 23, 2009.

¹¹²Shawn Regan, "Dicksons' Dream: Make Weston Affordable," *The Weston Town Crier & Tab*, February 19, 1998.

¹¹³DeGenova, *et al*, *On the Ground*, 53; Dickson, interview.

¹¹⁴Its official name is singular, but many refer to the development in the plural as Dickson Meadows.

¹¹⁵Dickson, interview; Shawn Regan,

“Dicksons’ Dream.”

¹¹⁶Fish, as shown above, was a founder of the Roxbury Weston Programs and Weston Community Housing. Eleanor Searle had been a member of a town housing committee during the time of the proposal for Merriam Village. Edward Lashman was an attorney who had been the housing lobbyist for the AFL-CIO and served in the Lyndon Johnson administration as congressional liaison for the U. S. Department of Housing and Urban Development and later as Massachusetts Secretary of Administration and Finance under Michael Dukakis. Robert Davis Brown had served on the Weston Planning Board from 1974 to 1981 and in 1996 was a member of the Weston Housing Needs Committee. The earliest meeting document found in the looseleaf binders that contain the notes of the Dickson’s housing group is dated June 9, 1997. The group referred to itself by various names in the documents; here it will be referred to as the Dickson housing committee. Dickson, interview; Hilary Botein, “Labor Unions and Affordable Housing: An Uneasy Relationship, *Urban Affairs Review* 42:6 (July 2007), 818, note 3; “Weston Housing Committee,” typescript list, n.d., Dickson Meadow Binder #1, August 97 to May 1, ’98, Dickson Meadow archives, (courtesy of Polly Dickson); Memorandum, Ken Fish to Members of the Affordable Family Housing Group, July 28, 1997, Dickson Meadow Binder # 1.

¹¹⁷[Minutes], handwritten notes, September 4, 1997, Dickson Meadow

Binder #1; Dickson, interview; Edward Marchant, interview with author, Cambridge, Massachusetts, December 16, 2009.

¹¹⁸Acorn Structures, Inc. has since been acquired by Empyrean International of Acton.

¹¹⁹“Draft/Confidential Weston Affordable Housing,” printed list, n.d. (c. November 1997), Dickson Meadow Binder #1.

¹²⁰Minutes, Dickson housing committee [group lists], Regular Meeting, December 3, 1997, Dickson Meadow Binder #1; Dickson, interview.

¹²¹The 1997 donation comprised 6.6 acres. In November 1999, the Dicksons conveyed to the Community Builders additional parcels, including one to provide for drainage.

¹²²This is reflected in numerous documents in Dickson Meadow Binder #1.

¹²³Lee’s proposal would have created another problem since it would put the buildings nearer to the properties of the abutting opponents. In addition, Marchant reported to the Dickson committee that Lee told Marchant that he believed 40B was unconstitutional and was proud that the board generally took a long time to deliberate. Dickson housing committee, minutes, “Dickson Team Meeting February 18, 1998,” Dickson Meadow Binder #1; Meeting with Planning Board [notes] March 18, 1998, *ibid*; Dickson Development Planning Board [notes] March 31, 1998, *ibid*; Fox, interview. See also Kay McCahan to Weston Planning Board, March 14, 1998; “...some of you are not happy with this project

because it is not coming thru [sic] normal channels and some of you do not have the degree of control you normally have in this sort of development.”

¹²⁴Alexandra DeGenova, Brendan Goodwin, Shannon Moriarty, and Jeremy Robitaille, *On the Ground: 40B Developments Before and After* (Somerville, Massachusetts: Department of Urban and Environmental Policy and Planning, Tufts University, 2009), 52.

¹²⁵Dickson housing committee, Neighbors Update, in Minutes, December 17, 1997, 2; Paul S. Goodoff to Ripley Hastings, June 25, 1998, Dickson Meadow Documents, Binder # 2; John A. Leith (for the Paine Estate) to Weston Board of Appeal, March 19, 1999, Dickson Meadow Documents, Binder # 4.

¹²⁶Planning Board Site Visit, Dickson Development Team Meeting February 11, 1998, Dickson Meadow Binder #1; Questions Raised at March 22 [1998] Meeting: Shea Home, 155 Chestnut, Highland Area Association, handwritten notes, Dickson Meadow Binder #1.

¹²⁷Earlier the town had preliminarily approved the trail, pending a committee study. The committee urged rejection, and the selectmen put it to a vote at town meeting. A correspondent who attended the special town meeting reported fears of an increase in traffic and difficulty in parking, crime, noise, invasion of privacy, damage to conservation land, and harm to wildlife. Questions Raised at March 22 [1998] Meeting; Marty Carlock, “Weston Divided by Bike-Trail

Proposal,” *Boston Globe*, December 7, 1997; Carrie Izard Richardson, “Weston Goes Down a Different Path,” *Boston Globe*, December 14, 1997; Mullin, interview.

¹²⁸Rumor had it that Harrison situated his house next to the Dickson’s land in the expectation that it would remain open and undeveloped—even though it was private not public property.

Lobell and Harrison also requested that the market-rate houses be built so small that no more than two people would ever inhabit them. Dickson Development Team Meeting February 11, 1998, Dickson Meadow Binder # 1.

¹²⁹Shawn Regan, “Judge Lifts Order,” *Weston Town Crier*, April 13, 1998; Shawn Regan, “Dickson Decision Next Week,” *Weston Town Crier*, April 28, 1998; DeGenova, *et al*, *On the Ground*, 54. See also Kenneth R. Berman to Board of Selectmen, March 10, 1998, Binder # 1.

¹³⁰Marchant, interview.

¹³¹The formal procedure was that the ZBA notified the various town agencies of the application. Weston Planning Department, Dickson Meadow files; Marchant, interview; Polly Dickson, e-mail communication to author, July 29, 2010.

¹³²The septic formula was increased from the state’s required calculation based on 110 gallons of water per bedroom to the town’s standard of 165 gallons.

¹³³Thomas Grillo, “Weston Affordable Housing a Step Closer,” *Boston Globe*, May 15, 1999 Thomas Grillo, “Lots & Blocks,” *Boston Globe*, May 23, 1999.

¹³⁴In the fall 1999, the Citizens’

Housing and Planning Association gave a special award to the Dicksons to recognize Dickson Meadow as a best practice development.

¹³⁵In Weston a newly constructed three/two-bedroom house of more than 2,000 square-foot living space plus a two-car garage would cost at least \$1.3 or 1.4 million, or about twice as much as the \$700,000 that the Community Builders asked for the market-rate units. Marchant, interview.

¹³⁶Marchant, interview; Susan Haber, interview with author, Weston, Massachusetts, June 1, 2005; Fox, interview.

¹³⁷Post Road Green, 809-811 Boston Post Road, and 680 South Avenue, were the two projects completed in 2005. In 2008 Weston’s subsidized housing inventory was 3.5 percent of the total. Barry Bluestone, Chase Billingham, and Tim Davis, *The Greater Boston Housing Report Card 2008* (Boston: Center for Urban and Regional Policy, Northeastern University, 2008), Appendix A Municipal Scorecard, 85. As of April 1, 2010, 138 affordable units comprised 3.6 percent and the town expected that currently planned construction of new dwellings would raise the percentage to 4.4 percent of the 2000 housing stock. Town of Weston, Community Preservation Plan (Issued 2002, Revised April 2010), 7.

¹³⁸Gillespie feels, however, that the greatest impediment to low-income housing development is high land values and that neighborhood resistance is a secondary cause. Douglas Gillespie, interview with author, Weston, Massachusetts,

November 24, 2009.

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