



## MEMORANDUM

Date: April, 2016  
To: Board and Committee Chairpersons  
From: Peter J. Haley, Moderator  
Subject: Spring Annual Town Meeting, April 25, 2016

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The speakers under the motion on Article 1 To Hear and Act on Reports of the Town Officers and the Finance Committee “to receive the reports and place them on file,” shall be heard in the following order:

Board of Selectmen  
School Committee  
Finance Committee  
Planning Board  
Library Trustees  
Town Manager  
Committee on Government Regulations  
Committee on Rules

The speaker's time will be limited to five (5) minutes.

I look forward to seeing everyone on April 25<sup>th</sup>.



***Preliminary Motions***

**MOVED AND SECONDED** that the following preliminary motions be voted as one:

1. That Richard C. Howard, Town Manager; Stacie Ward, Comptroller; Wade M. Welch, Town Counsel; and Mark J. Twogood, Assistant Town Manager, who are not Town Meeting Members, be permitted to sit at the front of the auditorium with the Board of Selectmen during all sessions of this Town Meeting.
2. That all members of the Finance Committee and their secretary, whether Town Meeting Members or not, be permitted to sit together at the front of the auditorium during all sessions of this Town Meeting.
3. That the Town Clerk or her designee or the Assistant Town Clerk be permitted to occupy a desk on the platform during all sessions of this Town Meeting.
4. That the Moderator be authorized to permit members of various town boards, commissions, committees, department heads, and petitioners of special articles to sit at the front of the auditorium during consideration of appropriate articles.
5. That unless it be otherwise ordered, all adjourned sessions of this Town Meeting shall be held on successive Thursday and Monday evenings at 7:30 P.M. in the Winchester High School Auditorium, until the work of this Town Meeting is completed.
6. That action on all motions involving appropriations shall be contingent upon compliance with the provisions of Massachusetts General Laws Chapter 59, Section 21C, a law known as the
7. 2-1/2 Tax Limitation.
8. That cable television coverage shall be permitted at all sessions of this Town Meeting.

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| 2          | Amend Zoning Bylaw: 9.5.1 Site Plan Review                                       | Planning Board        | 2/3 Vote          | 5           |
| 3          | Amend Zoning Bylaw: 10.0 Table of Dimensional Requirements                       | Planning Board        | 2/3 Vote          | 7           |
| 4          | Amend Zoning Bylaw: 3.0 Outside Food Service                                     | Planning Board        | 2/3 Vote          | 9           |
| 5          | Amend Code of By-laws, Chapter 8, Section 21                                     | Planning Board        | Majority          | 11          |
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| 26         | Appropriate funds for various capital projects                                   | Capital Plan. Comm.   | Majority          | 38          |
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|            | <i>*2/3 on Stabilization Funds</i>   |                       |                   |             |
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Town of Winchester  
Annual Spring Town Meeting



## **ARTICLE 1**

To hear and act upon the reports of the Town Officers and the Finance Committee, or take any other action in relation thereto.

(Board of Selectmen)

### **MOTION:**

**MOVED AND SECONDED**, that the reports of Town Officers and Finance Committee be received and filed.

*Majority vote required*

Town of Winchester  
Annual Spring Town Meeting



## **ARTICLE 2**

To see if the Town will vote to amend section 9.5.1 of the Winchester Zoning Code to include the following new applications for Site Plan Review

4. All buildings via new construction or by expansion in which the floor area is equal to or greater than 6,000 square feet (including garage, excluding basement) in the RDA-20 zoning district
5. All buildings via new construction or by expansion in which the floor area is equal to or greater than 5,000 square feet (including garage, excluding basement) in the RDB-10 zoning district
6. All buildings via new construction or by expansion in which the floor area is equal to or greater than 3,600 square feet (including garage, excluding basement) in the RG-6.5 zoning district
7. Change in slope over 6% of existing grade of an area more than 500 square feet

(Planning Board)

### **MOTION:**

**MOVED AND SECONDED** to see if the Town of Winchester will vote to **AMEND**, Section 9.5.1 of the Winchester Zoning Bylaw to include the following new applications for Site Plan Review:

4. All buildings via new construction or by expansion in which the floor area is equal to or greater than 6,000 square feet (including garage, excluding basement) in the RDA-20 zoning district
5. All buildings via new construction or by expansion in which the floor area is equal to or greater than 5,000 square feet (including garage, excluding basement) in the RDB-10 zoning district
6. All buildings via new construction or by expansion in which the floor area is equal to or greater than 3,600 square feet (including garage, excluding basement) in the RG-6.5 zoning district
7. Change in slope over 6% of existing grade of an area more than 500 square feet

## **ARTICLE 2 BACKGROUND:**

Winchester is an extremely desirable community filled with beautiful tree-lined streets, an eclectic architectural landscape and a relatively cohesive design aesthetic. In the past 5 years, there has been an uptick in new houses that are out of scale and character with its surrounding properties. Site Plan Review aims to pause the design and construction phase to allow for neighborhood feedback on potentially impactful development. Site Plan Review of this kind is a standard in nearly all comparable communities in the Commonwealth. The goal is not to stop new construction, but rather to foster and ensure responsible development. Large houses can be built in a way that doesn't hamper its surrounding properties. As many residents have said, this is a property rights issue. A resident should be afforded a certain level of predictability when it comes to their neighborhood, and dimensional controls (height, setback, building coverage) do not offer that predictability. This is why so many architecturally-rich communities employ Site Plan Review to nurture conscientious building practices.

Currently, Site Plan Review is performed by the Zoning Board of Appeals and there is no proposal to change the review authority. Site Plan Review consists of potentially putting conditions on a building permit that relate to: the removal of trees, stormwater infrastructure, parking, obstruction of scenic views, and neighborhood character. It should be stressed that during Site Plan Review, the Zoning Board of Appeals **cannot deny** a project from going forward, but can only put reasonable conditions on the permit. More often than not, the conditions do not increase costs for the builder, but rather help shape the project to be an amenity to the street on which it's located.

*2/3 Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## ARTICLE 3

To see if the Town will vote to amend Section 10.0 of the Winchester Zoning Code by adding new entries for green space and hardscape and including such in the Table of Dimensional Requirements in section 4.0 of the Winchester Zoning Code.

- a. New definition of **green space** to include grass, trees, shrubs, vegetated or other softscape areas, pools, fish ponds, or other water features including but not limited to fountains, and specifically does not include areas for parking.
- b. New definition of **hardscape** to include patios, driveways, parking areas or other types of man-made structures or materials such as but not limited to pavers, retaining walls, asphalt, stonework, concrete, and brick.
- c. Table of Dimensional Requirements to now include a 35% minimum Green Space requirement and a 35% maximum Hardscape requirement for the RA, RDA, RDB, RDC, and RG.RB zoning district will just have a 35% Green Space minimum requirement.

(Planning Board)

### MOTION:

**MOVED AND SECONDED** To see if the Town will vote to **AMEND** Section 10.0 of the Winchester Zoning Bylaw by adding new entries for green space and hardscape and including such in the Table of Dimensional Requirements in section 4.0 of the Winchester Zoning Code.

- a. New definition of **green space** to include grass, trees, shrubs, vegetated or other softscape areas, pools, fish ponds, or other water features including but not limited to fountains, and specifically does not include areas for parking.
- b. New definition of **hardscape** to include patios, driveways, parking areas or other types of man-made structures or materials such as but not limited to pavers, retaining walls, asphalt, stonework, concrete, and brick.
- c. Table of Dimensional Requirements to now include a 35% minimum Green Space requirement and a 35% maximum Hardscape requirement for the RA, RDA, RDB, RDC, and RG.RB zoning district will just have a 35% Green Space minimum requirement.

### **ARTICLE 3 BACKGROUND:**

The Winchester Zoning Bylaw defines open space as that part of a parcel in which no building is situated on and open to the sky. Therefore, there is no distinction between paved impervious surfaces (asphalt and concrete), and landscaped pervious surfaces (grass, trees, bushes). It is therefore possible for a property owner to remove all landscaped materials from their lot and pave their entire parcel. This is highly out of sync with a large majority of the existing parcels in town. However, we are seeing new house lots on the market with little to no green space, and covered with paving materials. True open space which includes vegetation is a defining characteristic of Winchester and as a Tree City with stormwater infrastructure issues, we should be tackling this problem head on.

Winchester has always had a problem with stormwater management and as we look towards the future, there is little doubt that additional money will have to be spent to keep us above water. One small step that we can make as a community is to institute a conservative approach to allow for stormwater to be accounted for onsite. The proposed green space requirement of 35% is a modest start, as this is the percentage of an average 10,000 square foot lot in town that would need to be green in order to accommodate a 2-year storm event.

*2/3 Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## ARTICLE 4

To see if the Town will vote to amend Section 3.0 Use Table in the Winchester Zoning Code to allow food to be served outside.

a. 3.1

i. Group IV Commercial Uses

1. Lunch room, restaurant, cafeteria, or similar for serving food or beverages, except diner or lunch cart, to persons inside the building.
2. Footnote to be added for the serving of food outside of the building to be allowed via Special Permit

b.7.3.11.4

i. Group IV Commercial Uses

1. Lunch room, restaurant, cafeteria, or similar for serving food or beverages, except diner or lunch cart, to persons inside the building.
2. Footnote to be added for the serving of food outside of the building to be allowed via Special Permit

(Planning Board)

### MOTION:

**MOVED AND SECONDED** To see if the Town will vote to amend Section 3.0 Use Table in the Winchester Zoning Code to allow food to be served outside.

b. 3.1

i. Group IV Commercial Uses

1. Lunch room, restaurant, cafeteria, or similar for serving food or beverages, except diner or lunch cart, to persons inside the building.
2. Footnote to be added for the serving of food outside of the building to be allowed via Special Permit

b.7.3.11.4

i. Group IV Commercial Uses

1. Lunch room, restaurant, cafeteria, or similar for serving food or beverages, except diner or lunch cart, to persons inside the building.
2. Footnote to be added for the serving of food outside of the building to be allowed via Special Permit

**ARTICLE 4 BACKGROUND:**

This article is part of the second half of what was voted on related to Outdoor Dining in the Fall of 2015. This article allows for food to be served outside to seated patrons under a license that is governed by the Winchester Board of Selectmen.

*2/3 Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## ARTICLE 5

To see if the Town will vote to amend Chapter 8 Section 21 of the Code of Bylaws to allow alcohol to be served outside

a. Chapter 8 Section 21

8.No person shall drink any alcoholic beverage (as defined in General Laws, Chapter 138, Section 1 as amended) while in or upon any street, sidewalk, park, playground or other public place in the town or while in or upon any private land or place in the town without the consent of the owner or person having control thereof, **or via a Use Special Permit according to the Table of Allowed Uses for outdoor dining, and an Outdoor Dining License from the Board of Selectmen according to Chapter 20.** All alcoholic beverages being used in violation of this section shall be seized and safely held by the police until final disposition of the charge against the person or persons charged with violating this section, at which time they shall be returned to the person or persons entitled to possess them.

(Planning Board)

### MOTION:

**MOVED AND SECONDED** To see if the Town will vote to amend Chapter 8 Section 21 of the Code of Bylaws to allow alcohol to be served outside

a. Chapter 8 Section 21

8.No person shall drink any alcoholic beverage (as defined in General Laws, Chapter 138, Section 1 as amended) while in or upon any street, sidewalk, park, playground or other public place in the town or while in or upon any private land or place in the town without the consent of the owner or person having control thereof, **or via a Use Special Permit according to the Table of Allowed Uses for outdoor dining, and an Outdoor Dining License from the Board of Selectmen according to Chapter 20.** All alcoholic beverages being used in violation of this section shall be seized and safely held by the police until final disposition of the charge against the person or persons charged with violating this section, at which time they shall be returned to the person or persons entitled to possess them.

### ARTICLE 5 BACKGROUND:

This article is part of the second half of what was voted on related to Outdoor Dining in the Fall of 2015. This article allows for alcohol to be served outside to seated patrons under a Special Permit from the Zoning Board of Appeals, and a license that is governed by the Winchester Board of Selectmen.

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 6**

To see if the Town will vote to amend Chapter 14, Section 2, Demolition of Historic Buildings, of the Code of By-Laws of the Town of Winchester as follows:

Add to Section 2.5 the phrase “**located in the Town**” at the end, to read as follows:

2.5 “Significant building” shall mean any Building or portion thereof **located in the Town,**

Add to Section 2.5, sub-section (b) the word **or**, to read as follows:

(b) which is included in the Massachusetts Historical Commission’s “Inventory of Historic and Archeological Assets of the Commonwealth” (the “Inventory”), **or**

Add to Section 2.5, a new sub-section (c), to read as follows:

**(c) which is constructed in the year 1940 or prior thereto,**

Add to Section 2.5 a new concluding sentence, to read as follows:

**For purposes of clause (c) above, the date of such Building shall be evidenced by the applicant pursuant to a certificate of occupancy, Town real estate tax assessment records or other indicia evidencing the Building’s date of construction, which is reasonably acceptable to the Commission.**

(Winchester Historical Commission)

### **MOTION:**

**MOVED AND SECONDED**, that under Chapter 14 of the Code of By-Laws of the Town of Winchester, Demolition of Historic Buildings (“Chapter 14”), the definition of “significant building” under Section 2.5 be expanded to include buildings or portions thereof which were constructed and completed in 1940 or earlier as follows:

By adding a new clause (c) to Section 2.5 of Chapter 14 and other related modifications which will read as follows:

2.5 “Significant building” shall mean any Building or portion thereof **located in the Town,**

(a) which is listed on, or is a contributing building within an area listed on, the National or State Registers of Historic Places (“National Register”),

(b) which is included in the Massachusetts Historical Commission’s “Inventory of Historic and Archeological Assets of the Commonwealth” (the “Inventory”), **or**

**(c) which is constructed in the year 1940 or prior thereto,**

provided, however, that a Building subject to application for a Demolition permit that otherwise is determined by the Commission to be a Significant Building may, at the discretion of the Commission, be demolished if such Building presents safety issues to the community or emergency conditions which may exist which merit Demolition. **For purposes of clause (c) above, the date of such Building shall be evidenced by the applicant pursuant to a certificate of occupancy, Town real estate tax assessment records or other indicia evidencing the Building's date of construction which is reasonably acceptable to the Commission.**

### **ARTICLE 6 BACKGROUND:**

The Winchester Historical Commission (HC) is empowered to actively preserve historically significant properties through its power to grant or delay the issuance of demolition permits (for up to 12 months). This power is vested in the HC by means of Chapter 14 of the Winchester Code of Bylaws, titled "Demolition of Historic Buildings," which has been in force since its adoption by Town Meeting in 1995. It has since been amended four times by Town Meeting, and currently applies to a specific list of properties identified through:

- Limited research conducted by student volunteers from Boston University in the late 1970s; and,
- Documentation provided to the National Register of Historic Places and the Commonwealth of Massachusetts' Inventory of Historical and Archaeological Assets programs.

Since its creation by Town Meeting 21 years ago, the process spelled out in Chapter 14 has aided in the preservation of many historic properties. The mere presence of the By-Law, in fact, has encouraged owners and developers to adaptively re-use properties rather than demolish them.

Unfortunately, the town's list of historic properties is incomplete and Winchester lacks the resources to conduct a complete inventory of its assets, a cost estimated at about \$925,000. Nonetheless, many historic properties — irreplaceable examples of a type and/or components of a larger streetscape or neighborhood — have been lost, many of them recently. This is why we are proposing a fixed date of 1940 or earlier, rather than a list, to trigger review.

If an owner or developer of a property that falls within this time frame applies for a permit to demolish the property, the HC can convene a public hearing to determine whether its preservation is important enough to warrant delaying issuance of the permit. During the delay period, which can last up to 12 months, the HC encourages the owner/developer to work with them to craft a plan with fewer adverse consequences, including preservation and renovation, relocation, or replacement with a structure in character with its surroundings.

In actual practice, the Commission reviews very few of the demolition permit applications and, of those we do review, a small number are delayed. A total of 157 permit applications have been pulled since January 1, 2012 (through April 8, 2016). The Commission reviewed 26 of those applications and determined that only four (4) met the stringent criteria (based on the National Historic Preservation Act of 1966) to be deemed historically significant. (Please see question 4 in the attached FAQs for the criteria used.)

The Commission has spent the last four (4) years documenting the trends and noting the ramifications of the loss of our historical resources town wide. The Commission has also spent the better part of the past 12 months holding numerous community conversations with concerned residents. In those meetings and in public hearings concerning demolition permit applications, we have heard from numerous Winchester citizens. Overwhelmingly, we hear most often from people after the fact – after a historic property has been lost to demolition – asking us to prevent such occurrences from happening to other neighborhoods. Many of these townspeople have now become active supporters of these warrants.

The passion of and involvement by town citizens and neighborhoods in this issue has been an amazing acknowledgement of the fact that we have a responsibility to one another: to preserve the value and heritage that our properties lend to one another, the town as a whole, and the Commonwealth; to ensure the quality of our schools, public safety, and infrastructure in an era of constrained spending and population growth; to provide a diversity of housing spaces and economic stability; and to preserve those aspects of the town that define and shape it.

Thank you.

## Winchester Historical Commission

Heather von Mering, Chair (Town Meeting Member, 8<sup>th</sup> Precinct)  
Jennifer Adams (Town Meeting Member, 4<sup>th</sup> Precinct)  
Janet Boswell (Town Meeting Member, 3<sup>rd</sup> Precinct)  
John Clemson (Town Meeting Member, 3<sup>rd</sup> Precinct)  
Bruce Hickey (Town Meeting Member, 7<sup>th</sup> Precinct)  
Jack LeMenager (Town Meeting Member, 6<sup>th</sup> Precinct)  
Michelle McCarthy (Town Meeting Member, 7<sup>th</sup> Precinct)

### **1. Who is proposing this article?**

Whether they are modest elements of a historical neighborhood or spectacular examples of an architectural style, our houses tell Winchester's story – who lived here, what they accomplished, and the role they played in the government, economy, and culture of their time.

In response to widespread and increasing concern about the demolition of a number of historic properties, the Winchester Historical Commission is proposing this amendment to help stem the loss of valuable historic assets that are integral to the fabric of our community. Consistent with the Commission's mission to preserve, protect, and develop those assets for future generations, we are seeking to expand the list of properties established under Chapter 14 of the Winchester Code Of By-Laws that may not be demolished without prior consideration of their historical significance and value to the community.

### **2. Why now?**

Since it was created by Town Meeting 21 years ago, the Demolition of Historic Buildings By-Law process has supported the preservation of many historic properties. The mere presence of the By-Law has encouraged owners to adaptively re-use historic properties rather than demolish them. However, the town lacks an accurate inventory reflective of its historical neighborhoods. Many historic properties not included on the list of reviewable properties have been lost, properties that are irreplaceable examples of a type and/or components of a larger streetscape or neighborhood.

The loss of an individual property can have a significantly negative impact on the town's quality of life and property values. In recent years, the rate of demolitions has been accelerating and many of the teardowns were of historical homes. In response to the current relatively lax protections afforded by the current bylaw, the town has been targeted by developers who demolish homes and replace them with ones out of scale and/or disharmonious with the surrounding neighborhood. More than making our neighborhoods and streetscapes discontinuous, replacing a modest home with one or more larger ones: 1) strains the town's infrastructure, including public safety, sanitation, and transportation; 2) has led to persistent overcrowding in our schools, despite redistricting efforts and significant investment in our school facilities; and 3) reduces affordability of our community – particularly for first-time home buyers and retirees.

### **3. It is my property. Why can't I do whatever I want with it?**

A landmark 1978 Supreme Court decision began:

*“Over the past 50 years, all 50 states and over 500 hundred municipalities have enacted laws to encourage or require the preservation of buildings and areas with historic or aesthetic importance. These nationwide legislative efforts have been precipitated by two concerns. The first is recognition that, in recent years, large numbers of historic structures, landmarks, and areas have been destroyed without adequate consideration of either the values represented therein or the possibility of preserving the destroyed properties for use in economically productive ways. The second is a widely shared belief that structures with special historic, cultural, or architectural significance enhance the quality of life*

*for all. Not only do these buildings and their workmanship represent the lessons of the past and embody precious features of our heritage, they serve as examples of quality for today.”<sup>1</sup>*

Additionally, as members of a community, we have a responsibility to one another on many levels, including ensuring the quality of our schools, public safety and infrastructure, as well as protecting and preserving those aspects of the town that define and shape it. In the same way that we unite for mutual protection in the event of natural disaster or crime, we also are a community of property owners. As such, we must be individually and collectively committed to preserving the value and heritage that our properties lend one another and the town as a whole. On the other hand, unchecked demolition of components of our community’s fabric and their subsequent replacement with structures out of character with the environment run contrary to that mutual faith and commitment.

#### **4. What makes a property important enough for the town to delay its demolition?<sup>2</sup>**

Winchester properties are only defined as historically significant and therefore preferably preserved if they are:

- *Historic:* 1) the site of an historic event, 2) identified with a person or group of persons who has some influence on society, 3) or exemplifies the cultural, political, economic, social, or historic heritage of the community;
- *Architecturally Important:* 1) portray the environment of a group of people in an era of history characterized by a distinctive architectural style, 2) embody the distinguishing characteristics of an architectural type, 3) are the work of an architect, master builder, or craftsman whose work has influenced the development of the town, or 4) contain elements of architectural design, detail, materials or craftsmanship, which represents a significant innovation; or
- *Geographically Important:* 1) part of a square, park, or other distinctive area, 2) represents an established and familiar visual feature of the neighborhood, district, street, context, town center, or the community as a whole due to its unique location or its physical characteristics.

#### **5. What would change under this proposal?**

Owners of homes built **during or before 1940** would not be able to demolish them by right –i.e., without review. Within the timeframes required by the Article, the Commission would conduct intense research about the property and determine whether or not it should be “preferably preserved” – i.e., deemed historically significant and therefore meriting preservation. If a property warrants that designation, the Historical Commission can delay the issuance of a demolition permit for up to 12 months, during which time the owner would be encouraged to work with the Commission to develop a plan with fewer adverse consequences for the town, such as preservation and renovation of said property, or replacement with a structure more in character with its surroundings. In the past four years we have imposed a demolition delay on only four (4) of the 26 demolition permit applications we have reviewed because those four (4) of the 26 properties met the criteria to be defined as historically significant and subject to a delay in demolition. A total of 157 permit applications have been pulled since January 1, 2012.

#### **6. Will being subject to the By-Law reduce the value of my property?**

No. There is exhaustive data available about the benefits of having a home included in a historic group. In fact, The National Association of Realtors’ website “houselogic.com” has a “how to” section on getting your house and/or neighborhood designated as historic. They note that “Even if your home’s price doesn’t rise, it’s less likely to fall... **because historic designations help ensure that the aspects that make the area attractive to home buyers will be protected over time by explicit design limits on such things as demolitions...**”

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<sup>1</sup> Penn Central Transportation Company v. City of New York. 438 U.S. 104, 98 S. Ct 2646 (1978), 107- 108.

<sup>2</sup> These definitions are embodied in Chapter 14 (Demolition Delay Bylaw) of the Town’s Bylaws and guide the Historical Commission in its deliberations, adopted by Town Meeting in April 2012.

Further, the NAR recommends:

*“When you need to value your historic home, say because you’re refinancing your mortgage or deciding how much insurance to buy, use an appraiser who specializes in the historic designation home valuations niche. If your home has a historic designation, but the neighborhood doesn’t, be especially picky about the appraiser’s expertise in historic properties. Your home will be harder to accurately appraise than a historic home in a designated district that’s better known to appraisers.”*<sup>3</sup>

There are equivalent economic alternatives for properties beyond just demolition.

### **7. How many additional properties would be impacted by this change?**

Under terms of the current By-Law, a total of 911 properties are subject to the By-Law, which includes those recognized by the National Register of Historic Places and the Massachusetts Historical Commission’s Inventory of Historical and Archeological Assets of the Commonwealth. When the original list was created for the Massachusetts Historical Commission, the state did not have the funds or the staffing to properly add all of the properties to complete an appropriate list for Winchester. As a result, the 911 properties covered represent a small fraction of truly historic properties in Winchester and only 10% of all town properties. The expansion of the number of properties potentially subject to the By-Law would include an additional 2,316 properties, which represents about 27% of the total 8,481 properties in Winchester.<sup>4</sup>

### **8. Why did the Commission select 1940?**

Any date certain adds clarity to the By-Law and the process. 1940 is special because it marks the start of the Second World War, and a time in Winchester’s (and elsewhere) history when home building came to a near standstill. Older, pre-war homes were custom built by a workforce of renowned craftsmen, artists, and carpenters and, having stood the test of time, many remain in excellent condition today and are exemplary examples of America’s Architecture and what defines Winchester as a Historic New England Town. The establishment of the historical neighborhoods of Winchester was substantially complete by 1940.

During and after the war, people increasingly found jobs that required greater mobility and relocation for continued employment and advancement. Subdivisions increasingly sprung up, repeating a small number of house plans so that many homes in a neighborhood were virtually identical – with little in the way of architectural features to distinguish one from another – and building materials became less sustainable. In addition, housing styles and design elements became less unique to their town and/or region and became a universal vernacular.

*Majority Vote Required*

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<sup>3</sup> Retrieved from [http://www.houselogic.com/home-advice/home-thoughts/neighborhood-historic-designation-can-raise-property-values/?search\\_link\\_clicked=Neighborhood%20Historic%20Designation%20Can%20Raise%20Property%20Values](http://www.houselogic.com/home-advice/home-thoughts/neighborhood-historic-designation-can-raise-property-values/?search_link_clicked=Neighborhood%20Historic%20Designation%20Can%20Raise%20Property%20Values) on March 24, 2016.

<sup>4</sup> This figure (8,481 total properties) is drawn from the draft Comprehensive Master Plan, 2007, by Goody Clancy. (This is a dated number that does not include new structures built since 2007.) It includes: 206 commercial, office and industrial buildings; 5,604 single-family residences; 376 two-family residences; and 20 multi-family residences.

Town of Winchester  
Spring Annual Town Meeting



## ARTICLE 7

To see if the Town will vote to amend Chapter 14, Section 2, Demolition of Historic Buildings, of the Code of By-Laws of the Town of Winchester as follows:

Add to clarifying language to Section 3.3, sub-section (a), to read as follows:

- 3.3 “(a) The chairperson or vice-chairperson shall determine whether the subject of the application is a significant building **and is *prima facie* a preferably-preserved significant building** based on available information. If inadequate information exists in the demolition application, the chairperson or vice-chairperson may deem the building referenced in the application to be a significant building and therefore a hearing **shall be held** in accordance with these bylaws. **In the event that an applicant has previously applied for a demolition permit for a significant building, received a determination from the Commission that such building is preferably-preserved significant building, does not demolish (within the meaning of Section 2.3 hereof) such building and then reapplies for a demolition permit of such building after any delay period imposed by the Commission, such applicant shall not be subject to a hearing or subsequent delay period so long as (x) no material change has occurred since such determination with respect to the criteria set forth in Section 3.6 as they relate to such building or its surroundings and (y) such applicant has remained the owner of such building since the date of such determination.**

Add clarifying language to Section 3.3, sub-section (b), to read as follows:

- (b) If the building is **determined or deemed to be a significant building and a preferably-preserved significant building as set forth in Section 3.3(a)**, the **chairperson or vice-chairperson** shall notify the building commissioner in writing within seven (7) days of receipt of the copy of the application that this by-law does apply to the building and that no demolition permit may be issued at that time. After the expiration of ten (10) days from the date the **chairperson or vice-chairperson** received the copy of the application, if the building commissioner has not received notification that the building is a significant building, the building commissioner may, subject to the requirements of the State Building Code and other applicable law, issue the demolition permit.

Add a new Section 3.12 to read as follows:

- 3.12 Unless another form of communication is expressly specified herein, all written communications under this Chapter 14 shall be made by U.S. postal service, electronic mail, facsimile transmission (with confirmation of receipt in writing by other means) or overnight delivery service.**

Amend Section 6 as follows:

**Section 6. OPPORTUNITY FOR REMOVAL**

Property owners will have a single opportunity to be removed by written reply mailed or delivered to the Commission (an “Opportunity for Removal”) from the protective status of this by law, **which election to be removed from the protective status of this by-law shall “run with the land” but may be subsequently rescinded in writing to the Commission by the then current owners of such property, as follows:**

Add clarifying language to Section 6, sub-section (i) to read as follows:

- (i) The Commission will notify each property owner listed on the Inventory by certified mail within six (6) months of the effectiveness of **Article 8 of the 2001 Spring Town Meeting** and such property owner shall be afforded an Opportunity for Removal within thirty (30) days of receipt of such notice;

Add to Section 6, sub-section (iii) the word “**Each**”, to read as follows:

- (iii) **Each** such notification will describe the effect of this by-law and permit such property owner the opportunity to notify the Commission that they wish to have their property removed from its status as a Significant Building.

(Winchester Historical Commission)

### **MOTION:**

**MOVED AND SECONDED**, that under Chapter 14 of the Code of By-Laws of the Town of Winchester, Demolition of Historic Buildings (“Chapter 14”), procedural clarifications be made with regard to the form of communications, subsequent applications for a demolition permit by the same owner of a building and elections by owners of buildings to rescind a prior “opt – out” as follows

By amending and restating Section 3.3 of Chapter 14 which will read as follows:

3.4 “(a) The chairperson or vice-chairperson shall determine whether the subject of the application is a significant building **and is *prima facie* a preferably-preserved significant building** based on available information. If inadequate information exists in the demolition application, the chairperson or vice-chairperson may deem the building referenced in the application to be a significant building and therefore a hearing **shall be held** in accordance with these bylaws. **In the event that an applicant has previously applied for a demolition permit for a significant building, received a determination from the Commission that such building is preferably-preserved significant building, does not demolish (within the meaning of Section 2.3 hereof) such building and then reapplies for a demolition permit of such building after any delay period imposed by the Commission, such applicant shall not be subject to a hearing or subsequent delay period so long as (x) no material change has occurred since such determination with respect to the criteria set forth in Section 3.6 as they relate to such building or its surroundings and (y) such applicant has remained the owner of such building since the date of such determination.**

(b) If the building is **determined or deemed to be** a significant building, the **chairperson or vice-chairperson** shall notify the building commissioner in writing within seven (7) days of receipt of the copy of the application that this by-law does apply to the building and that no demolition permit may be issued at that time. After the expiration of ten (10) days from the date the **chairperson or vice-chairperson** received the copy of the application, if the building commissioner has not received notification that the building is a significant building, the building commissioner may, subject to the requirements of the State Building Code and other applicable law, issue the demolition permit.

By adding a new Section 3.12 of Chapter 14 which will read as follows:

**3.12 Unless another form of communication is expressly specified herein, all written communications under this Chapter 14 shall be made by U.S. postal service, electronic mail, facsimile transmission (with confirmation of receipt in writing by other means) or overnight delivery service.**

And by amending and restating Section 6, Opportunity for Removal, which will read as follows:

### **Section 6. OPPORTUNITY FOR REMOVAL**

Property owners will have a single opportunity to be removed by written reply mailed or delivered to the Commission (an “Opportunity for Removal”) from the protective status of this by law, **which election to be**

removed from the protective status of this by-law shall “run with the land” but may be subsequently rescinded in writing to the Commission by the then current owners of such property, as follows:

- i. The Commission will notify each property owner listed on the Inventory by certified mail within six (6) months of the effectiveness of **Article 8 of the 2001 Spring Town Meeting** and such property owner shall be afforded an Opportunity for Removal within thirty (30) days of receipt of such notice;
- ii. To the extent any properties are added to the National Register or to the Inventory, the Commission shall deliver notice thereof to each property owner affected thereby by certified mail within six (6) months of said property being added to the National Register or Inventory and such property owner shall be afforded an Opportunity for Removal within thirty (30) days of receipt of such notice; and
- iii. **Each** such notification will describe the effect of this by-law and permit such property owner the opportunity to notify the Commission that they wish to have their property removed from its status as a Significant Building.

A listing of all Significant Buildings shall be kept by the Commission and shall be available to the public.

**ARTICLE 7 BACKGROUND:**

Please see the Background information for Article 6.

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 8**

To see if the Town will vote to transfer a certain parcel of land, located off Ridge Street, Winchester, for nominal consideration to the Wright-Locke Land Trust, as shown on the plan entitled “Plan of Land 78 Ridge Street Winchester, MA” containing 7,630 square feet more or less, dated February 8, 2016 by Schofield Brothers, LLC. This parcel is currently part of the land leased to the Wright-Locke Farm Conservancy by the Town. The purpose of the transfer to the Wright-Locke Land Trust is to correct the encroachment of the building located at 82 Ridge Street and to be leased by the Land Trust to the Conservancy. The land to be transferred is currently under lease to the Conservancy. This proposed transfer was approved by the Board of Selectmen and ratified by Town Meeting in the Development Agreement that was incorporated in the documents of transfer from the Town to the Land Trust or take any other action in relation thereto.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that the Town vote to authorize the Selectmen vote to transfer a certain parcel of land, located off Ridge Street, Winchester, for nominal consideration to the Wright-Locke Land Trust, as shown on the plan entitled "Plan of Land 78 Ridge Street Winchester, MA" containing 7,630 square feet more or less, dated February 8, 2016 by Schofield Brothers, LLC. This parcel is currently part of the land leased to the Wright-Locke Farm Conservancy by the Town. The purpose of the transfer to the Wright-Locke Land Trust is to correct the encroachment of the building located at 82 Ridge Street owned by the Land Trust and to be leased by the Land Trust to the Conservancy. This proposed transfer was approved by the Board of Selectmen and ratified by Town Meeting as set forth in the Development Agreement that was incorporated in the documents of transfer from the Town to the Land Trust.

### **ARTICLE 8 BACKGROUND:**

When the Town obtained 82 Ridge Street from The Hamilton Family as part of the Town’s right of first refusal of 78 Ridge, the residence on 82 Ridge was planned for demolition as part of Abbot’s Residential development plan. After Abbot defaulted the building was secured and insured by the Town but left vacant.

The Conservancy indicated to the Land Trust an interest in renovating and reusing the building which became part of the Land Trust’s proposal to the Town.

As part of the documents of transfer to the Land Trust, the Town agreed to cure the encroachment of the 82 Ridge Street building on the Historic Farmstead previously leased to the Conservancy, so that the building could be upgraded and reused by the Conservancy. This article accomplishes the “cure” of the encroachment.

*2/3 Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 9**

To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds dated July 1, 2015 for the remodeling and reconstruction of, and an addition to, Winchester High School, which bonds are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount, or to take any other action relative thereto.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that the Town appropriate \$4,181,569.28 from the premium paid to the Town upon the sale of bonds dated July 1, 2015 for the remodeling and reconstruction of, and an addition to, Winchester High School, which bonds are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount.

### **ARTICLE 9 BACKGROUND:**

The Town issued a \$60,000,000 bond in July 2015 for the High School construction project. As part of the awarded bid, the Town received a premium in the net amount of \$4,181,569.28.

A premium is created at the original issuance of a bond when an underwriter provides a bid that exceeds the par value (the stated principal amount) of the issue. The premium is received on the date of delivery of the issue and booked as a general fund receipt under Massachusetts General Laws. When a premium is received on a borrowing that is exempt from Proposition 21/2, the Department of Revenue requires that the interest that is excluded from the levy limit be reduced by the amount of the net premium (total premium minus underwriting expenses and costs of issuance). In the case of bonds, the Town has the option of reserving the premium and applying a pro rata share of the premium annually to reduce the exempt interest levied, or appropriate the net premium to the project and reduce the remaining borrowing authorization accordingly.

This Article allows the Town to appropriate the net premium of \$4,181,569.28 to be used for the High School construction project, and thereby reducing the cost of future borrowings.

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 10**

To see if the Town will vote to transfer from free cash or other available funds, a sum or sums of money, for the purpose of engineering and associated consultations pertaining to the location of electronic transmission lines in Winchester as proposed by Eversource in accordance with its petitions to the Energy Facility Siting Board, Department of Public Utilities EFSB 15-04/DPU 15-140, 141 and EFSB 15-03/DPU 15-64, 65 or take any other action relative thereto.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that the Town appropriate \$75,000 for the purpose of engineering and associated consultation pertaining to the location of the electronic transmission lines in Winchester as proposed by Eversource in accordance with its petition to the Energy Facility Siting Board, Department of Public Utilities EFSB 15-04/DPU 15-140, 141 and EFSB 15-03/DPU 15-64, 65, said appropriation to come from free cash.

### **ARTICLE 10 BACKGROUND:**

The Town has been informed that Nstar Electric Company d/b/a Eversource Energy (Eversource) has submitted a petition to the Energy Facilities Siting Board (EFSB) of the State's Department of Public Utilities for permission to construct and operate two transmission lines, each of which has a portion of the proposed route through Winchester (see the Town's website at <http://www.winchester.us/388/Eversource-Project> for more detailed information). For the most part, the proposed routes are in the public way throughout the Town.

The Town is reviewing and contesting some of the locations of the proposed routes as they are proposed to run through Winchester. In the likelihood that a portion of these lines will be routed in Winchester, the Town's Engineering Department will need consulting assistance to help determine where, in the public way, the lines should be located, and what other accommodations need to be made for public utilities in the streets. The requested funds are for the purpose of paying those consulting services. The hope is that the Town will be reimbursed for some, or all, of the costs of these services as part of the permitting of the project.

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 11**

To see if the Town will vote to raise and appropriate or transfer from free cash of other available funds or sums of money to prepare preliminary architectural and engineering reports for the construction of public parking facilities at so-called Waterfield Road parking lot and the Public Safety parking lot on Winchester Place or take any other action thereto.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that the Town appropriate \$75,000 to the Town Manager's account 0112102, other expenses for preparation of preliminary architectural and engineering reports for the construction of public parking facilities at so-called Waterfield Road parking lot and the Public Safety parking lot on Winchester Place, of which \$50,000 is from free cash and \$25,000 from the Parking Meter Reserve Fund.

### **ARTICLE 11 BACKGROUND:**

The Board of Selectmen has under consideration the future use of the Waterfield Road parking lot which is adjacent to the Winchester Center Commuter Rail stop. The passage of the Town Center Zoning By-Law last year gives the Town an opportunity to plan for an appropriately designed and sized transit oriented development opportunity at this site. Additionally, the commuter rail stop is undergoing redesign and is scheduled for reconstruction in the 2017/2018 timeframe (see the Town website <http://www.winchester.us/401/MBTA-Winchester-Center-Station-Renovatio> for more detailed information on the commuter rail project).

Redevelopment of the Waterfield Lot could result in the elimination of up to eighty-three (83) parking spaces at that location. The spaces service a variety of users, resident commuter, town center employees, town center shoppers and represents almost 22% of all of the Town Center off-street spaces.

The funds requested will be used by the Board and staff to retain engineering and architectural consulting to look at appropriate off-street locations for structured parking opportunities to provide needed parking availability for the Town Center. The expectation is that the Board will need an estimated \$100,000 for these services, to come from the following sources, \$50,000 free cash, \$25,000 Parking Meter Reserve Fund and \$25,000 Affordable Housing Fund (no Town Meeting action necessary to expend from this source).

*Majority Vote Required*

Town of Winchester  
Annual Spring Town Meeting



**ARTICLE 12**

To see if the Town will vote to transfer from free cash or other available funds, a sum or sums of money to supplement or reduce appropriations previously voted for Fiscal Year 2016 Budgets, or take any other action in relation thereto.

(Town Manager)

*Materials to be provided under separate cover*

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 13**

To see if the Town will vote to increase the FY2016 Recreation Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings, or take any other action in relation thereto.

(Finance Committee/Town Manager)

### **MOTION:**

**MOVED AND SECONDED**, that further consideration of Article 13 be indefinitely postponed.

### **ARTICLE 13 BACKGROUND:**

No adjustment to the FY2016 Recreation Enterprise budget are necessary at this time.

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 14**

To see if the Town will vote to transfer from other available funds, a sum of money for the maintenance of the parking lot and other costs associated with the collection and enforcement of parking ticket revenues, including lease payments to the Massachusetts Department of Conservation & Recreation at the Wedgemere Lot, and other Town Center lots, or take any other action in relation thereto.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** to authorize \$15,000 from the Parking Meter Fund for expenses associated with the operation of the Town Center parking facilities.

### **ARTICLE 14 BACKGROUND:**

As has been previously outlined in recent Town Meetings, management has introduced paid-parking programs at three (3) Town Center locations. Upper Aberjona Parking Lot, Laraway Road Parking Lot and the Cullen Parking Lot. These lots are intended to provide customers of Town Center businesses with long-term, multiple hour, off-street parking options at \$1.00 per hour. The funds requested will defray the costs of operating the collection system. Revenue for the fiscal year from these locations is estimated to be around \$50,000.

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 15**

To see if the Town will vote to amend and/or revoke Article 15 of the 2001 Spring Town Meeting pertaining to the establishment of the Department of Planning and Community Development, to be effective July 1, 2016, or to take any other action relating to said vote.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that Article 15 of the Spring 2001 Town Meeting establishing the Department of Planning and Community Development be revoked effective July 1, 2016.

### **ARTICLE 15 BACKGROUND:**

This article proposes to Town's department structure align with budgetary proposals for individual departments in Engineering, Planning, Building, Conservation and the Manager's office. The Department of Planning and Community Development ("DPCC") organizational model has not been in place for many years. The last Director of the Department was in place in 2002. There is no intention to resume this position. The Board of Selectmen in a report issued in 2009 has previously recommended that this action be taken. Revocation of the DPCC leaves all current departmental activity intact.

Spring Town Meeting  
April 23, 2001  
Adjourned Session May 7, 2001

Article 15

VOTED, that in accordance with Article 5 of the Winchester Home Rule Charter, the Department of Planning and Community Development is hereby established. The Department of Community Development shall be responsible for the Town's planning development and redevelopment programs. As part of this reorganization, a new position, the Director of Planning and Community Development, is created.

Subsequent to the approval of the motion, the Town Manager shall prepare any necessary changes to the Code of By-Laws to implement this reorganization and submit same to the annual Fall Town Meeting 2001.

Majority Voice Vote

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 16**

To see if the Town will vote to authorize the Treasurer, with the approval of the Town Manager and the Board of Selectmen, to borrow money from time to time in anticipation of revenue for the fiscal year beginning July 1, 2016 in accordance with Massachusetts General Law, Chapter 44, Section 4 as amended and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of Massachusetts General Law, Chapter 44, Section 17, or take any other action in relation thereto.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that the Town authorize the Treasurer with the approval of the Town Manager and the Board of Selectmen, to borrow money from time to time in anticipation of revenue for the fiscal year beginning July 1, 2016 in accordance with Massachusetts General Law, Chapter 44, Section 4 as amended and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of Massachusetts General Law, Chapter 44, Section 17.

### **ARTICLE 16 BACKGROUND:**

This is a boilerplate article which allows the Treasurer to borrow funds in anticipation of revenue for FY2017. Since the Town adopted quarterly tax billing, there has been no need to borrow in anticipation of revenue.

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 17**

To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the fiscal year beginning July 1, 2016 and especially for or relating to all or any of the officers, boards or departments and for all purposes authorized by law, vote to fix the salary and compensation of all elective officers of the Town as provided in Massachusetts General Law, Chapter 41, Section 108 as amended and to appropriate funds into the Capital and Building Stabilization Funds, or take any other action in relation thereto.

(Finance Committee)

*Finance Committee Report to be distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 18**

To see if the Town will raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Water and Sewer Enterprise Fund of the Department of Public Works for the fiscal year beginning July 1, 2016, and to appropriate and retained earnings into the Water Sewer Enterprise Account, or take any other action in relation thereto.

(Finance Committee)

*Finance Committee Report to be distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 19**

To see if the Town will raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Recreation Department for the fiscal year beginning July 1, 2016, and to appropriate and transfer retained earnings into the Recreation Enterprise Account, or take any other action in relation thereto.

(Finance Committee)

*Finance Committee Report to be distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 20**

To see if the Town will vote to appropriate a sum of money to the Capital Stabilization Fund and/or the Building Stabilization Fund established under Chapter 69 of the Acts of 2002, or take any other action in relation thereto.

(Finance Committee)

### **MOTION:**

**MOTION 1: MOVED AND SECONDED** that the Town vote to raise and appropriate \$614,520 to the Capital Stabilization Fund under Chapter 69 of the Acts of 2002.

**MOTION 2: MOVED AND SECONDED** that the Town vote to raise and appropriate \$30,000 to the Building Stabilization Fund under Chapter 69 of the Acts of 2002.

### **ARTICLE 20 BACKGROUND:**

#### **MOTION 1 BACKGROUND:**

Prior to the creation of the Building Stabilization Fund and Capital Stabilization Funds all of the town's debt service was funded through the General Fund. The Finance Committee and Town Meeting adopted a policy in 2010 that, as these older (Non-Prop 2-1/2 excluded) bonds mature and debt service declines, amounts that were formerly committed to capital project debt service will be transferred each year to the Building Stabilization Fund or the Capital Stabilization Fund to support new capital projects.

The town's capital program depends on these appropriations, which provide more than 60% of the funding for FY2017 capital projects from the Building Stabilization Fund and Capital Stabilization Fund.

#### **MOTION 2 BACKGROUND**

In 2012 the Building Stabilization Fund financed the installation of a new energy-efficient boiler at the Muraco School. This new boiler was projected to save at least \$44,000 per year in energy costs with the understanding that a portion of the savings, \$30,000, be transferred from the General Fund to the Building Stabilization Fund each year to help support the debt service on the bonds for the boiler installation.

*2/3 Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 21**

To see if the Town will vote to raise and appropriate or transfer from available funds to the “Other Post-Employment Benefits Liability Trust Fund” in order to reduce the unfunded actuarial liability of health care and other post-employment benefits for which the Town is obligated, or take any other action in relation thereto.

(Finance Committee)

*Finance Committee Report to be distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 22**

To see if the Town will raise and appropriate any sums of money to be used with such sum or sums as may be made available from the State Highway Fund or allotted by the County Commissioners for maintenance, repair, alteration, relocation or other improvements of Town or County ways, together with the acquisition of easements for the payment of damages and expenses in connection therewith, as well as to authorize the transfer and use for said purposes of any unused balances, or take any other action in relation thereto.

(Board of Selectmen)

### **MOTION:**

**MOVED AND SECONDED** that the Town be authorized to accept and expend funds from the Commonwealth of Massachusetts State Highway Fund for maintenance, repair, alteration, relocation and other improvements to Town ways and/or purchase of equipment, acquisition of easements and payments of damages and expenses in connection therewith and to authorize the transfer and use for said purposes of any unused balances.

### **ARTICLE 22 BACKGROUND:**

This article authorizes the Town to accept and expend funds from the Commonwealth of Massachusetts for improvements to Town ways, the purchase of equipment, acquisition of easements, and payments for damages and expenses. These funds are commonly referred to as "Chapter 90 Funds". In FY2016 we are anticipating an allocation of \$527,830.00.

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 23**

To see if the Town will vote to appropriate a sum of money for the design, engineering, bid documents and all other costs incidental or related thereto for the reconstruction of the Swanton Street Bridge (flood mitigation project #8). Said appropriation shall be made from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, free cash, or any other available funds or take any action in relation thereto.

(Capital Planning Committee)

### **MOTION:**

**MOVED AND SECONDED** that \$235,000 is appropriated for the design, engineering, bid documents and all other costs incurred or related thereto for the reconstruction of the Swanton Street Bridge (flood mitigation project #8) of which \$175,000 is from free cash and \$60,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002.

### **ARTICLE 23 BACKGROUND:**

The Aberjona River Flood Mitigation Program Project '8' consists of reconstructing the Swanton Street Bridge, carrying Swanton Street over the Aberjona River to accommodate a wider hydraulic opening. Project 8 will reduce the floodplain upstream of the Swanton Street crossing, benefiting the Lowell Ave businesses, The Village in Winchester Condominiums, and the Brookside Ave, Forest Street neighborhood. The existing Swanton Street Bridge is a single span, precast adjacent beam structure which carries 2 lanes of traffic in the East and West directions over the Aberjona River. The bridge span over the Aberjona River is approximately 16' and has a 50' bridge width. The bridge was partially reconstructed in 1995, which included replacing the superstructure while maintaining the existing stone abutments.

Project 8 proposes to reconstruct the Swanton Street Bridge by widening the western bridge abutment by approximately 9-feet and rebuilding the eastern abutment at its current location. The Aberjona River in the vicinity of the bridge will also need to be widened to accommodate the wider bridge opening. Stream and bank stabilization will be required to smoothly transition stream flow into the proposed bridge opening.

In the fall of 2015 Town Meeting voted an appropriation to fund the 25% engineering plans for Project 8. That work is in progress and consists of survey, geotechnical, and preliminary design and cost estimates.

Work proposed under Article 23 will consist of the permitting, final engineering, design and the preparation of contract bid documents and cost estimates for Project 8.

It is the Town's hope that by completing the engineering services for Project 8 and creating a shovel-ready project it will increase the likelihood of releasing the \$2.5 million dollars that is currently in the Environmental Bond Bill.

*2/3 Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 24**

To see if the Town will vote to appropriate a sum of money for the engineering and design of repairs to the sewer system identified in the Meter #1, 2 & 6 and Lawson/Leslie Subareas Sanitary Sewer Evaluation Survey Project for the removal of sources of infiltration and inflow (I/I) upstream of the Massachusetts Water Resources Authority connection at Shannon Beach and in a high infiltration area near Lawson Road, and to address other defects that adversely affect the collection system, in order to reduce the occurrence of sewer system back-ups and overflows, including the preparation of bid documents for the project and all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Resources Authority or otherwise; to authorize the Treasurer to apply for and accept any grants or loans for the project from the Massachusetts Water Resources Authority or any other source; and to take any other action relative thereto.

(Capital Planning Committee)

### **MOTION:**

**MOVED AND SECONDED** Moved: That \$100,000 is appropriated for the engineering and design of repairs to the sewer system identified in the Meter #1, 2 & 6 and Lawson/Leslie Subareas Sanitary Sewer Evaluation Survey Project for the removal of sources of infiltration and inflow (I/I) upstream of the Massachusetts Water Resources Authority connection at Shannon Beach (formerly known as Sandy Beach) and in a high infiltration area near Lawson Road, and to address other defects that adversely affect the collection system, in order to reduce the occurrence of sewer system back-ups and overflows, including the preparation of bid documents for the project and all other costs incidental or related thereto; and that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (“MWRA”) and in connection therewith to enter into a loan agreement and financial assistance agreement with the Authority and to accept any grants for the project from the MWRA, provided that the amount of the authorized borrowing shall be reduced by the amount of any such grants received from the MWRA; that the Town Manager is authorized to have oversight of said project; and that in accordance with Section 4-2 of the Winchester Home Rule Charter, the Town Manager shall have the authority to enter into contracts and approve payments with respect to said project.

### **ARTICLE 24 BACKGROUND:**

The Meter #1, 2 & 6 and Lawson/Leslie Subareas Sanitary Sewer Evaluation Survey Project was completed to identify sources of infiltration and inflow (I/I) the sewer system upstream of the MWRA connection at Shannon Beach and in a high infiltration area near Lawson Road. The project identified numerous sources of I/I and other defects that adversely affect the collection system. These defects should be rehabilitated to reduce the occurrence of sewer back-ups and overflows. Rehabilitations will include both trenchless and excavate and replace techniques. This Article requests design services funding to create contract documents suitable for public bid.

*2/3 Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 25**

To see if the Town will vote to amend the vote taken under Article 12 at the 2014 fall annual Town Meeting which appropriated \$500,000 for “water main lining in the Ware Road and North Border Road area and for town-wide lead neck removal, including all design, engineering and other costs incidental or related thereto” and authorized a borrowing from the Massachusetts Water Resources Authority to meet such appropriation, in order to expand the purpose of such appropriation and borrowing to include water main cleaning and lining on Cleveland Road, and the installation of a water main on Spruce Street; and to take any other action relative thereto.

(Capital Planning Committee/Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that in order to expand the purpose of the appropriation and borrowing authority therein, the vote under Article 12 of the 2014 fall annual Town Meeting is hereby amended to read as follows:

“That \$500,000 is appropriated for water main lining in the Ware Road and North Border Road area, for town-wide lead neck removal, water main cleaning and lining on Cleveland Road, and the installation of a water main on Spruce Street, including all design, engineering and other costs incidental or related thereto; and that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (“MWRA”) and in connection therewith to enter into a loan agreement and financial assistance agreement with the Authority and to accept any grants for the project from the MWRA, provided that the amount of the authorized borrowing shall be reduced by the amount of any such grants received from the MWRA; that the Town Manager is authorized to have oversight of said project; and that in accordance with Section 4-2 of the Winchester Home Rule Charter, the Town Manager shall have the authority to enter into contracts and approve payments with respect to said project.”

### **ARTICLE 25 BACKGROUND:**

The motion under Article 25 revises the language of Article 12 that was voted at the 2014 fall annual Town Meeting. This language adds Spruce Street and Cleveland Road to the areas to be included in the scope of work previously voted. This work is eligible under the MWRA loan grant program. Under this motion the amount of the appropriation previously voted does not change.

*2/3 Vote Required*

Town of Winchester  
Annual Spring Town Meeting



## **ARTICLE 26**

To see if the Town will vote to raise and appropriate or transfer from Free Cash or other available funds a sum of money for extending the useful life of rolling stock and building systems and further, to authorize the Town Manager, based on recommendations by the Capital Planning Committee, to administer and expend funds from said account, or take any other action in relation thereto.

(Capital Planning Committee/Board of Selectmen)

### **MOTION:**

MOVED AND SECONDED that the Town appropriate \$100,000 from free cash to a Strategic Capital Maintenance Program account and further to authorize the Town Manager based on recommendations by the Capital Planning Committee to administer and expend funds from said account.

### **ARTICLE 26 BACKGROUND:**

Article 26 provides the funds to continue for a second year a program for the implementation of a Strategic Capital Maintenance Program that fills the gap between routine maintenance and major capital replacement projects. The objective of the program is to make strategic repairs and improvements that extend the useful life of the town's buildings vehicles and other infrastructure as cost-effectively as possible. The first year program was very successful with projects implemented or upcoming at the Town Hall, Ambrose School, McCall Middle School and a DPW truck.

The program will integrate information from engineering inspections, repair orders and life-cycle cost estimates and use that information to target improvements that maximize the economic life of town buildings and equipment. The VFA software program which was recently updated used in conjunction with the towns Work Order software program will be utilized to help target maintenance projects suitable for funding under this program. The VFA updated building inventory will be utilized in the Winchester Public School Master Plan Update currently being prepared.

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 27**

To see if the Town will vote to continue a revolving fund for the Archival Center in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive monies, grants, or gifts and fees associated with the sale of reproductions of historical items; that funds derived from the sale of such items be expended by authorization of the Town Manager and that the expenses be limited to **\$5,000 in FY2017**, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Town Manager)

### **MOTION:**

**MOVED AND SECONDED** that the Town continue a revolving fund for the Archival Center in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive monies, grants, or gifts and fees associated with the sale of reproductions of historical items; that funds derived from the sale of such items be expended by authorization of the Town Manager and that the amount of the fund be limited to \$5,000 in FY2017.

### **ARTICLE 27 BACKGROUND:**

The revolving fund for the Archival Center was established at the 2008 Spring Annual Town Meeting to enable the Archival Center to retain fees that it receives through the sale of reproductions from its collections or other products. This revenue stream permits the Archival Center to fund other projects consistent with its mission to acquire and retain historical documents pertaining to the Town of Winchester.

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 28**

To see if the Town will continue a revolving fund in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive fees associated with the use of energy in school and municipal buildings; that funds derived from the assessment of fees for such use may be expended by authorization of the Town Manager for projects that conserve energy in the operation of the Town's buildings and infrastructure, and that the expenses be limited to \$80,000 in FY2017, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Board of Selectmen and School Committee)

### **MOTION:**

**MOVED AND SECONDED** that the Town will continue a revolving fund in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive fees associated with the use of energy in school and municipal buildings; that funds derived from the assessment of fees for such use may be expended by authorization of the Town Manager for projects that conserve energy in the operation of the Town's buildings and infrastructure and that the amount of the fund be limited to \$80,000 in FY2017.

### **ARTICLE 28 BACKGROUND:**

This revolving fund was established at the 2008 Spring Annual Town Meeting to enable the Town to assess and retain revenue from energy surcharges on the rental of space in municipal and school buildings. The revenue is used to invest in modest improvements designed to reduce energy usage or otherwise improve the energy efficiency in municipal or school buildings and infrastructure. This fund is an essential element of a policy recommended by the Energy Management Committee and adopted jointly by the Board of Selectmen and School Committee. The primary source for income to the Revolving Fund is the Energy Rental Surcharge Fee.

*Majority Vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 29**

To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E½, in order to receive monies, grants or gifts and fees charged for public health programs, such as clinics, sponsored by the Board of Health, and further, to authorize the Board of Health to administer and expend funds for these and related programs, such as medical services, up to a limit of \$75,000 in FY2017, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Board of Health)

### **MOTION:**

To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53 ½, in order to receive monies, grants or gifts and fees charged for public health programs, such as clinics, sponsored by the Board of Health, and further, to authorize the Board of Health to administer and expend funds for these and related programs, such as medical services, up to a limit of \$75,000 in FY2017, or take any other action in relation thereto.

### **ARTICLE 29 BACKGROUND:**

This revolving account is used by the Board of Health to sponsor vaccine clinics and other health programs that provide for health screenings and immunizations such as, for flu, pneumonia, etc. Expenses include the cost of the vaccine, printing costs, staff time, and other supplies.

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 30**

To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E1/2 in order to receive monies, grants or gifts and fees charged for grass field permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations by the Field Management Committee, to administer and expend funds limited to \$50,000.00 in FY 2017 for field maintenance, portable bathrooms, fencing repairs for Town, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Field Management Committee)

### **MOTION:**

MOVED AND SECONDED that the Town vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E1/2 in order to receive monies, grants or gifts and fees charged for Grass Field Permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations of the Field Management Committee, to administer and expend funds received for natural grass, playgrounds, tennis and basketball permits and that the amount of the fund be limited to \$50,000 in FY2017, for field maintenance, portable bathrooms, fencing repairs, etc. Any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year.

### **ARTICLE 30 BACKGROUND:**

The purpose of the article is to permit the funding of maintenance, and supplement capital expenses and salaries for town grass fields in FY2017.

The Field Management Committee is requesting the continuation of the Grass Field Revolving Account that would be authorized by the Town Manager, based on recommendations of the Field Management Committee and Town Personnel. This Article will allow the Town to collect funds for the permitting of Grass Fields. These funds would give the town additional revenue to offset any maintenance issues and supplement capital projects for fields, McDonald and Leonard tennis courts and basketball courts and playgrounds and give the Town funds to supplement any field capital projects.

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 31**

To see if the Town will vote to continue the Synthetic Turf Revolving Fund in accordance with Massachusetts General Law, Chapter 44, Section 53E1/2 in order to receive monies and fees charged for the synthetic turf field permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations by the Field Management Committee, to administer and expend funds limited to \$50,000.00 for turf field maintenance, bleacher and fence repair, field painting, and field custodian salaries received in FY 2017, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Field Management Committee)

### **MOTION:**

**MOVED AND SECONDED** that the Town vote to continue the Synthetic Turf Revolving Fund in accordance with Massachusetts General Law, Chapter 44, Section 53 E 1/2 in order to receive monies and fees charged for Synthetic Turf Field Permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations by the Field Management Committee, to administer and expend funds received for field maintenance, bleacher and fence repair, field painting and salaries for field custodians for Knowlton Turf Field permits and Recreation Director's time for handling permitting and scheduling of turf, funds be limited to \$50,000 in FY2017. Any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year.

### **ARTICLE 31 BACKGROUND:**

The purpose of the article is to permit the funding of maintenance, and supplement capital expenses and salaries for town synthetic turf field in FY 2017.

The Field Management Committee is requesting continuation of the Synthetic Turf Account that would be authorized by the Town Manager, based on recommendations by the Field Management Committee and Town Personnel. Article 18 will allow the Town to collect funds for permitting the Synthetic Field. These funds will give the town additional revenue to offset any maintenance issues and to supplement a new synthetic carpet. The fees will also pay the custodian's time to monitor the Turf while in use. The custodian for the Turf field by greeting users, monitoring the facility and cleaning after events. The fees will also compensate the Recreation Director's time handling permitting and scheduling conflicts for field, playground, tennis and basketball courts.

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 32**

To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to wages and salaries, working conditions, new or revised rates of wages and salaries, changes, additions, adjustments or revisions of wages and salaries and in classifications and definitions, and in amending, revising and adding to the Personnel Policy Guide as well as in other matters thereto related; and to raise and appropriate money for any adjustments or revisions of wages and salaries of employees subject and not subject to collective bargaining agreements or in any job classifications, and to provide for salary or wage adjustments not otherwise provided for, said monies to be expended by the departments affected; determine in what manner the monies shall be raised by taxation or otherwise, or take any other action in relation thereto.

(Personnel Board)

*Personnel Board Report distributed under separate cover*

*Majority Vote Required*

Town of Winchester  
Spring Annual Town Meeting



**ARTICLE 33**

To see if the Town will authorize and direct the Board of Assessors to take any sum of money from available funds to reduce the tax levy for the current financial term and/or transfer funds to or from the Stabilization Fund, or take any other action in relation thereto.

(Town Manager)

*Motion to be distributed under separate cover*

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 34**

To see if the Town will vote to take appropriate or necessary actions to comply with the provisions of Massachusetts General Law Chapter 59 Section 21C, a law known as the “2½ Tax Limitation” or any State legislative acts or executive orders supplementary or amendatory thereto, or take any other action in relation thereto.

(Finance Committee)

**MOTION:**

**MOVED AND SECONDED**, that further consideration of Article 34 be indefinitely postponed.

*Majority vote required*

Town of Winchester  
Spring Annual Town Meeting



## **ARTICLE 35**

To see if the Town will vote to hear or accept committee reports, dissolve old committees, authorize new committees, or take any other action in relation thereto.

(Board of Selectmen)

*At the time of publication of this booklet, no motions have been received*

*Majority vote required*