



**TOWN OF WINCHESTER
PLANNING BOARD MEETING
THURSDAY, NOVEMBER 10, 2022
FROM 6:00PM TO 6:55PM
WINCHESTER HIGH SCHOOL, CONFERENCE ROOM A114
IN-PERSON ONLY**

**FALL TOWN MEETING SESSION #1
@7:00PM
WINCHESTER HIGH SCHOOL, AUDITORIUM**

	BUSINESS
6:00PM	Open Planning Board Meeting/ Updates, Approval of Planning Board Minutes for: September 6, 2022 & September 20, 2022
6:10PM	Town Meeting Article recommendations
6:55PM	Adjourn

TOWN OF WINCHESTER

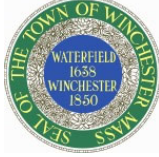


2022 Fall Town Meeting

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TOWN OF WINCHESTER



Fall Town Meeting – November 10, 2022

Dear Members of the Town Meeting:

Town Hall staff, along with our many Boards, Committees, and Citizens, have been working countless hours to bring forth 30 articles and corresponding motions for your consideration at the 2022 Fall Town Meeting. The meeting will begin on November 10 at 7:00 p.m. Subsequent sessions will be Monday, Nov. 14 and Thursday Nov. 17. Due to the Thanksgiving holiday week thereafter and scheduling constraints, we will need to complete our business in these three sessions. Please be prepared for the potential that our sessions together will be longer than preferred.

As 192 individual elected members representing eight precincts, we all bring different perspectives and opinions of our community, along with unique insights into Winchester's needs. There continues to be tremendous division in the world right now, and I ask that when you join us on November 1 and the subsequent nights, remember that we are united as representatives of Winchester. The decisions we make through our democratic process determine the paths we take together going forward, critical to the success of the entire community. Please continue listening, asking the tough questions, and respecting one another when we disagree.

Thank you for your service to the Town of Winchester.

All the best to 01890,

Heather R. von Mering
Town Moderator

TOWN OF WINCHESTER



2022 Fall Town Meeting

**2022 FALL ANNUAL TOWN MEETING MOTIONS
MAJORITY VOTE REQUIRED
UNLESS OTHERWISE SPECIFIED**

Preliminary Motions

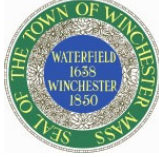
MOVED AND SECONDED that the following preliminary motions be voted as one:

1. That Beth Rudolph, Acting Town Manager; Stacie Ward, Comptroller; Town Counsel or their designee; 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 Select Board 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 Deputy Town Moderator be permitted to occupy a desk on the platform during all sessions of this Town Meeting.
4. 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.
5. 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.
6. That unless it be otherwise ordered, all adjourned sessions of this Town Meeting shall be held on successive Monday and Thursday evenings at 7:00 P.M. in the Winchester High School Auditorium, until the work of this Town Meeting is completed.
7. 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 Proposition 2-1/2.
8. That cable television coverage shall be permitted at all sessions of this Town Meeting.

Consent Agenda

MOVED AND SECONDED that the 2022 Fall Town Meeting advance for consideration Articles 2, 17, 19 and 21, 23-24, 26-28 and take action on such Articles without debate on any of such Articles, provided that, upon the request of five voters at this Town Meeting made before the vote is taken on this motion, or otherwise at the Moderator's discretion, an Article shall be removed from the Consent Agenda and shall be acted upon in the ordinary course of business at this Town Meeting.

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 1

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

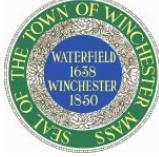
(Select Board)

MOTION:

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

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 2: CONSENT AGENDA

To see if the Town, acting under Article 2, Section 2.5 (c) of the Winchester Home Rule Charter, and upon the recommendations of the Committee on Rules pursuant to Chapter 2, Section 4.4.3 of the Code of By-Laws of the Town of Winchester, will vote to declare vacant the seats of certain Town Meeting Members for failure to attend one half or more of the total number of sessions of the Winchester Town Meeting held during the previous 12 month period, **Fall 2021 and Spring 2022**; or take any other action in relation thereto.

(Committee on Rules)

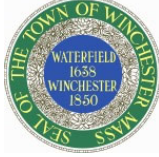
MOTION:

MOVED AND SECONDED that further consideration of Article 2 be indefinitely postponed.

Majority Vote Required

revised

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 3

To see if the Town will vote to hear and act on the report of the Planning Board and place the report on file, or take any other action in relation thereto.

MOTION:

MOVED AND SECONDED that the Town approve Article 3 as printed in the Warrant.

BACKGROUND:

The Planning Board will share its bi-annual report with Town Meeting, highlighting development projects and other initiatives that have occurred over the past 6 months and what the future holds for the next year.

(Planning Board)

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 4

To see if the Town will vote to amend Sections 3.2 and 10 of the Winchester Zoning Bylaw by adding a new Section 3.2.2 and a definition of “Accessory Dwelling Unit” as follows to permit accessory dwelling units, or take any other action in relation thereto.

3.2.2 Accessory Dwelling Units

Purpose

The purposes of this section of the Bylaw is to allow the creation of Accessory Dwelling Units (ADUs) on lots where single family homes or duplexes exist or are allowed specifically in order to:

- 1) Provide Winchester property owners with an opportunity to age in place by creating an independent living space for individuals over the age of 62;
- 2) Provide a living space for disabled individuals that will allow them to live independently and also qualify for financial assistance that depends on the presence of a separate entrance, a bathroom, and cooking facilities within their residence.

In all districts, ADUs may be constructed or established as a matter of right on a lot where a SINGLE FAMILY or DUPLEX dwelling exists or is allowed, provided that either the primary or accessory unit is established or constructed for the purpose of creating housing options for persons with disabilities, as defined under Massachusetts General Law, or where at least one of the individuals in either unit is aged 62 or older, provided the following conditions are met:

1. There shall be no more than one accessory unit per single family or duplex lot;
2. The owner must reside in either the primary dwelling unit or the accessory dwelling unit. For the purposes of this Section 3.2.2, the “owner” shall be a an individual (or individuals) that owns either a fee simple interest in the dwelling unit or beneficial interest in the dwelling unit, as may be evidenced by a schedule of beneficial interest or other appropriate instrument, and for whom either dwelling is their primary residence;
3. The accessory dwelling unit and primary dwelling units must comply with the Table of Dimensional Requirements in Section 4.2. Otherwise, an applicant may apply for appropriate relief with the Zoning Board of Appeals as set forth in these zoning bylaws.
4. Any exterior changes for an accessory dwelling unit shall be constructed similarly in style to the primary residence.
5. Any new exterior entrance for the ADU shall appear secondary to the primary entrance.
6. For an upper floor accessory dwelling unit created within a primary dwelling unit, a secondary egress shall either be created within the envelope of the structure or be constructed on the exterior to the rear or side of the primary dwelling unit.
7. The ADU must comply with all residential occupancy and building permit regulations;
8. Parking for an accessory dwelling unit shall meet the parking requirements located in Section 5.1.6 and be met off the street with at least one parking space;

9. The owner of the property shall certify annually, or at the time of sale or change in occupancy to the Building Department that the accessory dwelling unit and primary residence are being used in accordance with these provisions. The Use must cease within 90 days if out of compliance. The fee for inspection certification and non-compliance shall be set by the Select Board. The Zoning Enforcement Officer shall be permitted access to the property to verify the certification.

Section 10.

ACCESSORY DWELLING UNIT. A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure as a single-family or duplex dwelling or in a detached accessory structure and that: (i) maintains a separate entrance, either directly from the outside or through a common entry hall or corridor shared with the primary dwelling; (ii) shall not be sold separately from the primary dwelling; (iii) is in conformance with Building Code 105 Mass. Reg. 410.400); (iv) may include up to two bedrooms; and (v) is not larger in FLOOR AREA than ½ the FLOOR AREA of the primary dwelling or 900 square feet, whichever is smaller.

(Planning Board, Select Board, Affordable Housing Trust, Housing Partnership Board)

MOTION:

MOVED AND SECONDED that the Town approve Article 4 as written below.

3.2.2 Accessory Dwelling Units

Purpose

The purposes of this section of the Bylaw is to allow the creation of Accessory Dwelling Units (ADUs) on lots where single family homes or duplexes exist or are allowed specifically in order to:

- 1) Provide Winchester property owners with an opportunity to age in place by creating an independent living space for persons over the age of 62;
- 2) Provide a living space for persons with disabilities that will allow them to live independently and also qualify for financial assistance that depends on the presence of a separate entrance, a bathroom, and cooking facilities within their residence.

In all districts, ADUs may be constructed or established as a matter of right on a lot where a SINGLE FAMILY or DUPLEX dwelling exists or is allowed, provided that either the primary or accessory unit is ~~established or constructed~~ used for the purpose of creating housing options for persons with disabilities, as defined under Massachusetts General Law, or where at least one of the persons in either unit is aged 62 or older, provided the following conditions are met:

1. There shall be no more than one accessory unit per single family or duplex lot;
2. The owner must reside in either the primary dwelling unit or the accessory dwelling unit. For the purposes of this Section 3.2.2, the “owner” shall be a person (or persons) that owns either a fee simple interest in the dwelling unit or beneficial interest in the dwelling unit, as may be evidenced by a schedule of beneficial interest or other appropriate instrument, and for whom either dwelling is their primary residence;
3. The accessory dwelling unit and primary dwelling units must comply with the Table of Dimensional Requirements in Section 4. Otherwise, an applicant may apply for appropriate relief with the Zoning Board of Appeals as set forth in these zoning bylaws.

4. Any exterior changes for an accessory dwelling unit shall be constructed similarly in style to the primary residence.
5. Any new exterior entrance for the ADU shall appear secondary to the primary entrance.
6. For an upper floor accessory dwelling unit created within a primary dwelling unit, a secondary egress shall either be created within the envelope of the structure or be constructed on the exterior to the rear or side of the primary dwelling unit.
7. The ADU must comply with all residential occupancy and building permit regulations;
8. Parking for an accessory dwelling unit shall meet the parking requirements located in Section 5.1.6 and be met off the street with at least one parking space;
9. The owner of the property shall certify annually, at the time of sale, and when there is a change in occupancy to the Building Department that the accessory dwelling unit and primary residence are being used in accordance with these provisions. The Use must cease within 90 days if out of compliance. The fee for inspection certification and non-compliance shall be set by the Select Board. The Zoning Enforcement Officer shall be permitted access to the property to verify the certification.
10. ~~The building commissioner~~Zoning Enforcement Officer shall determine if the ADU complies with provisions 4 and 5 above, with the advice of the Design Review Committee (DRC)

Section 10,

ACCESSORY DWELLING UNIT. A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure as a single-family or duplex dwelling or in a detached accessory structure and that: (i) maintains a separate entrance, either directly from the outside or through a common entry hall or corridor shared with the primary dwelling; (ii) shall not be sold separately from the primary dwelling; (iii) is in conformance with Building Code 105 Mass. Reg. 410.400); (iv) may include up to two bedrooms; (v) has a minimum 30 day rental agreement, with a minimum of 30 days between rental starts and (vi) is not larger in FLOOR AREA than ½ the FLOOR AREA of the primary dwelling or 900 square feet, whichever is smaller.

BACKGROUND:

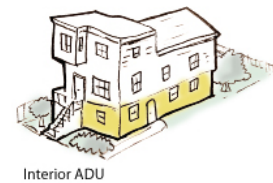
This article amends the Winchester Zoning bylaws to create a by-right *Use*, which enables the construction of a single Accessory Dwelling Unit (ADU) on a single-family or duplex lot, as long as the owner of the lot (or a trust beneficiary) resides in either the primary or the accessory unit, and as long as the resident of one of the units is a person with a disability or of age 62 or higher.

A by-right *Use* does not exempt the structure from meeting existing zoning bylaws and building codes. It simply means that as long as a lot and the structure meet the requirements as laid out in this Warrant Article and in existing zoning bylaws and building codes, a special permit is not required to *Use* a structure as an ADU.

An ADU is a Dwelling Unit, which is defined by under our Zoning Bylaws as:

One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities. A dwelling unit shall have more than one-half of its floor-to-ceiling height above the average level of the adjoining ground. Each dwelling unit shall be occupied by not more than one family.

An Accessory Dwelling Unit as defined and regulated by this Article, is an addition to the primary residence that provides independent living for another household. The ADU must include its own sleeping, cooking and sanitation facilities and its own separate entrance. It must be secondary in size and placement to the primary residence, limited to two bedrooms and up to 50% of the floor area of the primary dwelling unit, or 900 square feet, whichever is smaller. Within a 900 square foot plan, it is possible to fit two 12' x 16' bedrooms, a bathroom of at least 6' x 8', and a living room-kitchen of 30' x 15' including stacked laundry. It requires one additional off-street parking space. An ADU may be configured in one of three ways: within the primary dwelling from existing converted space; or as a separate, detached structure, or part of one, like a garage; or built as an addition to an existing structure.



The unit may be used as an individual Dwelling Unit only as long as it is certified as meeting the ADU residency and occupancy requirements as defined in this article. If it does not meet them, it cannot be used as such, and must revert to another use allowed in the zoning district.

As an ADU is intended to be a long-term housing solution, to reduce the possibility that an ADU would be used as a short term rental, any rental must be for a minimum of 30 days, and a new rental period can not begin within 30 days of the start of the previous rental.

An ADU must meet all zoning regulations and building codes applicable to Dwelling Units, must obtain a certificate of occupancy from the Building Department, and must receive annual certification from the Zoning Enforcement Officer that the occupancy complies with the ADU requirements. Certification would follow the same procedures as currently followed by the Winchester Housing Authority. If the unit is no longer eligible the Use as an ADU must cease within 90 days of de-certification.

Construction for an ADU must go through the same process as would any other building permit application. An application would be submitted to the Building Department, which will determine if it requires Site Plan Review or a Special Permit. If applicable, it must undergo the same process as would any other development, namely review by the Special Permit Granting Authority (SPGA) for the zoning district in which it lies (typically the Zoning Board of Appeals). The Bylaw additionally requires that any construction be similar in design to the primary unit; determination of compliance would be performed by the Zoning Enforcement Officer, with the advice of the Town's Design Review Committee.

The ADU is legally part of the same property as the primary residence and cannot be bought or sold separately. The Zoning Enforcement Officer must be notified upon sale of the property, at which time its certification as an ADU would be reviewed.

Enforcement of this bylaw would be performed by the Zoning Enforcement Officer in the same manner as they would any other Zoning Bylaw. The bylaw provides for fees, to be set by the Select Board, which may be used to offset the expenses occurred by the Building Department and Zoning Enforcement Officer. It also provides for fines for owners who violate the bylaw.

How does this bylaw help Winchester Residents?

Affordability and Choice

Winchester's high housing costs reflect both the desirability of our community and the larger housing crisis in Massachusetts. An ongoing shortage and diminishing supply of small, affordable, and accessible housing in Winchester comes at the same time as growth in our older population, and a continuing lack of independent living options for our disabled adult residents. Winchester's housing supply does not meet our community's housing needs. The proposed ADU bylaw is an important step to addressing the lack of smaller affordable homes for these two populations.

The proposed bylaw provides opportunities for our disabled and older residents to:

- Remain in the town where they've spent many years or even grew up, allowing continued access to "natural supports" – neighbors, friends, acquaintances, and a familiar environment.
- Live in a unit with ample space for a live-in aide if needed.
- Experience independence while having access to help from family on site and others.
- Access government benefits that require them to live in an independent unit separate from family or others.
- Avoid a congregate care environment (which COVID has taught us can be dangerous).

Benefits Of Permitting ADUs

- Expand the range of independent housing options for older and disabled residents by making available more housing that is smaller and less expensive than current alternatives.
- Bring more security and social and personal support to our older and disabled household members.
- Improve the affordability of housing for both homeowners and renters at all stages in their lives, providing homeowners with additional income needed to maintain a home.
- Create smaller, more affordable housing options.
- Provide a means to help preserve historically significant properties.

Winchester has characteristics which make it amenable to the creation of ADUs:ⁱ

- Homes built with large amounts of floor space that allow accessory units to be included with a proper amount of living space, and smaller homes with sufficient lot area.
- Aging demographics, leading to larger homes being less likely to be fully occupied, with residents' fixed retirement incomes straining home finances.
- Desired preservation of older and smaller housing stock.

Local policies for housing and neighborhoods that permit changes to existing homes that will not substantially change the livability of the neighborhoods. Winchester's path towards ADUs Winchester residents working together identified ADUs as a solution to community needs over the last decade.

- Our 2014 *Envision Winchester*ⁱⁱ document called for more "varied housing stock".
- Our 2018 *Housing Production Plan*ⁱⁱⁱ recommends permitting the creation of Accessory Dwelling Units (ADUs) on single-family and duplex lots.
- The *Winchester Master Plan 2030 Action Plan*^{iv} recommends that we "allow more flexible conversions of existing houses to create smaller and more financially-attainable housing options without increasing building density or significantly altering the appearance of existing buildings and neighborhoods."

Smart Growth / Smart Energy Toolkit Module on Accessory Dwelling Units, published by Executive Office of Energy and Environmental Affairs

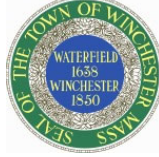
¹ <https://www.winchester.us/DocumentCenter/View/270/Community-Vision-PDF?bidId=>

¹ <https://www.winchester.us/473/Housing-Production-Plan>

¹ <https://www.winchester.us/471/Master-Plan>

Majority vote required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 5

To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

(Richard Rohan, Citizen's Petition)

MOTION:

MOVED AND SECONDED that the Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1.5% of the annual real estate tax levy against real property commencing in fiscal year 2024; and that the Town hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act, \$100,000 of the value of each taxable parcel of residential real property, and \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said Chapter 59.

BACKGROUND:

What is the CPA and how does it work?

The Massachusetts Community Preservation Act (CPA) was established in 2000 as a funding tool to help communities develop outdoor recreational facilities, preserve open space, maintain historic buildings, and create affordable housing. So far, 189 Massachusetts communities have adopted the CPA, representing more than half of the communities in the state. Six additional communities will consider adopting the CPA this November (not including Winchester). No community that has adopted the CPA has later voted to revoke it and many have voted to increase the amount of the surcharge.

Communities that adopt the CPA create a local Community Preservation Fund exclusively for outdoor recreation, open space protection, historic preservation, and affordable housing. Monies for this fund are raised through adding a small surcharge on the annual real estate tax bill. As an incentive, the state rewards CPA communities with an annual variable state match on what was raised locally. The state gets its funding from fees on all real estate transactions at the Registry of Deeds.

For the past 20 years, Winchester property owners have been paying into the statewide CPA fund without getting any of the benefits.

What is being proposed?

The program proposed for Winchester would be a 1.5% surcharge, with exemptions on the first \$100,000 of the value of the property, as well as exemptions for residents who qualify for low income housing or low or moderate income senior housing.

How could adopting the CPA benefit Winchester?

The CPA will provide funds for community-enriching projects that may otherwise never be realized. Examples include:

- Outdoor Recreation ◦ Creating or rehabilitating: public parks, playgrounds, community gardens, and trails, athletic fields for youth and adult sports; Rehabilitating public recreation spaces for accessibility per the Americans with Disabilities Act (ADA)
- Open Space Protection ◦ Acquiring or preserving available land that directly impacts the public water supply, and available lake and pond frontage for active or passive recreation ◦ Acquiring or preserving available large parcels to protect as a nature preserve or for recreation
- Historic Preservation ◦ Preserving qualifying historic buildings and structures, monuments, cemeteries, historical records and artifacts ◦ Funding archaeological surveys and property inventories, historic markers and wayfinding
- Affordable Housing ◦ Creating low-income senior housing ◦ Supporting housing and rental assistance programs for qualifying residents ◦ Acquiring historic structures for preservation and repurposing them for affordable housing

Why should Winchester adopt the CPA now rather than waiting until later?

- We are losing out on state revenue that could otherwise make eligible CPA projects funded at a discount.
- Winchester has produced numerous planning documents to capture our community needs, including Master Plans, Open Space and Recreation Surveys, Housing Production Plans, etc. Adopting CPA finally gives us a way to act on those applicable plans and pay for them.
- CPA funds can be a source to tap into when opportunities arise to protect our lands, our water, or react to crises impacting our most vulnerable populations.

Adopting the CPA was listed as a key strategy in the Town's 2018 Housing Production Plan: "When added up across the community, CPA results in significant funding for not only Affordable Housing, but also historic preservation, open space, and public recreation." It is time to act on this strategy, which would help the Town work toward its affordable housing goals.

How much would adopting the CPA cost the average Winchester single family homeowner?

The average Winchester single family homeowner would pay around \$218 per year based on FY22 projections.

Winchester CPA Projections FY2022*

*Based on FY22 tax figures, using \$12.51 per thousand as the residential tax rate; does not include CPA annual state match

Property Value	\$ 100,000	\$ 300,000	\$ 500,000	\$ 700,000	\$ 900,000	Average valued SFH \$1,264,001	\$ 1,500,000
Property Tax	\$ 1,251	\$ 3,753	\$ 6,255	\$ 8,757	\$ 11,259	\$ 15,813	\$ 18,765

	Annual CPA Surcharge (with no exemptions)						
0.5%	\$ 6	\$ 19	\$ 31	\$ 44	\$ 56	\$ 79	\$ 94
1.0%	\$ 13	\$ 38	\$ 63	\$ 88	\$ 113	\$ 158	\$ 188
1.5%	\$ 19	\$ 56	\$ 94	\$ 131	\$ 169	\$ 237	\$ 281
3%	\$ 38	\$ 113	\$ 188	\$ 263	\$ 338	\$ 474	\$ 563

	w/ low-mod exemption ¹	
CPA Revenue*	\$ 555,019	\$ 550,327
	\$ 1,110,038	\$ 1,100,654
	\$ 1,665,057	\$ 1,650,981
	\$ 3,330,114	\$ 3,301,962

	Annual CPA Surcharge (with first \$100k of residential property value exempted)						
0.5%	\$ -	\$ 13	\$ 25	\$ 38	\$ 50	\$ 73	\$ 88
1.0%	\$ -	\$ 25	\$ 50	\$ 75	\$ 100	\$ 146	\$ 175
1.5%	\$ -	\$ 38	\$ 75	\$ 113	\$ 150	\$ 218	\$ 263
3%	\$ -	\$ 75	\$ 150	\$ 225	\$ 300	\$ 437	\$ 525

	w/ low-mod exemption ¹		add 1st 100K C&I ²
CPA Revenue*	\$ 508,106	\$ 505,761	\$ 504,435
	\$ 1,016,212	\$ 1,011,522	\$ 1,008,870
	\$ 1,524,318	\$ 1,517,283	\$ 1,513,305
	\$ 3,048,636	\$ 3,034,566	\$ 3,026,610

* Locally raised CPA funds only; does not include CPA state match funds.

Are there exemptions to the CPA?

Yes:

- 100% surcharge exemption for qualifying low-income property owners
- 100% surcharge exemption for qualifying low to moderate-income senior property owners
- For ALL Residential and commercial properties, the first \$100,000 of taxable property value is automatically deducted prior to calculating the CPA surcharge.

How much could the CPA generate for projects in Winchester?

Communities that adopt the CPA obtain funds from two sources: a local property tax surcharge and a yearly distribution from the statewide CPA Trust Fund. The local property tax surcharge is estimated to generate over \$1.5 million annually. The state CPA Trust Fund contribution would typically be 15% to 40% of the local surcharge. *See table above.*

Who decides which projects are funded?

The Town would exert local control of the CPA fund through a required Community Preservation Committee (the Committee). The Committee members must by statute include one member each from the Conservation Commission, Planning Board, Historical Commission, Housing Authority, and Select Board (acting as the Board of Park Commissioners under M.G.L. c. 45, section 2), and may add up to 4 at-large members. Project proposals are submitted to and reviewed by the Committee. The slate of Committee-accepted projects and fund allocations are presented to and must be approved by Town Meeting.

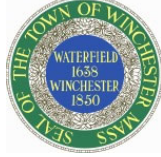
What is the process for adoption in Winchester?

First, Town Meeting will vote to approve the CPA at Fall Town Meeting in November 2022. If approved by Town Meeting, the question will go to all Winchester voters in the March 2023 Town Election.

Winchester can later adjust the surcharge, exemptions, or revoke adoption by future votes.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 6

To see if the Town will vote to amend the Code of By-Laws by inserting a new Chapter 25 as follows:

LEAF BLOWERS

Section 1. STATEMENT OF PURPOSE

The purpose of this bylaw is to establish reasonable limitations on the use of gas leaf blowers in the town of Winchester (the “Town”) in order to lessen the impact of gas leaf blowers’ adverse effects on the health, welfare and environment of the Town and its inhabitants.

Adverse effects caused by gas leaf blowers include, but are not limited to, one or more of the following:

- (a) Excessive noise
- (b) Release of particulate matter;
- (c) Use of gasoline- and/or oil-based fuels; and
- (d) Carbon emissions.

Such adverse effects negatively impact the quality of life for Town inhabitants and Town visitors. The reduction of such adverse effects is therefore a public purpose.

Section 2. DEFINITIONS

2.1 “Leaf blower” means any motorized device (portable or wheeled) whose primary function is to use forced air to move leaves, grass clippings, dirt, dust, sand, or any type of litter or debris.

2.2 “Electric leaf blower” means any leaf blower powered by electricity, whether corded or battery-operated.

2.3 “Gas leaf blower” means any leaf blower powered in any part by gasoline.

2.4 “Commercial leaf blower operator” means any individual, entity or organization, including a contractor or commercial landscaper that receives compensation for services that include operation of a leaf blower.

2.5 “User” means any individual, entity or organization of any kind, public or private, including town homeowners and residents, commercial leaf blower operators, and municipal departments and their employees and agents.

Section 3. REQUIREMENTS

3.1 Electric leaf blowers may be used year-round, subject to the limitations set forth in Section 4.

3.2 Gas leaf blowers may be used from April 1 through May 15 and October 1 through December 1, subject to the limitations in Section 4.

Section 4. LIMITATIONS

4.1 Electric leaf blowers may be used year-round by all users as follows:

- (a) Mondays through Fridays from 7am to 6pm
- (b) Saturdays and Sundays from 9am to 5pm, subject to state law restrictions on commercial activity on Sundays.

4.2 Gas leaf blowers may be used, subject to the limitations set forth in Section 3, as follows:

- (a) Mondays through Fridays from 9am to 3pm, by all users
- (b) Saturdays and Sundays from 9am to 5pm, only by residents of the property on which the gas leaf blower is used.

Section 5. EXEMPTIONS

All leaf blowers may be used without limitation where necessary for public safety and emergency situations as determined by the Town’s police or fire departments.

Section 6. REGISTRATION REQUIRED

6.1 No commercial leaf blower operator may operate a leaf blower or permit or authorize an agent or employee to operate a leaf blower in Winchester unless such operator has obtained, no later than March 1, an annual permit from the Town Clerk, who shall provide an online application form and collect a \$25 permitting fee. Such application form shall require disclosure of the name, address, telephone number and Massachusetts Driver’s License number of the landscaping business owner and shall require such owner to certify that he or she has read and understands all leaf blower restrictions set forth in this bylaw and has or will inform all employees or agents of same.

The landscaping business owner is liable for any violation of this bylaw whether the leaf blower be operated by the owner or by any employee or agent; no individual acting in his or her capacity as an employee or agent of a landscaping business shall be individually liable under this bylaw.

6.2 The Town Clerk may promulgate rules and regulations to implement this section.

Section 7. PENALTIES AND ENFORCEMENT

7.1 This bylaw shall be enforceable pursuant to M.G.L. Chapter 40, Section 21D, through noncriminal disposition by any Town police officer.

7.2 Any leaf blower user who violates any provision of Sections 3, 4 and 6 of this bylaw shall be subject to the following penalties:

- (a) A verbal warning for a first offense;
- (b) Written notice of bylaw violation for a second offense;
- (c) A fine of one hundred dollars (\$100) for the third offense;
- (d) A fine of two hundred dollars (\$200) for the fourth offense and each subsequent offense.

7.3 Each day in violation shall constitute a new offense.

Section 8. EFFECTIVE

This bylaw shall take effect June 1, 2023.

Section 9. SEVERABILITY

The provisions of this bylaw are severable. If any provision of this bylaw shall be declared invalid, the remainder shall continue in full force and effect.

(Rachel Whitehouse, Citizen’s Petition)

MOTION:

MOVED AND SECONDED that the Town approve Article 6 as written below.

Chapter 25

LEAF BLOWERS

Section 1. STATEMENT OF PURPOSE

The purpose of this bylaw is to establish reasonable limitations on the use of gas leaf blowers in the town of Winchester (the “Town”) in order to lessen the impact of gas leaf blowers’ adverse effects on the health, welfare and environment of the Town and its inhabitants.

Adverse effects caused by gas leaf blowers include, but are not limited to, one or more of the following:

- (a) Excessive noise
- (b) Release of particulate matter;
- (c) Use of gasoline- and/or oil-based fuels; and
- (d) Carbon emissions.

Such adverse effects negatively impact the quality of life for Town inhabitants and Town visitors. The reduction of such adverse effects is therefore a public purpose.

Section 2. DEFINITIONS

2.1 “Leaf blower” means any motorized device (portable or wheeled) whose primary function is to use forced air to move leaves, grass clippings, dirt, dust, sand, or any type of litter or debris.

2.2 “Electric leaf blower” means any leaf blower powered by electricity, whether corded or battery-operated.

2.3 “Gas leaf blower” means any leaf blower powered in any part by gasoline.

2.4 “Commercial leaf blower operator” means any individual, entity or organization, including a contractor or commercial landscaper that receives compensation for services that include operation of a leaf blower.

2.5 “User” means any individual, entity or organization of any kind, public or private, including town homeowners and residents, commercial leaf blower operators, and municipal departments and their employees and agents.

Section 3. REQUIREMENTS

3.1 Electric leaf blowers may be used year-round, subject to the limitations set forth in Section 4.

3.2 Gas leaf blowers may be used from April 1 through May 15 and October 1 through December ~~15~~, subject to the limitations in Section 4.

Section 4. LIMITATIONS

4.1 Electric leaf blowers may be used year-round by all users as follows:

- (a) Mondays through Fridays from 7am to 6pm
- (b) Saturdays and Sundays from 9am to 5pm, subject to state law restrictions on commercial activity on Sundays.

4.2 Gas leaf blowers may be used, subject to the limitations set forth in Section 3, as follows:

- (a) Mondays through Fridays from 9am to 3pm, by all users
- (b) Saturdays and Sundays from 9am to 5pm, only by residents of the property on which the gas leaf blower is used.

Section 5. EXEMPTIONS

All leaf blowers may be used without limitation where necessary for public safety and emergency situations as determined by the Town's DPW, police or fire departments.

Section 6. REGISTRATION REQUIRED

6.1 No commercial leaf blower operator may operate a leaf blower or permit or authorize an agent or employee to operate a leaf blower in Winchester unless such operator has obtained, no later than March 1, an annual permit from the Town Clerk, who shall provide an online application form and collect a \$25 permitting fee. Such application form shall require disclosure of the name, address, telephone number and Massachusetts Driver's License number of the landscaping business owner and shall require such owner to certify that he or she has read and understands all leaf blower restrictions set forth in this bylaw and has or will inform all employees or agents of same.

The landscaping business owner is liable for any violation of this bylaw whether the leaf blower be operated by the owner or by any employee or agent; no individual acting in his or her capacity as an employee or agent of a landscaping business shall be individually liable under this bylaw.

6.2 The Town Clerk may promulgate rules and regulations to implement this section.

Section 7. PENALTIES AND ENFORCEMENT

7.1 This bylaw shall be enforceable pursuant to M.G.L. Chapter 40, Section 21D, through noncriminal disposition by any Town police officer.

7.2 Any leaf blower user who violates any provision of Sections 3, 4 and 6 of this bylaw shall be subject to the following penalties:

- (a) A verbal warning for a first offense;
- (b) Written notice of bylaw violation for a second offense;
- (c) A fine of one hundred dollars (\$100) for the third offense;
- (d) A fine of two hundred dollars (\$200) for the fourth offense and each subsequent offense.

7.3 Each day in violation shall constitute a new offense.

Section 8. EFFECTIVE

This bylaw shall take effect June 1, 2023.

Section 9. SEVERABILITY

The provisions of this bylaw are severable. If any provision of this bylaw shall be declared invalid, the remainder shall continue in full force and effect.

BACKGROUND:

If Town Meeting approves the article, Winchester will join many Greater Boston Area towns, including two of its closest neighbors, Lexington and Arlington, in adopting a leaf blower bylaw that limits the use of noisy and toxic gas-powered leaf blowers (GLBs) in favor of quiet and clean electric leaf blowers (ELBs). Reducing the use of gas leaf blowers will result in a quieter town and cleaner air for Winchester residents, employees and visitors.

The two-stroke engines that power GLBs are harmful to human health. They emit a unique high-decibel, low-pitched, wall-penetrating noise that is highly disruptive and stressful for Winchester residents and is dangerous for leaf blower operators. Fueled by a dirty mixture of oil and gas, and with no filters, GLBs emit toxic particulates and carcinogens at rates much higher than gasoline-powered cars. By inefficiently burning fossil fuels, GLBs also have a negative effect on the climate.

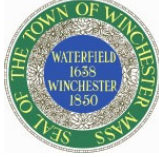
Thankfully, there is a solution—ELBs—that will allow Winchester properties to be maintained to the same high standard but with much less noise and air pollution. ELBs have dramatically dropped in both price and weight while also increasing in power and longevity. The proposed bylaw is designed specifically to support a transition to ELBs in Winchester. Written with input from residents, landscapers, and town management, it allows the use of GLBs during the leaf-heavy spring and fall clean up periods, the so-called “shoulder seasons,” and requires the use of quieter and cleaner ELBs in summer and winter when the need for leaf blowers is significantly less.

This bylaw excludes many requirements adopted by other towns that are difficult to enforce, and reflects a collaborative effort with Town staff and police to create a simple enforcement mechanism that is consistent with other Winchester bylaws. The bylaw applies equally to town residents, DPW employees and its contractors, and commercial leaf blower operators. It is effective June 1, 2023.

#

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 7

To see if the Town will vote to hear and act on the report of the Capital Planning Committee regarding the proposed Capital Plan for FY2024 and place the report on file; or take any other action in relation thereto.

(Capital Planning Committee)

MOTION:

MOVED AND SECONDED that the Capital Planning committee Report for FY2024 be received and filed.

Majority Vote Required

Capital Planning Report under separate cover

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 8

To see if the Town will vote to appropriate sums of money for the following capital projects:

1. Schematic Package for Roof Design & Replacement - Engineering
2. Town Hall Fire Alarm Replacement – Construction
3. McCall Middle School Masonry Repairs –Construction
4. McCall Middle School Controls Conversion Completion – Construction
5. Sidewalk Plow – Equipment
6. Cross Street Bridge Repairs – Construction
7. Washington Street Bridge Repairs – Construction
8. Ambrose Fire Sprinkler – Construction
9. Highland Avenue Median Islands – Construction
10. RRFB/Curb Extension Leonard Field – Construction
11. Nelson Street/ WHS Drainage Improvements - Construction
12. Winter Pond Water Quality – Construction

And to determine whether said appropriations are to be made from Free Cash, the Building Stabilization Fund or the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, Water & Sewer Retained Earnings or any other available fund; or take any other action in relation thereto.

(Capital Planning Committee)

MOTIONS:

MOTION #1

MOVED AND SECONDED that the Town vote to appropriate \$150,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Schematic Package for Roof Design & Replacement Engineering and all other costs incidental and related thereto.

MOTION #2

MOVED AND SECONDED that the Town vote to appropriate \$500,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Town Hall Fire Alarm, including construction, engineering, and all other costs incidental and related thereto.

MOTION #3

MOVED AND SECONDED that the Town vote to appropriate \$825,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the McCall Middle School Masonry Repairs, including construction, engineering, and all other costs incidental and related thereto.

MOTION #4

MOVED AND SECONDED that the Town vote to appropriate \$186,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the McCall Middle School Controls Conversion Completion, including construction, engineering, and all other costs incidental and related thereto.

MOTION #5

MOVED AND SECONDED that the Town vote to appropriate \$118,170 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for a DPW - Sidewalk Plow, and all other costs incidental and related thereto.

MOTION #6

MOVED AND SECONDED that the Town vote to appropriate \$140,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Cross Street Bridge Repairs, including construction, engineering, and all other costs incidental and related thereto.

MOTION #7

MOVED AND SECONDED that the Town vote to appropriate \$250,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Washington Street Bridge Repairs, including construction, engineering, and all other costs incidental and related thereto.

MOTION #8

MOVED AND SECONDED that the Town vote to appropriate \$70,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Ambrose Fire Sprinkler System, including construction, engineering, and all other costs incidental and related thereto.

MOTION #9

MOVED AND SECONDED that the Town vote to appropriate \$250,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Highland Avenue Median Islands, including construction, engineering, and all other costs incidental and related thereto.

MOTION #10

MOVED AND SECONDED that the Town vote to appropriate \$150,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the RRFB/Curb Extension Leonard Field, including construction, engineering, and all other costs incidental and related thereto.

MOTION #11

MOVED AND SECONDED that the Town vote to appropriate \$220,000 from Water & Sewer Retained Earnings for Nelson Street/Winchester High School Drainage Improvements, including construction, engineering, and all other costs incidental and related thereto.

MOTION #12

MOVED AND SECONDED that the Town vote to appropriate \$60,000 from Water & Sewer Retained Earnings for Winter Pond Water Quality Improvements, including construction, engineering, and all other costs incidental and related thereto.

Capital Planning Report under separate cover

Majority Vote (Motions 1-10)

2/3 Vote Required (Motions 11-12)

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 9

To see if the Town will vote to amend the vote of the Town passed under Article 13 at the 2019 Fall Town Meeting to increase the amount of the appropriation and borrowing authorization therein for the Lake Street Bridge Replacement Project from \$1,500,000 to \$2,100,000 and to delete language regarding the allocation of premium received upon the sale of bonds or notes that is no longer necessary or consistent with state law, such that said amended vote shall now read as follows: “Voted: that \$2,100,000 be appropriated for the Lake Street Bridge Replacement Project, consisting of the replacement of the bridge, including the costs of design, engineering, demolition of the existing bridge, site work, new foundations, substructures, superstructure, bridge rails, roadway pavement, sidewalks, landscaping, and temporary and permanent utility relocation, and all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$2,100,000 under Massachusetts General Laws Chapter 44 or any other enabling authority; that the Town Manager be authorized to apply for and accept a grant from the state Municipal Small Bridge Program, or any other grants or aid available for this project, provided that the amount authorized to be borrowed under this vote shall be reduced by the amount of any such grant funds received prior to the issuance of bonds or notes hereunder; that the Town Manager be 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.”; or to take any other action relative thereto.

(Capital Planning Committee)

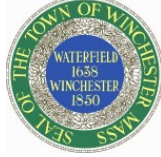
MOTION:

MOVED AND SECONDED that the vote of the Town passed under Article 13 at the 2019 Fall Town Meeting is hereby amended to increase the amount of the appropriation and borrowing authorization therein for the Lake Street Bridge Replacement Project from \$1,500,000 to \$2,100,000 and to delete language regarding the allocation of premium received upon the sale of bonds or notes that is no longer necessary or consistent with state law, and said amended vote shall now read as follows: “Voted: that \$2,100,000 be appropriated for the Lake Street Bridge Replacement Project, consisting of the replacement of the bridge, including the costs of design, engineering, demolition of the existing bridge, site work, new foundations, substructures, superstructure, bridge rails, roadway pavement, sidewalks, landscaping, and temporary and permanent utility relocation, and all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$2,100,000 under Massachusetts General Laws Chapter 44 or any other enabling authority; that the Town Manager be authorized to apply for and accept a grant from the state Municipal Small Bridge Program, or any other grants or aid available for this project, provided that the amount authorized to be borrowed under this vote shall be reduced by the amount of any such grant funds received prior to the issuance of bonds or notes hereunder; that the Town Manager be 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.”.

Capital Planning Report under separate cover

2/3 Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 10

To see if the Town will vote to appropriate a sum of money to pay costs of purchasing a vector truck for the Water and Sewer Department, including the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

(Capital Planning Committee)

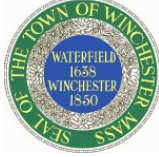
MOTION:

MOVED AND SECONDED that \$600,500 is appropriated to pay costs of purchasing a vector truck for the Water and Sewer Department, including the payment of all costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town Manager shall be authorized to have oversight of the project; and that in accordance with Section 4-2 of the Town of Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to the project.

Capital Planning Report under separate cover

2/3 Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 11

To see if the Town will vote to recommend that the Select Board and Town Manager prepare a town communications plan; or take any other action in relation thereto.

(Communications Study Committee)

MOTION:

MOVED AND SECONDED that the Town Meeting recommends that the Select Board and Town Manager prepare an initial town communications plan. The plan should describe very briefly—

- Purpose and goals
- Audiences, information interests, and communication channels
- Tasks, roles and responsibilities
- Schedule (3-year)
- Budget (3-year)
- Evaluation metrics

The Town Meeting recommends further that the plan, including the schedule and budget, be reported to the 2023 Fall Town Meeting.

BACKGROUND:

Our communications environment and the media landscape have changed dramatically. Local newspapers have been largely displaced by a kaleidoscope of websites and social media platforms that deliver fragmented, incomplete and often inaccurate information. The volume and immediacy of this information has diverted many residents' time and attention from local issues. Our shared news sources are fewer, and our shared narrative about town news, events and issues is weaker. These changes have made it increasingly difficult to hear and learn about the work of our town government and the decisions of our town meeting. This is important because poor communications impact—

- Town government by increasing staff workload, volunteer time and costs, and reducing the effectiveness of town services
- Town Meeting by increasing the time needed to understand and debate issues and budgets, and increasing the risk of making costly and ineffective decisions, and
- Residents by eroding trust, reducing awareness of town issues and initiatives, discouraging participation in town government, and potentially reducing voter turnout in town elections.

The town must respond to these changes; however, the town has no documented plan for communications or for improving its communication capabilities. There are no stated goals to be accomplished, no defined budget and no timeline for improvements. Communication is not part of anyone's formal job description today, and there are no provisions for communications training.

The Town Meeting Communications Study Committee has outlined a set of actions that would improve the town government's communications. It is recommended that, to the extent feasible, the Select Board and Town Manager incorporate and build on these recommendations in preparing an initial town communication plan. A written plan will provide a blueprint for staff and enable the Select Board, the Town Manager and Town Meeting to monitor the town's progress in improving its communications. For additional information and the committee's report, see "Recommendations" at <https://www.winchester.us/847/Communications-Study-Committee>.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 12

To see if the Town will vote to amend the vote of the Town passed under Article 9 at the 2020 Spring Annual Town Meeting to expand the scope of the purpose of the appropriation and borrowing authorization to include paying costs of planning and designing the new Lynch Elementary School project in addition to paying costs of the feasibility study and to delete language regarding the allocation of premium received upon the sale of bonds or notes that is no longer necessary or consistent with state law, such that said amended vote shall now read as follows: “Voted: that the Town appropriate One Million Five Hundred Thousand Dollars (\$1,500,000) for a feasibility study of the Lynch Elementary School located at 10 Brantwood Road, Winchester, Massachusetts, and to pay costs of planning and designing the project, including all costs incidental and related thereto, for which feasibility study and school project the Town may be eligible for one or more grants from the Massachusetts School Building Authority (the “MSBA”), said amount to be expended under the direction of the Educational Facilities Planning and Building Committee; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$1,500,000 under Massachusetts General Laws Chapters 44 and/or 70B, or under any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and that the amount of any borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.”; or to take any other action relative thereto.

(EFPBC and School Committee)

MOTION:

MOVED AND SECONDED that the vote of the Town passed under Article 9 at the 2020 Spring Annual Town Meeting is hereby amended to expand the scope of the purpose of the appropriation and borrowing authorization to include paying costs of planning and designing the new Lynch Elementary School project in addition to paying costs of the feasibility study and to delete language regarding the allocation of premium received upon the sale of bonds or notes that is no longer necessary or consistent with state law, such that said amended vote shall now read as follows: “Voted: that the Town appropriate One Million Five Hundred Thousand Dollars (\$1,500,000) for a feasibility study of the Lynch Elementary School located at 10 Brantwood Road, Winchester, Massachusetts, and to pay costs of planning and designing the project, including all costs incidental and related thereto, for which feasibility study and school project the Town may be eligible for one or more grants from the Massachusetts School Building Authority (the “MSBA”), said amount to be expended under the direction of the Educational Facilities Planning and Building Committee; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$1,500,000 under Massachusetts General Laws Chapters 44 and/or 70B, or under any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and that the amount of any borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.”

BACKGROUND:

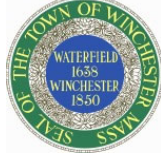
To begin work on the Lynch Elementary School replacement project in partnership with the Massachusetts School Building Authority (MSBA), 2020 Spring Town Meeting approved a request by the School Committee under Article 9 to borrow up to \$1,500,000 for the so-called *Feasibility Study*— an early conceptual phase of work required by the MSBA. This phase drew to a close in September with just over \$977,000 spent. Although approximately \$522,000 remains available, the relatively narrow scope presented to and supported by Town Meeting in 2020 prohibits the use of these remaining funds to continue early design development work on the Lynch project.

Although an anticipated debt-exclusion vote in January would fund this on-going design work, the EFPBC and School Committee are jointly requesting Town Meeting support to broaden the original scope of work funded by the \$1.5M appropriation in 2020 so that the Lynch project team can advance project design this fall and not wait until the January vote. Approval of this article does not increase the New Lynch project budget but rather makes approximately \$522,000 available now instead of later this winter.

The MSBA has confirmed that this request is permissible and is supportive. The EFPBC and School Committee request Fall 2022 Town Meeting approval to access remaining Feasibility Study funds to sustain continued design progress and mitigate schedule impacts from a stoppage in the work until January.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 13

To see if the Town will vote to appropriate a sum of money to pay costs of the construction of a new Lynch Elementary School located at 10 Brantwood Road, Winchester, Massachusetts, including the payment of costs related to planning and designing the project, demolishing the existing building, equipping and furnishing the school, making site improvements, constructing alterations and improvements to the Parkhurst School for use as temporary educational swing space to accommodate the development of the project, and all other costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"); to determine whether this appropriation shall be raised by borrowing or otherwise; to determine whether the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty six and twenty-one hundredths percent (36.21%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; to determine whether the amount of any borrowing authorized by this vote shall be reduced by any grant amount set forth in and received pursuant to the Project Funding Agreement executed between the Town and the MSBA; or to take any other action relative thereto.

(EFPBC and School Committee)

MOTION:

MOVED AND SECONDED that \$94,525,933 is appropriated to pay costs of the construction of a new Lynch Elementary School located at 10 Brantwood Road, Winchester, Massachusetts, including the payment of costs related to planning and designing the project, demolishing the existing building, equipping and furnishing the school, making site improvements, constructing alterations and improvements to the Parkhurst School for use as temporary educational swing space to accommodate the development of the project, and all other costs incidental and related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority (the "MSBA"), said amount to be expended under the direction of the Educational Facilities Planning and Building Committee; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to G.L. c.44, §7(1) or G.L. c.70B, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; provided further that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty-six and twenty-one hundredths percent (36.21%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; that the amount of borrowing authorized by this vote shall be reduced by any grant amount set forth in and received pursuant to the Project Funding Agreement executed between the Town and the MSBA; and that in accordance with Section 4-2 of the Town of Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to the Project; provided, however, that the authorization to borrow pursuant to this vote shall be contingent upon the

Town's passage of a ballot question to exempt the principal and interest payments on the bonds from the tax limitations of G.L. c.59, §21C (Proposition 2 ½).

BACKGROUND:

As Town Meeting is aware, the Lynch Replacement Project is a partnership with the Massachusetts School Building Authority's (MSBA) Core Replacement Project program, which includes significant reimbursements of eligible project costs in the form of a Facilities Grant (estimated at over \$17M for Lynch). Past partnership includes the renovation and expansion of Winchester High School (\$44M grant) and the new Vinson-Owen Elementary School (\$10M grant).

The proposed Lynch Replacement Project includes construction of a new 3-story 103,500bgsf school accommodating 27 K-5 classrooms plus an expanded 7-classroom integrated district preschool program. The project will require swing space utilization at the Parkhurst School (similar to Vinson-Owen and Ambrose construction) to permit abatement and demolition of the existing school building. This solution was chosen by the EFPBC as the preferred option after development and study of eleven (11) different development scenarios with community feedback, including addition and renovation of the existing school. The MSBA subsequently approved this approach as the *Preferred Development Option* for continued Schematic Design, which is now before the MSBA Board for an October 26 vote.

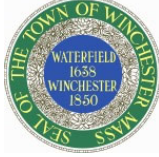
At approximately 83,650 square feet, today's Lynch Elementary was originally designed as Winchester's junior high school, completed in 1961. Its spaces poorly accommodate the needs of today's elementary education. Many of the architectural elements and engineering systems of the period, such as steel-framed single pane windows and sectional cast iron boiler, are original to the building, inefficient and failing. Several modest capital investments have been made in the Lynch school over the last twelve years to sustain the building until its eventual replacement, as called for by the School Committee's 2017 10-year Master Plan.

A 2018 analysis estimated over \$43M (*escalated to 2022*) in renewal and replacement costs to address the failing elements of the current building. These costs *exclude* needed program space and improvements to accommodate the district's elementary and integrated preschool programs and enrollment growth. Accounting for the expected MSBA Facilities Grant of over \$17M, Winchester's net capital expense for the New Lynch is a not-to-exceed \$77.1M including a number of conservative contingencies and escalation factors included to account for today's somewhat unpredictable and inflationary market.

Once approved by the MSBA Board, Winchester has 120 days to secure approval of the project's bonding authorization (Fall Town Meeting) and debt-exclusion (January town-wide vote). Bonding authorization by Town Meeting under this article is required by the Massachusetts School Building Authority. Both the article and motion language is substantially standardized by the MSBA and is adjusted on a case-by-case basis only to account for town and project-specific details. The language presented to Town Meeting for approval has been vetted and approved for action by both MSBA counsel and Winchester bond counsel.

2/3 Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 14

To see if the Town will vote to authorize the Select Board to enter into a Land Disposition Agreement for the sale of land consisting of approximately 1.2 acres, at the intersection of Washington and Swanton Streets, commonly known as 278-292 Washington Street and 16-20 Swanton Street, in Winchester, said agreement being substantially in the form available on the Town's website.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town authorize the Select Board to sell a certain parcel of land consisting of approximately 1.2 acres, at the intersection of Washington and Swanton Streets, commonly known as 278-292 Washington Street and 16-20 Swanton Street, in Winchester, and to authorize the Select Board to enter into a Land Disposition Agreement for such sale, said agreement being substantially in the form available on the Town's website prior to Town Meeting, and further to authorize the Select Board to make any necessary modifications of said agreement and to enter into any other agreements as may be necessary in association with such sale.

BACKGROUND:

Town Meeting previously authorized the Select Board to acquire the subject property for affordable housing purposes in Fall 2021 (Article 9).

On December 13, 2021, the Town acting by and through the Select Board, adopted an Order of Taking by which the Town took the property via eminent domain. The Order of Taking was filed with the Registry of Deeds on December 17, 2021 and a payment of \$5.27 million was made to the prior owners.

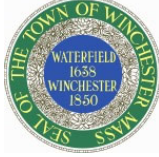
On June 1, 2022, the Town issued a Request for Proposals (RFP) for redevelopment of the property. In accordance with the vote taken at Fall Town Meeting, the RFP required as a minimum threshold criteria that all units of housing developed on the property qualify for inclusion in the Town's Subsidized Housing Inventory, as defined by the Massachusetts Department of Housing and Community Development (DHCD).

RFP responses were due August 1, 2022, and the Town received one proposal from the Melanson Development Group, who proposes the construction of 60 units, with 16 affordable units – 14 at 80% AMI and two at 60% AMI. The remainder of the units will be market rate, and 6000 sf of commercial space is proposed on the first floor along Washington Street. The proposed purchase price is \$4,050,000.

The Select Board voted on September 12, 2022 to enter into negotiations with Melanson Development Group on the development of a Land Disposition Agreement (LDA). This article authorizes the Select Board to enter into an LDA with the Melanson Development Group in substantially the form approved by the Select Board.

2/3 Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 15

To see if the Town will vote to raise and appropriate, transfer from available funds, a sum of money to supplement the FY2023 Principal on Funded Debt budget and reduce appropriations previously voted at the Spring 2022 Town Meeting for Fiscal Year 2023 budgets; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to increase the FY2023 Principal on Funded Debt Budget, Account 0171102, appropriated at the Spring 2022 Town Meeting, by \$1,220,000, which shall be funded by reducing the FY2023 Health Insurance Budget 0191402, appropriated at the Spring Town Meeting, by \$1,220,000.

BACKGROUND:

In December 2021, the Town took the property located at the corner of Washington and Swanton Street via eminent domain for affordable housing purposes, in accordance with the authorization provided at Fall 2021 Town Meeting. The Town purchased the property for \$5.27 million, and a 12-month Bond Anticipation Note (BAN) was issued in March 2023 for that amount. Given the timeline of the anticipated closing with Melanson, we expect to have to issue at least one more 12-month BAN to finance the land acquisition.

The Select Board issued a Request for Proposal (RFP) in June 2022, and selected the Melanson Development Group as the preferred developer, subject to authorization by Fall 2022 Town Meeting. Melanson offered \$4.05 million for acquisition of the property, leaving a gap of \$1.22 million between what the Town purchased the property for and the proposed sale price.

The Select Board discussed using a portion of the \$6.8 million allocated to the Town under the American Rescue Plan Act (ARPA) to paydown the difference when the BAN comes due in March 2023. However, Town Counsel has indicated that there is a risk associated with paying off the BAN using ARPA funds due to the federal guidance which restricts use of the funds for debt service.

Therefore, the Town is proposing to shift funds in the FY23 budget by increasing the FY23 funded debt budget by \$1.22 million, which shall be funded by reducing the FY23 health insurance budget by the same amount. When the BAN comes due in March 2023, the Town will use the \$1.22 million from the FY23 funded debt budget to paydown the principal from \$5.27 million to \$4.05 million prior to issuance of the next 12-month BAN. After the close of Town Meeting, the Select Board will then vote \$1.22 million from ARPA funds to pay a portion of the Town's FY23 health insurance premium, which is an allowed expenditure under federal guidelines.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 16

To see if the Town will vote to allow the Select Board to amend the terms of a certain lease by and between the Town and the Trustees of the Winchester Museum Trust, for the lease of certain property located on Shore Road, on which the Griffin Museum of Photography is located, said amendment to allow the use of a certain endowed funds for improvements to said museum.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town authorize the Select Board to amend the terms of a certain lease by and between the Town and the Trustees of the Winchester Museum Trust, for the lease of certain property located on Shore Road, on which the Griffin Museum of Photography is located, said amendment to allow the use of a certain endowed funds for improvements to said museum.

BACKGROUND:

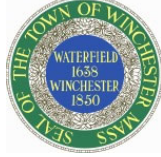
The Town of Winchester entered into a ground lease in August 1991 with the Trustees that developed what is now the Griffin Museum on Shore Road. The original lease required the Museum to establish an operating endowment fund of not less than \$200,000, which would be available to the Town in the event that the tenant defaulted under the lease. The Museum worked with the Select Board in 2013 to amend the ground lease to allow the Operating Endowment to be invested in accordance with their investment policy, rather than held in by a local bank.

The Museum approached the Town earlier this year to request use of a portion of the Operating Endowment to do major repairs to the building. The lease allows the proceeds of the operating endowment to be used for operation and maintenance, but not the Endowment itself. Town Counsel reviewed the request and historical documents, and determined that that the proposed modification would be a substantive change to the Lease, thus requiring Town Meeting approval.

Under this article, Town Meeting authorizes the Select Board to amend the terms of the lease by and between the Town and the Trustees of the Winchester Museum Trust to allow the use of endowed funds for improvements to the Museum.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 17: CONSENT AGENDA

To see if the Town will vote to appropriate a sum of money from the Transportation Network Receipts Reserved Fund to partially fund the Rectangular Rapid-Flashing Beacon (RRFB)/ Curb extensions Leonard Field; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$5,123.80 from the Transportation Network Receipts Fund to partially fund the Rectangular Rapid-Flashing Beacon (RRFB)/Curb extensions at Leonard Field.

BACKGROUND:

Pursuant to Chapter 187 of the Acts of 2016, certain transportation network companies must submit an assessment to the Transportation Network Company Division of the Department of Public Utilities. This assessment is based on the number of rides from the previous calendar year that originated in the cities and towns across the state at \$.20 per ride. The assessments are credited to the Commonwealth Transportation Infrastructure Fund (CTIF) and 50% is proportionately distributed to cities and towns to be used to address transportation related matters in compliance with Chapter 187, S 8(c)(i) of the Acts of 2016. The Town received \$5,123.80 from the CTIF, which was deposited into the Transportation Network Receipts Reserved Fund, per the statute, and is subject to appropriation. These funds will supplement the Rectangular Rapid-Flashing Beacon (RRFB)/ Curb extensions Leonard Field.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 18

To see if the Town will vote to appropriate a sum of money from FY23 Miscellaneous Non-Recurring Revenue to be expended in accordance with the Massachusetts State-Subdivision for Statewide opioid settlement funds; funds to be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery or to take any other action relative thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$38,497.12 to be expended in accordance with the Massachusetts State-Subdivision for Statewide opioid settlement fund, funds to be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery; and that to meet this appropriation \$38,497.12 be funded by Miscellaneous Non-Recurring General Fund Revenue.

BACKGROUND:

In July 2021, the Massachusetts Attorney General announced the state's participation in a \$26 billion nationwide resolution with opioid distributors AmerisourceBergen, Cardinal and McKesson and opioid manufacturer Johnson & Johnson, resolving claims that those companies engaged in misconduct that enabled and perpetuated vast increases in opioid over-dispensing and diversion in Massachusetts. The resolutions are expected to bring more than \$525 million into Massachusetts for prevention, harm reduction, treatment, and recovery.

Under the terms of a State-Subdivision Agreement reached by the state and its municipalities, 40% of the Massachusetts recoveries will be allocated to Massachusetts municipalities to fund prevention, harm reduction, treatment, and recovery programs. Under the terms of the agreement, Winchester is expected to receive a total of \$540,384 between now and 2038.

In accordance with current state regulations, these funds are currently being deposited into the general fund, and as such require appropriation by Town Meeting so that the funds can be used by the Town for the stated purposes.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 19: CONSENT AGENDA

To see if the Town will vote to rescind any borrowing authorizations or portions thereof previously approved by the Town that have not been used and that are no longer needed; or to take any other action relative thereto.

(Select Board)

MOTION:

MOTION AND SECONDED that the Town hereby rescinds the portions of the borrowing authorizations identified below that have not been used and that are no longer needed in the amounts identified under the column “Amount Rescinded”:

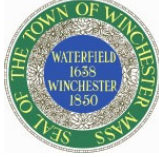
<u>Borrowing Purpose</u>	<u>Date Authorized</u>	<u>Amount Authorized</u>	<u>Amount Borrowed/Reduced</u>	<u>Amount Rescinded</u>
Sewer System Repairs Design & Engineering	May 2, 2016 (Article 24)	\$100,000	\$87,100	\$12,900

BACKGROUND:

This article will rescind prior debt authorizations that are no longer needed. When authorizations to borrow are approved, they are typically authorized for the entire estimated amount of a project. At times, the actual cost of the project is less than the amount originally authorized, or other funds, such as grants become available for a project. In these instances, the amount borrowed, or to be borrowed, is less than the amount originally authorized. This Article rescinds the balance of the authorized debt for projects that have been completed, or the amount needed to fund a project is less than was authorized.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 20

To see if the Town will vote to transfer from Free Cash, or other available funds, to the Healthcare and Health Insurance Stabilization Fund established at the spring 2022 Town Meeting or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$275,000 from Free Cash to the Healthcare and Health Insurance Stabilization Fund established at the Spring 2022 Town Meeting.

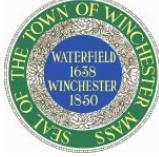
BACKGROUND:

In Spring 2022, Town Meeting approved the creation of a Health Insurance Stabilization Fund under MGL Chapter 40, Section 5B. The purpose of the fund was to set aside reserves to offset unforeseen increases in employee healthcare expenses. Town Meeting approval is required to appropriate funds into and out of the account.

This article proposes to move \$275,000 from Free Cash into the account, which is the amount that was remaining in the Town's FY22 health insurance budget at the end of the fiscal year.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 21: CONSENT AGENDA

To see if the Town will vote to transfer from Free Cash, or other available funds, a sum of money to supplement the Eversource account 0397252 for the purpose of engineering and other consulting services regarding the location and construction of Eversource electronic transmission lines in Winchester; or take any other action in relation thereto.

(Select Board)

MOTION:

MOVED AND SECONDED that the Town vote to appropriate \$75,000 from Free Cash to supplement the Eversource Account #0397252 for the purpose of engineering and other consulting services regarding the location and construction of the Eversource 345kV electronic transmission lines in Winchester.

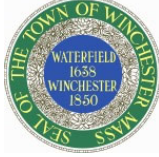
BACKGROUND:

Eversource has received Energy Facilities Siting Board (EFSB) approval to construct, operate and maintain a new 345-kilovolt (345kV) electric transmission line to be constructed between Woburn and Wakefield. The work in the Town has begun and is expected to continue through 2023.

The Town has negotiated a Memorandum of Understanding (MOU) with Eversource, wherein Eversource has agreed to reimburse the Town for the costs associated with the hiring of a Field Engineer to observe construction activity and to act as a liaison between the Town and the contractor on matters related to the Project. The Field Engineer is contracted directly with and works on behalf of the Town of Winchester. This article appropriates the necessary funds to pay the Field Engineer services, which will be reimbursed by Eversource.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 22

To see if the Town will vote to appropriate a sum of money to pay costs of constructing a water pumping station to increase water pressure and flow for the Arbor Lane and Wendell Street area, including the payment of costs related to design and engineering, original equipment for the pumping station, pipeline connections, and all other costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

(Select Board)

MOTION:

MOVED AND SEONDED that \$1,350,000 is appropriated to pay costs of constructing a water pumping station to increase water pressure and flow for the Arbor Lane and Wendell Street area, including the payment of costs related to design and engineering, original equipment for the pumping station, pipeline connections, and all other costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow said amount pursuant to G.L. c.44, §8(4), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town Manager shall be authorized to have oversight of the project; and that in accordance with Section 4-2 of the Town of Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to the project.

BACKGROUND:

In December 1995, the City of Woburn and Town of Winchester entered into a Water Supply Agreement that required Woburn to supply drinking water to approximately 35 houses on Wendell Street and Arbor Lane. It was determined at the time that Winchester's own drinking water distribution system was unable to provide adequate water pressure to support domestic and fire suppression uses in these neighborhoods, which resulted in the need for this inter-municipal agreement. This Agreement codified the past practice of supplying the 20 homes on Wendell Street built prior to 1995 with Woburn water, and allowed the new homes built on Arbor Lane as part of the subdivision approved by the Planning Board in 1995 to also connect to Woburn's water.

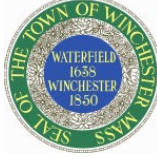
In December 2021, the Town learned that the City of Woburn's water system exceeded the Massachusetts Department of Environmental Protection's (MassDEP's) recently promulgated drinking water standard for "PFAS" compounds for the period July through September 2021. MassDEP's standard is 20 nanograms per liter (ng/l, or "parts per trillion"), and the average concentration of PFAS found in Woburn's drinking water supply during this period was 24 ng/l.

The Town of Winchester immediately began working with our engineering consultants, and switch all of the homes in the impacted area from Woburn water to the Winchester distribution system in early 2022. In summer 2022, using ARPA funds approved by the Select Board, the Town completed construction of a temporary pump station located in McDonald Field to increase water pressures to the impacted properties. This station is expected to have a useful life of 18 to 24 months.

This article seeks funding for the design and construction of a permanent pumping station in the Field to provided adequate water pressure to the neighborhood. It is expected that construction on the project would start in summer 2023.

2/3 Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 23: CONSENT AGENDA

To see if the Town will vote to transfer from Free Cash or other available funds, a sum of money to supplement or reduce appropriations previously voted for Fiscal Year 2023 budgets; or take any other action in relation thereto.

(Finance Committee)

MOTIONS:

MOTION #1:

MOVED AND SECONDED that the Town vote to increase the FY2023 Town Clerk Personal Services Budget, Account 0116101, appropriated at the Spring 2022 Town Meeting, by \$17,000, which shall be funded by Free Cash.

MOTION #2:

MOVED AND SECONDED that the Town vote to increase the FY2023 Town Clerk Expense Budget, Account 0116102, appropriated at the Spring 2022 Town Meeting, by \$19,000, which shall be funded by Free Cash.

MOTION #3:

MOVED AND SECONDED that the Town vote to increase the FY2023 Reserve Fund, Account 0194302, appropriated at the Spring 2023 Town Meeting, by \$25,000, which shall be funded by Free Cash.

MOTION #4:

MOVED AND SECONDED that the Town vote to reduce the FY2023 Principal on Funded Debt Budget, Account 0171102, appropriated at the Spring 2022 Town Meeting, by \$200,000 by reducing the funding from the Property Tax Levy in the amount of \$144,050, by reducing the funding from the Building Stabilization Fund by \$11,400, and by reducing the funding from the Capital Stabilization Fund by \$44,550.

MOTION #5:

MOVED AND SECONDED that the Town vote to decrease the FY2023 Funded Debt Interest Budget, Account 0171202, appropriated at the Spring 2022 Town Meeting, by \$189,046, by decreasing the funding from the Property Tax Levy in the amount of \$210,550, by increasing the funding from the Building Stabilization Fund by \$4,651, and by increasing the funding from the Capital Stabilization Fund by \$16,853.

BACKGROUND:

Motions 1 & 2 – The Town Clerk’s Office is seeking a supplemental appropriation in the amount of \$36,000 due to the calling of a Special Town Election to be held on Saturday January 7, 2023. The EFPBC and School Department must conduct a Special Town Election within 120 days of the vote to appropriate the funding for the Lynch Replacement Project. The election will be at Winchester High School for all 8 precincts.

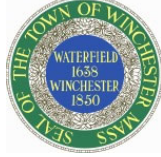
Motion 3 - Each fiscal year Town Meeting appropriates a Reserve Fund governed by the Finance Committee to provide funding for unanticipated, extraordinary departmental needs. During the year, reserve fund transfers are requested by departments and reviewed by the Finance Committee. In the past few years, the Finance Committee has requested replenishment of this fund so that the balance is

sufficient to be able to fund urgent issues throughout the upcoming fiscal year. Any remaining balance in the Reserve Fund reverts back to the General Fund at the end of the fiscal year. To date, in FY23, the Finance Committee has approved one Reserve Fund Transfer Request totaling \$25,000. The transfer was required to complete additional repair work to the Main Street Bridge railing that was discovered during construction.

Motions 4 & 5 – The FY23 Debt Budget approved at the spring 2022 Town Meeting included estimated payments for various projects. Motions 4 & 5 are adjustments to the Funded Debt and Interest on Funded Debt budgets based on actuals.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 24: CONSENT AGENDA

To see if the Town will vote to transfer from Water and Sewer Retained Earnings or other available funds a sum of money to supplement or reduce appropriations previously voted for the Fiscal Year 2023 budget; or take any other action in relation thereto.

(Finance Committee)

MOTION:

MOVED AND SECONDED that the Water & Sewer Enterprise Fund Expenses voted at the 2022 Spring Town Meeting be increased by \$43,943, decreasing the funding from the Property Tax Levy in accordance with CH110 of the Acts of 1993 by \$82,624 and increasing the funding from Water & Sewer receipts by \$126,567

BACKGROUND:

The original budget approved at the spring 2022 Town Meeting was based on estimated MWRA Assessments and estimated debt service payments.

These budget adjustments are based on final actuals.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 25

To see if the Town will vote to transfer from Recreation Retained Earnings or other available funds a sum of money to supplement or reduce appropriations previously voted for the Fiscal Year 2023 budget; or take any other action in relation thereto.

(Finance Committee)

MOTION:

MOVED AND SECONDED the Town, will reduce the Recreation Departments receipts for FY23 by \$487,480 and fund the budgetary shortfall by use of \$487,480 from retained earnings.

BACKGROUND:

The Recreation Department, which operates as an Enterprise Fund, is limited in the increase of year to year estimated revenue due to the Department of Revenue (DOR) regulations. The DOR does not approve increases in Enterprise Fund fees above what was received in the most recent closed fiscal year unless there is reasonable justification supporting the increase (such as rate or fee increases). At this time, with the trends in the past few years, the Recreation Department is unable to provide the DOR with the substantial, concrete support they would require to approve the estimated receipts at \$2,360,030, which is \$487,480 higher than the FY22 revenue of \$1,872,550. This article adjusts the funding source by reducing the estimated revenues to a more acceptable level (i.e. the FY22 revenue total) and increasing the use of retained earnings to fund the budget gap. It was determined that appropriations cannot be reduced at this time due to the continued rebound of childcare enrollment from the COVID-19 pandemic and other anticipated increases from the addition of new programming.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 26: CONSENT AGENDA

To see if the Town will vote to appropriate a sum of money from the PEG access and Cable Related Fund to pay for PEG access service programming, monitoring the cable operator's compliance with the franchise agreement and to prepare for renewal of the cable franchise license including any associated expert and legal services; or to take any other action in relation thereto.

(Town Manager)

MOTION:

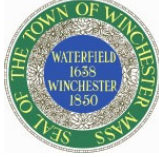
MOVED AND SECONDED that the Town vote to appropriate \$249,193.08 from the PEG Access and Cable Related Fund, \$212,108.08 of which shall be used for PEG access service programming, monitoring the cable operator's compliance with the franchise agreement and to prepare for renewal of the cable franchise license including any associated expert and legal service and \$37,085 of which shall be used for capital purposes.

BACKGROUND:

WinCAM was established in 2000 to manage facilities and produce programming on the Public, Educational and Government (PEG) access channels of Comcast and Verizon, in addition to any other cable system franchised in the Town of Winchester. WinCAM used to receive funds directly from Comcast and Verizon as part of the license agreement between the cable companies and the Town. Town Meeting voted to create a PEG Access and Cable Related Fund in the 2019 Spring Town Meeting to accept payments as the state determined that, since the license is with the Town, the funds must go to the Town first. This article then allows the Town to disperse the funds to WinCAM.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 27: CONSENT AGENDA

To see if the Town will vote to transfer from Free Cash, or other available funds, a sum or sums of money to pay bills incurred in prior fiscal years; or take any other action in relation thereto.

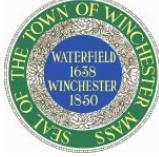
(Town Manager)

MOTION:

MOVED AND SECONDED that further consideration of Article 27 be indefinitely postponed.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 28: CONSENT AGENDA

To see if the Town will vote to transfer \$58,000 from Free Cash to the SPED Reserve Fund which was established at the May 2018 Spring Town Meeting in accordance with Massachusetts General Laws Chapter 40, Section 13E; or take any other action in relation thereto.

(School Committee)

MOTION:

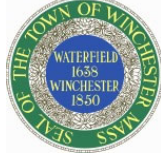
MOVED AND SECONDED that the Town vote to transfer \$58,000 from Free Cash to the SPED Reserve Fund which was established at the Spring 2018 Town Meeting in accordance with Massachusetts General Laws Chapter 40, Section 13E.

BACKGROUND:

The Massachusetts Special Education Circuit Breaker funding program helps local school districts offset expenditures related to providing legally mandated special education supports and services to children with significant needs, primarily out-of-district tuition for students placed in specialized programs. These funds may be expended by the school committee in the year received or in the following fiscal year for any special education-related purposes. Fund balances from a prior fiscal year are closed to the general fund and become part of the town's Free Cash. FY22 closed with an approximate Circuit Breaker fund balance of \$58,000. This article requests that this balance be transferred from Free Cash to the Special Education Reserve Fund that was established by the Town in May 2018 as allowed by Massachusetts General Laws Chapter 40, Section 13E.

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 29

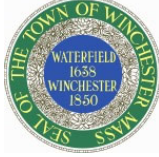
To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to: wages and salaries; working conditions; new or revised rates of wages and salaries; changes, additions, adjustments or revisions of wages and salaries; changes, additions, adjustments or revisions in classifications and definitions; and amending, revising and adding to the Personnel Policy Guide as well as in other matters related thereto; and to 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, said appropriation to come from Unallocated Wage Reserve or other available funds; or take any other action in relation thereto.

(Personnel Board)

Materials to be sent under separate cover

Majority Vote Required

TOWN OF WINCHESTER



2022 Fall Town Meeting

ARTICLE 30

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

(Select Board)

MOTION:

MOVED AND SECONDED that the Communications Study Committee, having discharged its duties and submitted its report, is dissolved.

Majority Vote Required

From: [Szekely, Brian](#)
To: [Gill, Suzanne](#)
Subject: Sorry last thing for the digital packet
Date: Monday, November 7, 2022 12:40:53 PM

Please incorporate this email for the packet this Thursday as well, thanks!

Best,

Brian Szekely, AICP
Town Planner
71 Mt. Vernon Street
Winchester, MA 01890
781-721-7162
bszekely@winchester.us

-----Original Message-----

From: Juli and Keith Mullan <jk_mullan@verizon.net>
Sent: Wednesday, November 2, 2022 11:39 AM
To: Szekely, Brian <bszekely@winchester.us>
Cc: Diab Jerius <djerius@gmail.com>; Planning Board <planningboard@winchester.us>; Design Review <designreview@winchester.us>
Subject: ADU Bylaw DRC wording change

Hi Brian,

DRC met last night and voted to request the following change to the ADA Bylaw.

Wording as is proposed:

4. Any exterior changes for an accessory dwelling unit shall be constructed similarly in style to the primary residence.

DRC request for change of wording to this:

4. Any exterior changes for an accessory dwelling unit shall be designed to complement the primary residence, site, and neighborhood through appropriate scale, form, and materials.

Please distribute this to the groups that drafted the bylaw and let us know what actions DRC needs to take to have this change considered.

Thank you, Juli

[CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe]