

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.  
To the Constables of the Town of Winchester,

GREETING:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Winchester to meet at the Winchester High School Auditorium located at 80 Skillings Road on

**THURSDAY, THE FIFTH DAY OF NOVEMBER, 2020**

at 7:30 p.m. for the Fall Annual Town Meeting at which time and place the following articles are to be acted upon and determined exclusively by representative Town Meeting Members in accordance with the Winchester Home Rule Charter.

**ARTICLE 1.** To hear the reports of the Town Officers and the Finance Committee; or take any other action in relation thereto.

(Select Board)

**ARTICLE 2.** That proven 21<sup>st</sup> Century voting technology be used to record, and make public, the votes of Town Meeting Members on issues that come before that body.

(Select Board)

**ARTICLE 3.** 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 2018 and Spring 2019; or take any other action in relation thereto.

(Committee on Rules)

**ARTICLE 4.** Noise bylaw (Mark, Mina, Art, Mike)

**ARTICLE 5.** Amend Charter (Mark, Mina, Art, Mike)

**ARTICLE 6.** Waterfield Lot Disposition

**ARTICLE 7.** Real Estate Acquisition

**ARTICLE 8.** MBTA Maintenance

**ARTICLE 9.** Appropriation of Funds for traffic mitigation studies, design, engineering and construction (Select Board)

**ARTICLE 10.** To see if the Town will vote to amend Section 3.2.1 of the Winchester Zoning Bylaw by deleting Section 3.2.1.4, and renumbering the remaining subsections of Section 3.2.1, in order to allow home occupations in accessory buildings; or take any other action in relation thereto.

**3.2.1 Home Occupations**

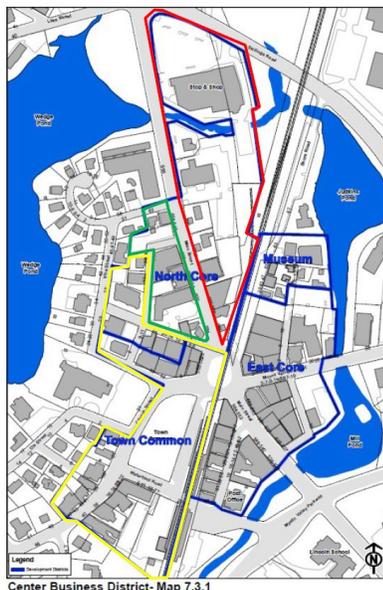
1. No person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the (dwelling unit + **accessory buildings**) shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated.
4. ~~No home occupation shall be conducted in any accessory building.~~
4. There shall be no sales of products on the premises in connection with such home occupation.
5. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
8. Barber shop, beauty shop, and mortuary are not permitted.

(Planning Board)

**ARTICLE 11.** To see if the Town will vote to amend Maps 7.3.1 (Center Business District) and 7.3.2 (By-right Heights) in the Winchester Zoning Bylaw by creating a new West Core subzone by moving parcels (9-123, 9-124, 9-125, 9-131, 9-132, 9-135, 9-136, 9- 294) from the North Core into the West Core and parcels (9-138, 9-139, 9-140, 9-119, 9-178:9-185, and 9-295:9-304) from the North Core into the Town Common as shown on the attached maps and adding associated descriptions and dimensional requirements in 7.3.10.2 Areas, 7.3.11.3 Table of CBD Use Regulations, and 7.3.12 Dimensional Requirements; or take any other action in relation thereto.

(Planning Board)

Red: New North Core  
 Green: New West Core  
 Yellow: New Town Common Core



**ARTICLE 12.** To see if the Town will vote to amend Map 7.3.3, (Planned Unit Developments) in the Winchester Zoning Bylaw to remove parcels (9-124, 9-125, 9-131, 9-132, 9-135, 9-136, and 9-294) from PUD2 as outlined in the map below; or take any other action in relation thereto.

(Planning Board)

**ARTICLE 13.** To see if the Town will add a definition of “Natural Resource” to Section 10 of the Winchester Zoning Bylaw, or take any other action in relation thereto.

(Planning Board)

**ARTICLE 14.** To see if the Town will add a definition of “Natural Resource” to Section 10 of the Winchester Zoning Bylaw, or take any other action in relation thereto.

#### **4.5.1 Purpose**

Natural and Historic Resources are important and character-defining features to the Town of Winchester. Allowing for more flexible zoning to keep Natural, and Historic Resources from being demolished is a key feature to the continued preservation goals of Town. To that end, this Section 4.5 aims to allow for a waiver of dimensional controls to preserve existing Natural and Historic Resources.

#### **4.5.2 Reduced frontage, lot width, lot area and/or side and rear yard setback lots:**

For the purpose of preserving existing Natural and Historic Resources on a lot, the Zoning Board of Appeals may by special permit allow reduced frontage, lot width, lot area and/or side and rear yard setbacks on one or more lots provided: that:

1. Doing so will permit the preservation of the existing Natural and Historic Resource on one or more of the lots that is the subject of the Special Permit;
2. To the extent the lot or lots will be divided, the Special Permit shall not eliminate any obligation to obtain an Approval Not Required endorsement or Subdivision approval in accordance with the Planning Board’s Subdivision Rules and Regulations.

**4.5.2.1** The Planning Board shall submit to the Zoning Board of Appeals written recommendations including at least (a) an evaluation and opinion of the appropriateness of the design for any new structure in relation to the existing Natural or Historic resource, (b) an evaluation of the proposed development as to whether the lot layout and design constitute a suitable development for the neighborhood, and (c) a recommendation for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as conditions.

**4.5.2.2** Where applicable, the Historical Commission, Design Review Committee, and the Tree Warden and/or the Conservation Agent shall submit to the Board a written evaluation of the significance of the existing Natural or Historic resource, an opinion of the appropriateness of the proposed lot layout and setbacks requested, and an evaluation or recommendation of the features that should be included in a preservation plan.

**4.5.3** A special permit shall be granted under this section and under Section 9.4.2 only if the Zoning Board of Appeals finds: (a) The reduced frontage, lot width, lot area and/or side and rear yard setbacks are necessary to preserve the Natural and Historic Resource; (b) A restriction has been shown on the plan of land to be recorded providing that the reduced frontage, lot area and/or side and rear yard setback (s) and any other lots created are subject to a special permit recorded therewith; (c) The existing resource shall be preserved consistent with a perpetual preservation restriction approved as part of or as a condition to the special permit.

(Planning Board)

**ARTICLE 15.** To see if the Town will vote to ADD the Disability Access Commission as a review authority to all special permits, site plans reviews, and variance applications, or take any other action in relation thereto.

(Planning Board)

**ARTICLE 16.** To see if the Town will vote to amend Section 9.5.8 of the Winchester Zoning Bylaw by replacing “special permit” with “site plan” as set out below, or take any other action in relation thereto.

**9.5.8 Effect** *In the event that the Board of Appeals approves a ~~special permit~~ **site plan** under these provisions, any construction, reconstruction, substantial exterior alteration or addition shall be carried on only in conformity with any conditions, modifications and restrictions subject to which the Board shall have made its findings and determination, and only in conformity with the application and site plan on the basis of which the finding and determination are made.*

(Planning Board)

**ARTICLE 17.** 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 FY2022 and place the report on file; or take any other action in relation thereto.

(Capital Planning Committee)

**ARTICLE 18.** To see if the Town will vote to appropriate sums of money for the following projects:

- 1) Muraco Elementary School – Roof and Electrical System Testing/Investigation and Schematic Design
- 2) Fire Department Buildings Project – Immediate Repairs/Security Equipment
- 3) Town Hall - HVAC Engineering
- 4) McCall Masonry Design/Restoration Schematic
- 5) Town Hall - Flooring Replacement
- 6) Department of Public Works - Stable Replacement - Engineering
- 7) Flood Mitigation Project 10 (Final Design) Muraco Culvert
- 8) Downtown Business District Engineering and Improvements
- 9) Department of Public Works, Transfer Station Improvements – Engineering
- 10) Highland Avenue Traffic Improvements – Engineering
- 11) Department of Public Works, Buildings – 4 Wheel Drive Truck with plow
- 12) Department of Public Works, Maintenance– 4 Wheel Drive with plow & liftgate

Said appropriations to be made from Free Cash, the Building Stabilization Fund, the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, Free Cash, or any other available fund; or take any other action in relation thereto.

(Capital Planning Committee)

**ARTICLE 19.** To see if the Town will vote to appropriate a sum of money from unexpended capital accounts associated with complete projects back to the Capital Stabilization Fund or Building Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Capital Planning Committee)

**ARTICLE 20.** To see if the Town will vote to appropriate a sum of money for the construction of improvements to address deficiencies at the North Reservoir Dam, Gate House and Low Level Outlet, and related facilities, including all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

(Capital Planning Committee)

**ARTICLE 21.** To see if the Town will amend the Winchester Code of By-laws (Revolving Funds) In accordance with Massachusetts General Laws Chapter 44, Section 53 E1/2.....  
Grass Fields and Synthetic Fields, to allow salaries to be charged to the revolving account.

(Town Manager)

**ARTICLE 22.** To see if the Town will vote to appropriate a sum of money from the Transportation Network Receipts Reserved Fund to pay for traffic improvements xxxxxxxx; or take any other action in relation thereto.

**INSERT TRANSPORATION PROJECT**

(Select Board)

**ARTICLE 23.** To see if the Town will vote to appropriate a sum of money from the Parking Meter Fund to the Wedgemere Parking Account #0396912 and the Town Center Parking Account #0396942 to pay for the upgrade or conversion of parking meters, maintenance of the parking lots and other costs associated with the collection and enforcement of parking ticket revenues at the Wedgemere and Downtown parking lots; or take any other action in relation thereto.

(Town Manager)

**ARTICLE 24.** 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)

**ARTICLE 25.** 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 2021 budgets; or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 26.** To see if the Town will vote to increase the FY2021 Recreation Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings; or take any other action in relation thereto.

(Select Board)

**ARTICLE 27.** To see if the Town will vote to transfer from Free Cash, Water and Sewer Retained Earnings 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)

**ARTICLE 28.** To see if the Town will vote to increase the FY2021 Water and Sewer Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings; or take any other action in relation thereto.

(Finance Committee)

**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)

**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)

And you are hereby directed to serve this warrant by mailing a printed copy thereof, by you attested, to every occupied dwelling house in said Town and by posting on the Town bulletin board at least ten days before the holding of said meeting.

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk before the day of said meeting.

Given under our hands and seals this 11<sup>th</sup> day of October two thousand nineteen.

MICHAEL BETTENCOURT, CHAIRMAN  
SUSAN VERDICCHIO, VICE CHAIR  
MARIANO GOLUBOFF  
JACQUELINE WELCH  
AMY SHAPIRO

Select Board  
Town of Winchester

A true copy:  
ATTEST:  
Jeffrey D. Woolf, Constable

Draft