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**SPRING ANNUAL  
RESPRESENTATIVE TOWN MEETING  
MONDAY, APRIL 27TH, 2015  
7:30 PM  
MCCALL MIDDLE SCHOOL AUDITORIUM**

**SPECIAL RESPRENTATIVE TOWN MEETING  
MONDAY, APRIL 27TH, 2015  
8:00 PM  
MCCALL MIDDLE SCHOOL AUDITORIUM**

**POSTAL PATRON LOCAL**



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**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 **McCall Middle School Auditorium**, 458 Main Street in said Town on

**MONDAY, THE TWENTY-SEVENTH DAY OF APRIL, 2015**

At thirty minutes after seven o'clock in the evening for the Spring 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 and act upon the reports of the Town Officers and the Finance Committee, or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 2.** To amend the General Bylaw, adding a new Chapter 19, Town of Winchester Heritage Districts.

Chapter 19: Town of Winchester  
Heritage Districts

Section 1. General Heritage District Provisions

19.1.1. Title and authority

This Chapter 19 shall be known as the Winchester Heritage Districts Bylaw. This Chapter 19 is adopted as a general bylaw of the Town of Winchester under the authority of the Home Rule Amendment of the Constitution of the Commonwealth of Massachusetts.

19.1.2. Purposes

The purposes of this section 1 of Chapter 19 are to:

- a. enable the establishment of Heritage Districts in the Town of Winchester;
- b. preserve and protect Buildings, Structures, Settings, and Sites that have historical, architectural, or cultural significance to a Heritage District or to the Town of Winchester;
- c. without violating the purpose in section 19.1.2.b. above, permit the improvement of Buildings, Structures, Settings and Sites;
- d. prior to work proceeding on a project involving a Change that includes at least one Reviewable Element, require Review and approval by the relevant Heritage District Commission of the appropriateness of the Reviewable Elements of the Change;
- e. designate Excluded Elements applicable to all Heritage Districts and provide for the designation of additional Excluded Elements in each Heritage District in a new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District;
- f. provide Review Standards for the Review and approval process, some of which may be unique to a particular Heritage District; and
- g. promote the public welfare by preserving and enhancing the Heritage Districts and the Town of Winchester as desirable and attractive places to live, work, engage in business, and participate in public activities.

### 19.1.3. Definitions

As used in this Chapter 19, each of the following terms shall have the indicated meaning:

- a. Addition—An increase in the aggregate floor area, number of floors, height, or volume of a Building or Structure, or an increase in the size or scope of a Setting or Site.
- b. Alteration—A modification of all or part of an existing Heritage District Feature.
- c. Building—A combination of materials forming a covered shelter in a Heritage District for one or more people or animals or property, whether or not enclosed and whether or not having a permanent foundation.
- d. Certificate Decision (or simply Decision)—A decision by vote of a Heritage District Commission on whether to issue a Certificate of Appropriateness or a Certificate of Exclusion, or of the Winchester Historical Commission on whether to issue a Certificate of Hardship under section 19.1.5 of this Chapter 19.
- e. Certificate of Appropriateness—A certificate issued by a Heritage District Commission, after a Review and a Certificate Decision, stating that the Reviewable Elements of a Project Proposal have been determined to be appropriate under the Review Standards.
- f. Certificate of Exclusion—A certificate issued by a Heritage District Commission, after a Review and a Certificate Decision, stating that specified elements of a Project Proposal have been determined to be Excluded Elements.
- g. Change—Any Addition, Alteration, Demolition, or New Construction.
- h. Demolition—Any act of pulling down, destroying, removing, or razing all or part of any Heritage District Feature, or commencing or continuing any such act.
- i. Excluded Element—A part, portion, or component of a Change that, under this Section 1 of this Chapter 19 or any new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District, or under a Certificate of Exclusion issued by the relevant Heritage District Commission, is not subject to review or approval by a Heritage District Commission.
- j. Heritage District—One or more properties in the Town of Winchester that are established as a Heritage District in accordance with this Section 1 of this Chapter 19. Properties included in a Heritage District need not have historical, architectural, or cultural significance.
- k. Heritage District Commission—The body appointed in accordance with this Chapter 19 to exercise the powers and authority granted under this Chapter 19 with respect to a Heritage District.
- l. Heritage District Feature—A Building, Structure, Setting, or Site.
- m. Heritage District Proposal—A proposal to the Town Meeting to include in this Chapter 19 a new or amended section establishing or amending a Heritage District in accordance with this section 1 of this Chapter 19.
- n. New Construction—Construction, fabrication, assembly, manufacture, or placement of a Heritage District Feature that has never before been present.
- o. Non-Remediation Determination—A determination by vote of a Heritage District Commission that an infestation or environmental hazard cannot in any way be remediated or that the cost of remediation would represent an unreasonably large proportion of the value that a Heritage District Feature that is the subject of the infestation or environmental hazard would have after the remediation.
- p. Project Proposal—A written description of a proposed Change in sufficient detail to enable a Heritage District Commission to conduct a Review and to make a Certificate Decision. The Project Proposal shall refer to every part, portion, or component of the proposed Change without regard to whether they may be considered to be Excluded Elements. The written description shall not be deemed to be in sufficient detail and may be rejected unless and until it has been determined to satisfy the reasonable requirements of the Heritage District Commission.

- q. Regulation—A rule of a Heritage District Commission that governs procedural or substantive aspects of its activities and is adopted after a public hearing.
- r. Review—Study and evaluation by a Heritage Commission under the applicable Review Standards of the Reviewable Elements of a Project Proposal.
- s. Review Standards—Criteria for Review set forth in this Chapter 19, including any new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District, or other criteria not in conflict with the criteria set forth in this Chapter 19 and that are adopted by the Heritage District Commission for a particular Heritage District after a public hearing.
- t. Reviewable Element—A part, portion, or component of any Change that is not an Excluded Element.
- u. Setting—Visible elements of the environment, milieu, and surroundings in a Heritage District of one or more of the Buildings, Structures, or Sites that contribute to the character, design, atmosphere, or appeal of the Heritage District, or to the historical, architectural, or cultural characteristics of one or more parts of the Heritage District. The visible elements may include topography, siting, massing, orientation, layout, extent and uniformity of setbacks along public ways, extent and uniformity of front yards, extent and uniformity of side yards, extent and uniformity of rear yards, scenery, landscape, public ways, roads, sidewalks, or bodies of water.
- v. Site—All or part of an area, park, landscape, open space, field, forest, body of water, or other place, in each case in a Heritage District.
- w. Structure—A construction, fabrication, assembly, or manufacture in a Heritage District, other than a Building.
- x. Violation—(i) Making (or beginning or continuing to make) a Change other than a Change that (a) is expressly permitted under any section of this Chapter 19 to be made without a Project Proposal and a Certificate Decision, (b) is reflected in, and conforms to the Change described in, a Project Proposal that was the basis of a Certificate Decision and is, at the time of making the Change, covered by a valid unexpired Certificate of Exclusion, Certificate of Hardship, or Certificate of Appropriateness that resulted from the Certificate Decision, or (ii) neglecting or refusing (or continuing a course of neglect or refusal) to repair a condition of decay or deterioration to the extent that all or part of a Heritage District Feature that is the subject of the condition of decay or deterioration (a) must be (or will, if the course of neglect or refusal continues, need to be) demolished under an order issued under section 19.1.12 of this Section 1 of this Chapter 19 or (b) is proposed for Demolition as part of a Project Proposal based on the result of the neglect or refusal or course of neglect or refusal.
- y. Violation Determination—A determination by vote of a Heritage District Commission as to whether a Violation has occurred.

#### 19.1.4. Establishing and Changing Heritage Districts

##### a. Established by Majority Vote of Town Meeting

One or more Heritage Districts may be established or amended by a majority vote of the Town Meeting to include in this Chapter 19 a new or amended section applicable to the Heritage District.

##### b. Heritage District Proposal

A Heritage District Proposal may be filed by a governmental body of the Town of Winchester, an owner or owners of property in a proposed Heritage District or any other interested party with the Winchester Town Clerk and the Winchester Town Planner or the Winchester Town Manager, in the absence of the Town Planner, and shall include (i) a proposed new or amended section of this Chapter 19 specifically applicable to the proposed Heritage District and (ii) a list of suggested members of the Heritage District Commission for the proposed Heritage District. No formal Heritage District Proposal shall be required for any Heritage District that is established by the Town Meeting at which this Section 1 of this Chapter 19 is adopted or by a subsequent Town Meeting if the Heritage District had been previously presented to the Town Meeting at which this Section 1 of this Chapter 19 was adopted.

##### c. Proposed Heritage District New or Amended Section of this Chapter 19.

The proposed new or amended section of this Chapter 19 in the Heritage District Proposal shall include (i) a map showing the geographic boundaries of the proposed Heritage District and the properties to be included in the proposed Heritage District, (ii) a list of the properties to be included in the Heritage District, (iii) a description of the historical, architectural, and cultural characteristics of the proposed Heritage District and the Heritage District Features to be included, (iv) a list of any categories of Excluded Elements that are in addition to the categories set forth in this Section 1 of this Chapter 19, (v) any Review Standards that are in addition to Review Standards of this Section 1 of this Chapter 19, (vi) any procedures for the conduct of the business of the Heritage District Commission for the proposed Heritage District, and (vii) a name for the proposed Heritage District.

d. Heritage District Commission

Each Heritage District Commission shall have five regular members and two alternate members. The regular members and alternate members of the Heritage District Commission shall be classified into three classes of as equal size as possible and appointed respectively for staggered three-year terms, except that the appointments of the classes of initial members and alternate members shall be for one-year, two-year, and three-year terms respectively.

Within 45 days after the effective date of the establishment of a Heritage District by the Town Meeting, the Winchester Planning Board shall appoint three regular members and one alternate member, and the Winchester Board of Selectmen shall appoint two regular members and one alternate member of the Heritage District Commission for the Heritage District.

Of the members to be appointed by the Planning Board, two regular members and the alternate member shall be owners of properties in the Heritage District. The third regular member to be appointed by the Planning Board shall be a resident of Winchester who, if possible, has professional experience related to architectural or historic preservation. If, after reasonable efforts to find such a candidate, a willing candidate meeting the requirement for professional experience related to architectural or historic preservation cannot be identified, a candidate having other relevant experience or qualifications may be considered and appointed.

The Board of Selectmen shall appoint one regular member from the Winchester Historical Commission, one regular member from the Winchester Design Review Committee, and one alternate member from the Winchester Historical Commission.

Each regular member and alternate member of a Heritage District Commission shall serve until the end of his or her term and thereafter until his or her replacement is appointed. The term of a regular member or alternate member of a Heritage District Commission shall expire if and when the member (i) resigns, (ii) no longer meets the qualifications associated with his or her seat, (iii) is removed by a 2/3 vote of all of the sitting members of either the Board of Selectmen or the Planning Board which appointed the regular member or alternate member, or (iv) fails to attend seven consecutive meetings of the Heritage District Commission.

When a member's term expires, the Board of Selectmen or the Planning Board, as the case may be, shall promptly appoint a replacement regular member or alternate member who satisfies the same membership requirements and belongs to the same class of regular members or alternate members as the person being replaced.

At any meeting of a Heritage District Commission, the presence of five members shall be required for a quorum for the transaction of business. For this purpose, the five members present may include alternate members if one or more regular members are absent. To be effective, a vote by the Heritage District Commission on any matter, including a Certificate Decision, Violation Determination, or Non-Remediation Determination, shall require the vote of a majority of the members whose presence at the meeting constituted the quorum. Each Decision or Determination shall include a statement of the reasons for the Decision or Determination based on the applicable Review Standards and Regulations.

The Heritage District Commissions for two or more Heritage Districts may include any number of the same members or alternates.

e. Recording of Map

When a Heritage District has been established or amended, a map identifying the geographic boundaries of and the properties included in the Heritage District shall be recorded promptly in the Registry of Deeds of Middlesex County in such a way, if possible, that a search in the Registry on any property within the district will locate the map.

f. Public Notice of Heritage District Proposal

Public notice of the Heritage District Proposal shall be given by publication and posting and by individual notice to owners of properties proposed to be included in the Heritage District. The public notice shall be made within ten days after the filing with the Town Planner or the Winchester Town Manager, in the absence of the Town Planner, of a Heritage District Proposal and no later than forty-five days before the closing of the warrant for the Town Meeting at which the Proposal is to be considered. The Historical Commission shall hold a public meeting on the Heritage District Proposal prior to the closing of the warrant.

Publication shall be arranged by the Town Planner in a newspaper of general circulation in the Town of Winchester once in each of two successive weeks, one of which shall occur within the ten days provided in the preceding paragraph. The notice shall also be posted by the Town Planner in a conspicuous place in the Town Hall for a period of fourteen days beginning within the ten days provided in the preceding paragraph.

Individual notice to the owners of properties proposed to be included in the Heritage District shall be made both by hand delivery of the notice with a copy of the Heritage District Proposal to the properties proposed to be included in the Heritage District (if physically possible) and by mailing by the Town Planner, with respect to each property proposed to be included in the Heritage District, to the person or entity and to the address that are listed in the Winchester tax assessment records for the property as of the date of the notice.

g. Records

The Heritage District Commission shall maintain or cause to be maintained with the Town Planner, a publicly available record of each Project Proposal, Certificate Decision, Violation Determination, and Non-Remediation Determination and a copy of each such Proposal, Decision, and Determination shall be provided to the Town Planner and the Building Inspector.

19.1.5. Review Required

Except as otherwise permitted by any section of this Chapter 19 (including as permitted by the provisions of any section of any new or amended section of this Chapter 19 adopted to establish or amend a particular Heritage District), no Change may be made unless the Heritage District Commission shall have first reviewed a Project Proposal with respect to such Change, held a public hearing, and issued a Certificate of Exclusion or a Certificate of Appropriateness or unless, after a Certificate Decision of the Heritage District Commission not to issue a Certificate of Exclusion or a Certificate of Appropriateness, the Historical Commission shall have reviewed the Project Proposal and detailed evidence of the Hardship, held a public hearing, and issued a Certificate of Hardship stating that a Hardship, as specifically defined in a section of this Chapter 19 that applies to a particular Heritage District, exists with respect to a Project Proposal and that the Project Proposal will not represent a significant detriment to the Heritage District. If the Heritage District Commission fails to act on a Certificate Decision within 45 days after receiving a Project Proposal, a Certificate of Appropriateness shall automatically be deemed to have been issued at midnight on the 45<sup>th</sup> day.

The Certificate Decision of the Heritage District Commission or of the Historical Commission on a Project Proposal shall include a detailed statement of the reasons for the Certificate Decision in view of the Review Standards, or in view of the definition of Hardship set forth in a section of this Chapter 19 that is applicable to a particular Heritage District in the case of a Certificate Decision of the Winchester Historical Commission to issue a Certificate of Hardship.

No building permit or demolition permit may be issued for any Change unless (1) every part, portion, and component of the Change is an Excluded Element, or (2) the Change has been the subject of a Project Proposal and (a) an applicable Certificate of Exclusion, Certificate of Hardship, or Certificate of Appropriateness has been issued and remains valid and unexpired or an applicable Certificate of Appropriateness has been deemed to have

been issued under the preceding paragraph of this section and remains valid and unexpired and (b) no appeal has been taken under section 19.1.13 of this Chapter 19, or, if an appeal has been taken, the appeal has been finally decided and there remains no further right of appeal.

#### 19.1.6. Review Standards

In making a Certificate Decision on a Certificate of Appropriateness with respect to a Project Proposal, the Heritage District Commission shall determine whether the Reviewable Elements of the Project Proposal are appropriate based on (a) the historical, architectural, or cultural characteristics, and significance to the applicable Heritage District or to the Town of Winchester of (i) each Heritage District Feature that is subject to the Change, and (ii) other existing Heritage District Features within the Heritage District, (b) the character (including particular features that contribute to the character) of the Heritage District, (c) the nature of the Reviewable Elements including their general design, arrangement, texture, and material, and the relationship of the Reviewable Elements to similar elements of other Heritage District Features in the Heritage District, (d) in addition to (a), (b), and (c), for New Construction, the size and shape of the New Construction in relation to the size, shape, and topography of the property to which the Heritage District Feature belongs and to other Heritage District Features in the Heritage District, and (e) any Review Standards applicable to the Heritage District, including any in the section of this Chapter 19 (as it may be amended from time to time) that applies to the Heritage District.

#### 19.1.7. Excluded Elements for all Heritage Districts

The following are Excluded Elements that shall not be subject to review by a Heritage District Commission:

- a. anything that is inside a Building or Structure;
- b. any part of a Heritage District Feature that cannot be seen from any public way and would not be seen from any public way in the absence of any fence, wall, hedge, or temporary structure that is situated between the public way and the Heritage District Feature;
- c. ordinary maintenance, repair, or replacement not involving a substantial change in outward appearance;
- d. color of paint, roof, siding, or foundation, or color of any other element of a Heritage District Feature;
- e. storm doors and storm windows, screens, window air conditioners, gutters, downspouts, mailboxes, lighting fixtures, and historical markers;
- f. reconstruction of all or part of a Heritage District Feature that has been damaged by fire, wind, flood, storm, or other sudden natural disaster or event, if the reconstruction does not involve a substantial change in outward appearance compared to the Heritage District Feature prior to the damage;
- g. temporary structures, including tents, construction shanties, or similarly portable or demountable structures used continuously for no longer than one year;
- h. signs that otherwise are not prohibited by law;
- i. any element that is under the control of any public utility or the Town of Winchester under an easement or right of way that encumbers all or any part of a property within a Heritage District.

#### 19.1.8. Infestation or Environmental Hazard

The presence of mold, asbestos, radon, blown-in insulation, or insect or other infestation or environmental hazard shall not be considered in making a Certificate Decision on a Certificate of Appropriateness or a Certificate of Hardship for a Project Proposal that includes a Demolition unless an independent review, at the cost of the property owner who filed the Project Proposal and performed under the supervision of the Historical Commission, results in a Non-Remediation Determination favorable to the property owner.

#### 19.1.9. Grandfathered Projects

No provision of this Chapter 19 or an amendment to this Chapter 19 shall be construed to affect the right of a property owner to continue with a project involving a Change covered by valid unexpired applicable required building permits, zoning-related permits, or other municipal approvals duly issued prior to the date of adoption by the Town Meeting of this Chapter 19 or an amendment to this Chapter 19, as the case may be.

#### 19.1.10. Expiration of Certificates

Each Certificate of Appropriateness issued by a Heritage District Commission and each Certificate of Hardship issued by the Historical Commission shall expire eighteen months after the later of the date when the Certificate is issued and the date when any appeal that is taken under section 19.1.13 of this Chapter 19 has been finally decided and there remains no further right of appeal. The Heritage District Commission may grant one extension of six months upon request made prior to the expiration of the eighteen months by any owner of an affected property as of the time of the request.

#### 19.1.11. Violations; Remedies

Owners of two or more properties in the Town of Winchester or two or more members of a Heritage District Commission who are aggrieved by or aware of a Violation in the Heritage District may petition the Heritage District Commission for a Violation Determination. Within 30 days after receiving the petition, the Heritage District Commission shall make a Violation Determination.

If there is a Violation Determination that a Violation has occurred, then (i) the party or parties responsible for the Violation shall immediately halt and immediately take all necessary action to cure or remedy the Violation, (ii) any existing applicable Certificate of Exclusion, Certificate of Appropriateness, Certificate of Hardship, building permit, or demolition permit shall be revoked immediately, and (iii) no such Certificate or permit shall be issued until the Violation is corrected or otherwise resolved to the satisfaction of the Heritage District Commission in a manner consistent with the purposes of this Chapter 19.

Any party aggrieved by a failure of a party or parties responsible for a Violation to halt and take all necessary action to cure or remedy the Violation immediately upon the Heritage District Commission making a Violation Determination that a Violation has occurred, may bring an action against such party or parties in the Superior Court of Middlesex County, or another court of competent jurisdiction under the Massachusetts General Laws.

#### 19.1.12. Demolition for Public Safety

No provision of this Chapter 19 shall be construed to prevent Demolition of a Heritage District Feature under an order of any governmental body of competent authority, based on an explicit determination by the body that the Demolition is required to prevent a clear, demonstrated, imminent hazard to public safety.

#### 19.1.13. Appeals

Any party aggrieved by (a) a Certificate Decision, (b) a Violation Determination, or (c) a Non-Remediation Determination of the Heritage District Commission or the Historical Commission may appeal the Decision or Determination to the Planning Board, which shall either sustain or reverse the Decision or Determination and shall state detailed reasons for its decision based on the applicable standards provided in this Chapter 19. The decision of the Planning Board shall be filed with the Building Inspector, the Town Planner, the Town Clerk, the Historical Commission, and the Heritage District Commission within twenty days after the close of the Planning Board's public hearing with respect to the matter. The decision of the Planning Board may be appealed by the losing party, within twenty days after the decision is filed with the Heritage District Commission, to the Superior Court of Middlesex County or another court of competent jurisdiction under the Massachusetts General Laws.

#### 19.1.14. Severability and Other Laws

If any portion of this Chapter 19 shall be held to be invalid, unenforceable, or unconstitutional, the remainder of this Chapter 19 shall continue to be in effect, valid, and enforceable. No provision of this Chapter 19 shall be construed as repealing, modifying, or superseding any existing chapter or regulation of the Town of Winchester, but the provision shall be construed to apply in addition to the existing chapter or regulation. To the extent that any provision of this Chapter 19 is more restrictive than an applicable provision of another chapter, regulation, or statute, the more restrictive provision of this Chapter 19 shall apply.

### Section 2. Rangeley Park Heritage District

#### 19.2.1. Title and authority

This section of this Chapter 19 is adopted under the Winchester Heritage Districts Bylaw to establish a Rangeley Park Heritage District. This section of this Chapter 19 is adopted as a general bylaw of the Town of Winchester under the authority of the Home Rule Amendment of the Constitution of the Commonwealth of Massachusetts.

#### 19.2.2. Purposes

The purposes of this section of this Chapter 19, in conjunction with the purposes set forth in Section 1 of this Chapter 19, are to:

- a. preserve and protect Rangeley District Features that have historical, architectural, or cultural significance to the Rangeley Park Heritage District or to the Town of Winchester;
- b. limit the detrimental effect of Changes on the historical, architectural, or cultural characteristics of the Rangeley Park Heritage District;
- c. without violating the purposes in sections 2.2.a and 2.2.b above, permit the improvement of Rangeley District Features;
- d. specify additional Excluded Elements applicable to the Rangeley Park Heritage District as referred to in section 19.1.3.i. of Section 1 of this Chapter 19;
- e. specify additional Review Standards applicable to the Rangeley Park Heritage District as referred to in section 19.1.3.s. of Section 1 of this Chapter 19.

#### 19.2.3. Definitions; Conflict and Inconsistencies Between Section 1 and Section 2 of this Chapter 19

The Rangeley Park Heritage District is a Heritage District as referred to in Section 1 of this Chapter 19. The definitions set forth in Section 1 of this Chapter 19 shall apply to this Section 2 as it may be amended from time to time, provided that for purposes of the interpretation, operation, administration, and enforcement of this Section 2, in the event of any conflict or inconsistency between the definitions set forth in Section 1 of this Chapter 19 and the definitions set forth in this Section 2 of this Chapter 19, the definitions set forth in this Section 2 shall control. In addition, as used in and with respect to the application of this Section 2 of this Chapter 19, each of the following terms shall have the indicated meaning:

- a. House—A Building for human habitation.
- b. Lot Boundary—A boundary of a Lot other than a boundary defined by or along a Road.
- c. Prominent Façade—Each elevation of a House that is identified on the Map in Appendix A as a Prominent Façade. A House may have more than one Prominent Façade. In determining whether an elevation of a House is a Prominent Façade, relevant considerations shall include: (1) the elevation that Overlooks the Road associated with the post office address of the House, (2) the orientations of the elevations of the House when the House was built, (3) the elevation that includes the most formal entrance to the House, (4) the elevation or elevations that are typically reached by a pedestrian who approaches the House from the most prominent adjacent Road, and (5) the degree of visibility of the elevation from a Road.
- d. Prominent Façade Line—A line that runs along a Prominent Façade of a House at ground level and extends across the Lot to which the House belongs, parallel to the center of the Road or, if the Prominent Façade does not Overlook a Road, then to the Lot Boundary that the Prominent Façade Overlooks.
- e. Prominent Yard—The space between a Prominent Façade Line and the Road that a Prominent Façade Overlooks or, if the Prominent Façade does not Overlook a Road, then the Lot Boundary that the Prominent Façade Overlooks. A Prominent Yard includes space that is within the Lot on which the House is situated and, if another Lot exists between a Prominent Façade and the Road that the Prominent Façade Overlooks or between a Prominent Façade and the Lot Boundary that the Prominent Façade Overlooks, then the space that is within the other Lot is also part of the Prominent Yard. A House may have more than one Prominent Yard.
- f. New Intervening Building—A House or other Building that is proposed to be built on a Lot and is within a Prominent Yard of an existing House or is within what was a Prominent Yard of an existing House prior to a Reorientation of the existing House.

- g. Non-Prominent Façade—A façade, including a Rear Façade, other than a Prominent Façade.
  - h. Original Rangeley Park—A residential park comprising approximately 25 acres owned by David Nelson Skillings and his descendants, including E.D. and Georgiana Skillings Bangs, and as shown on the 1889 G. H. Walker Atlas of Middlesex County map of Winchester, a copy of which is available in the Archive of the Town of Winchester.
  - i. to Overlook—To face a Road or a Lot Boundary from a Façade in a direction that is perpendicular to the Façade, without regard to whether the view from the Façade to the Road or to the Lot Boundary along that direction is obstructed by a natural or man-made element. A Prominent Façade or a Rear Façade shall be deemed to overlook either (i) the nearest Road that the Façade Overlooks or (ii) if no Road is overlooked, the nearest Lot Boundary of the nearest Lot that the Façade Overlooks or, if more distant from the Façade, then of the nearest Lot that the Façade Overlooked when the House was first built.
  - j. Rangeley Park Heritage District (or Rangeley District)—The Heritage District established by this Section 2 of this Chapter 19 (as it may be amended from time to time) and administered under this Chapter 19, which includes the Rangeley Park Heritage District Lots and the Rangeley Park Heritage District Features. The Rangeley District may occupy all or less than all of the Original Rangeley Park.
  - k. Rangeley Park Heritage District Commission (or Rangeley District Commission)—The Heritage Commission for the Rangeley Park Heritage District.
  - l. Rangeley Park Heritage District Excluded Elements (or Rangeley District Excluded Elements)—A part, portion, or component of a Change that is not subject to review by the Rangeley Park Heritage District Commission under this Section 2 or a Regulation, in addition to Excluded Elements specified in Section 1 of this Chapter 19.
  - m. Rangeley Park Heritage District Features (or Rangeley District Features)—The Houses, Buildings, Structures, Sites, and Settings that are in the Rangeley Park Heritage District .
  - n. Rangeley Park Heritage District Lot (or Rangeley District Lot, or simply Lot)—Each lot that is wholly or partly within the Rangeley Park Heritage District, including each Lot that results from a subdivision of an existing Lot or from combining portions of Lots.
  - o. Rangeley Park Heritage District Map (or Rangeley District Map)—The map in Appendix A of this Section 2 of this Chapter 19.
  - p. Rangeley Park Heritage District Review Standards (or Rangeley District Review Standards)—Criteria for Review that are to be applied in addition to the Review Standards set forth in Section 1 of this Chapter 19 and either are set forth in Section 2.4 of this Section 2 of this Chapter 19 or are duly adopted by the Rangeley Park Heritage District Commission.
  - q. Rear Façade—A rear elevation of a House. In determining which elevation of a House is a rear elevation, relevant considerations shall include (1) the elevation that was the rear elevation when the House was first built unless that elevation is designated as a Prominent Façade, and (2) whether the elevation is opposite a Prominent Façade. For purposes of this Section 2 of this Chapter 19, a House need not have a Rear Façade.
  - r. Rear Façade Line—A line that runs along the Rear Façade of a House at ground level and extends across the Lot parallel to the center of the Road or to the Lot Boundary that the Rear Façade Overlooks.
  - s. Reorientation of a Prominent Façade (or Reorientation)—Moving, turning, or otherwise changing the orientation of a Prominent Façade, or relocating a Prominent Façade to a different side, of a House.
  - t. Road—All of, or the portion of, a public or private road that is in the Rangeley District.
- 19.2.4. Rangeley Park Heritage District Commission Review and Review Standards

Notwithstanding any other provision of Section 1 of this Chapter 19 or of this Section 2 of this Chapter 19, if every part, portion, and component of a proposed Change of a Rangeley District Feature is an Excluded Element, then (i) a Project Proposal need not be filed, (ii) no part, portion or component of the proposed Change shall be subject to review or approval by the Rangeley District Commission and (iii) neither a Certificate of Exclusion nor a Certificate of Appropriateness shall be required to be obtained in connection with the proposed Change; however, a Project Proposal may be filed voluntarily to seek a Certificate Decision on a Certificate of Exclusion.

In determining whether the Reviewable Elements of a Project Proposal are appropriate, the Rangeley District Commission shall consider (in conjunction with and in addition to the Review Standards in section 19.1.6 of this Section 1 of this Chapter 19) the following:

- a. the historical, architectural, or cultural characteristics of each Rangeley District Feature that is the subject of the proposed Change,
- b. the consistency of each Rangeley District Feature that is the subject of the proposed Change, after giving effect to the proposed Change, with (A) historical, architectural, or cultural characteristics of each other Rangeley District Feature that is the subject of the proposed Change, and (B) other existing Rangeley District Features;
- c. the nature and scope of the Reviewable Elements, including their general design, arrangement, texture, and material, and the consistency of the Reviewable Elements with similar elements of other Rangeley District Features;
- d. in addition to a, b and c, for New Construction, the size and shape of the New Construction in relation to the size, shape, and topography of the property to which each Rangeley District Feature that is the subject of the Project Proposal belongs and to other existing Rangeley District Features;
- e. each of the following shall be strongly presumed to be inappropriate as detrimental to the Rangeley District: a Reorientation of a Prominent Façade; a new House or other Building or Structure that detracts from the appearance of a Prominent Façade of any House as viewed from a Road; a Demolition of a House, a relocation or moving of a House, and a New Intervening Building.
- f. with substantial weight, the effect that the Reviewable Elements of the Project Proposal will have on the following historical, architectural, and cultural qualities, attributes, and aspects of the Rangeley District which comprise a Setting or Settings in the Rangeley District:
  - i. the unified nature of the plan and the park-like quality of the Original Rangeley Park.
  - ii. the topography of the Original Rangeley Park.
  - iii. the characteristics, including cobblestone gutters, absence of sidewalks, and walkable quality of each of the Roads.
  - iv. with respect to the Original Rangeley Park and with respect to at least some Lots and the Houses or other Buildings on them, the park-like quality and unobstructed continuous sweep of front lawns that extend from the Houses or other Buildings to the Roads that they overlook, and the unobstructed side lawns between the Houses or other Buildings
  - v. the spacing, orientation, and setbacks of successive Houses or other Buildings and their façades along the Roads.

In making a Decision on a Certificate of Hardship, the Historical Commission shall consider (in addition to the information required to be considered by Section 1 of this Chapter 19) whether the Change that is the subject of the Hardship could subsequently be reversed without substantial damage to each Prominent Façade as it existed prior to the Change. For purposes of this Section 2 of this Chapter 19, Hardship shall be limited to an inability to make a Change to a House that (1) necessarily involves a Prominent Façade (a) to satisfy a legal requirement of the Americans with Disabilities Act or (b) to accommodate an ongoing health condition of a continuous occupant

of the House, and (2) would not be appropriate under the Rangeley District Review Standards. In making a Decision on a Certificate of Hardship, the Historical Commission also shall give substantial weight to the effect that the Reviewable Elements of the Project Proposal will have on the items listed in section 19.2.4.f.

#### 19.2.5. Rangeley Park Heritage District Excluded Elements

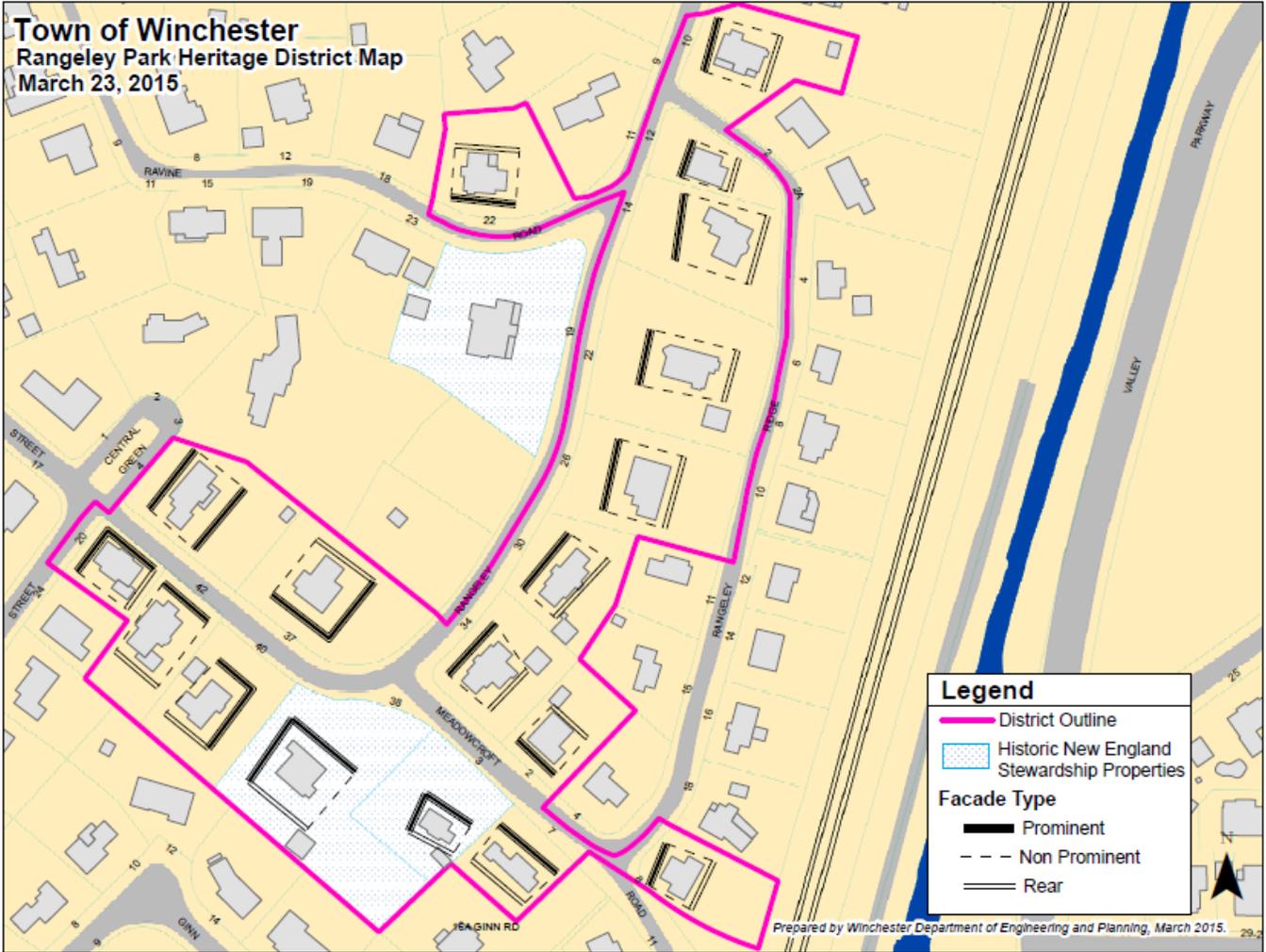
Notwithstanding any other provision of Section 1 of this Chapter 19 or this Section 2 of this Chapter 19, the following are Rangeley District Excluded Elements that are not subject to review or approval by the Rangeley District Commission:

- a. Plants, trees, and shrubs, and including installation, trimming, removal, maintenance and replacements of them, other than the installation of hedges in a Prominent Yard.
- b. Any element on the Rear Façade or another Non-Prominent Façade except to the extent that it also forms part of a Prominent Façade.
- c. Anything between (1) the Rear Façade Line or another Non-Prominent Façade Line of a House and (2) the corresponding adjacent Road or Lot Boundary, except to the extent that it also forms part of a Prominent Façade.
- d. Home office signs smaller than one square foot.
- e. Siding or roofing materials that do not materially alter the architectural style, design, or appearance of the House.
- f. Solar panels not on a Prominent Façade and not in a Prominent Yard.
- g. Materials that are documented as having been used on a House or other Building at the time of its original construction or, if originally constructed prior to 1920, then at any time prior to 1920.
- h. Any equipment or materials that are necessary or recommended for safe and legally compliant operation of central air conditioning or heating systems or backup electricity generators, except on a Prominent Façade or in a Prominent Yard.

#### 19.2.6. Rangeley Park Heritage District Map

The Rangeley District Map shall show and identify the geographic boundaries of the Rangeley Park Heritage District, the Rangeley Park Heritage District Lots, the Lot Boundaries, and the Prominent Façades, Rear Façades and other Non-Prominent Façades of Houses within the Rangeley Park Heritage District. The facades may be identified by indicating which elevations of such Houses correspond to the facades, but the exact contours and extent of each facade shall be determined by reference to the provisions of this Section 2 of this Chapter 19. The Rangeley District Map shall be recorded in the Registry of Deeds of Middlesex County and shall be revised and re-recorded from time to time as necessary to be kept current.

#### Appendix A



(Citizens petition, Sarah Comes)

**ARTICLE 3:** To amend the Zoning Bylaw by deleting Section 7.3 in its entirety, and replace with 7.3 Center Business District (CBD) herein.

### **SECTION 7.3      CENTER BUSINESS DISTRICT (CBD)**

**7.3.1 Purpose.** The purposes of the Center Business District (CBD) regulations are to:

1. Ensure the economic vitality and vibrancy of Winchester’s town center;
2. Enhance the commercial and residential tax base within the CBD;
3. Improve and reinforce the livability and aesthetic qualities of the town center;
4. Promote and protect Winchester center’s historic resources and small town character while encouraging selective development to promote “smart growth;”
5. Promote more diverse housing alternatives to accommodate the various population needs of the Winchester community and to support business activity;
6. Provide for an expanded mix of allowable land uses where public transportation and public services are in close proximity to housing and retail services;
7. Create a more efficient and effective permitting process for the CBD.

**7.3.2 Authority.** The CBD Zoning bylaw applies to properties within the Center Business District as defined in the Winchester Zoning Bylaw (Bylaw) and shown on the Official Winchester Zoning Map. The Map is available at the Winchester Town Clerk’s Office, the Town Planner’s Office, and the Building Commissioner/ Zoning Enforcement Officer’s Office.

**7.3.3 Conflicting Provisions.** If the provisions of the CBD bylaw are in conflict with any other section of the Winchester Zoning bylaw, the CBD bylaw shall govern.

**7.3.4 Existing Development.** Any existing use, lot, building or other structure legally established prior to the effective date of the CBD bylaw that does not comply with any provision of this bylaw shall be subject to the provisions of Section 3.5 Nonconforming Uses and Structures.

**7.3.5 Administration.** Within the CBD, the Planning Board shall serve as the Special Permit Granting Authority (SPGA) and will conduct site plan review and design review as described in Section 7.3.15 for:

1. By-right project site plan review and design review (see Section 7.3.15);
2. Uses authorized by special permit (see Section 7.3.11);
3. Any building proposed that exceeds the by-right height limit, Floor Area Ratio, or Setback modifications by special permit noted in Sections 7.3.12 and 7.3.13;
4. Parking reductions authorized by special permit in Section 7.3.20.3; and
5. Planned Unit Developments (see Section 7.3.14).

**7.3.6 Pre-Application Meeting.** Prior to submitting a building application for a project in the CBD, the applicant shall meet with the Town Planner to discuss the project. The Town Planner will coordinate, if appropriate, a pre-application meeting with the SPGA or a joint administrative meeting with representatives of other Town boards, commissions and departments. The purposes of the pre-application process are to inform the

applicant of Town objectives as they relate to the applicant's site, and to answer questions and concerns in order to streamline the review process and conserve engineering, design and legal fees for applicants.

**7.3.7 Permitting Process.** The steps in the review and permitting process are outlined below:

- Pre-Application Meeting with Town Planner;
- Apply for Special Permit (for dimensional or other relief) or Building Permit for exterior work only;
- Design Review; and
- Site Plan Review (if necessary) at Planning Board Hearing.

**7.3.8 Rules.** Pursuant to MGL c.40A §9A, the Planning Board shall adopt rules relative to implement this Section 7.3, and may include existing building design standards, new construction design standards, submission requirements and fees.

**7.3.9 Appeals.** Any person aggrieved by an SPGA decision regarding a special permit or a site plan review decision under this Section 7.3 may appeal to a court of competent jurisdiction as set forth in MGL c 40A, §17.

### **7.3.10 Establishment of Center Business District and Areas**

**7.3.10.1 Boundaries.** The boundaries of the CBD are delineated in Map 7.3.1 below. Only properties located within this boundary will be subject to the provisions of this Section 7.3.

**7.3.10.2 Areas.** The CBD is divided into areas as shown on Map 7.3.1. The purpose in defining the areas is to allow variation in zoning regulation across the CBD that accommodates a range of future uses and developments that are compatible with existing uses and buildings in each area. The current character and intended future character of each area are as follow:

1. **East Core.** Characteristics to consider: Three main downtown streets; waterfront; Greek Revival, Queen Anne and Colonial Revival architecture; railroad station and viaduct adjacency; and generally 2- to 2.5-story buildings.

Zoning of the East Core area is intended to promote and accommodate a mix of uses and to encourage retail, restaurant and service uses on the ground floor and office and residential uses on the upper floors. Buildings have minimal to moderate street frontages, resulting in small shops or, where a larger frontage exists, a larger building frontage being divided into several shop frontages. The result is an intimate pedestrian experience, with buildings having sufficient ground floor glass area to promote a strong interior/exterior relationship.

2. **Town Common.** Characteristics to consider: One and a half main downtown streets; Town Common; Second Empire, Shingle Style, Colonial Revival and Art Deco architecture; railroad station and viaduct adjacency; and generally 2- to 2.5-story buildings.

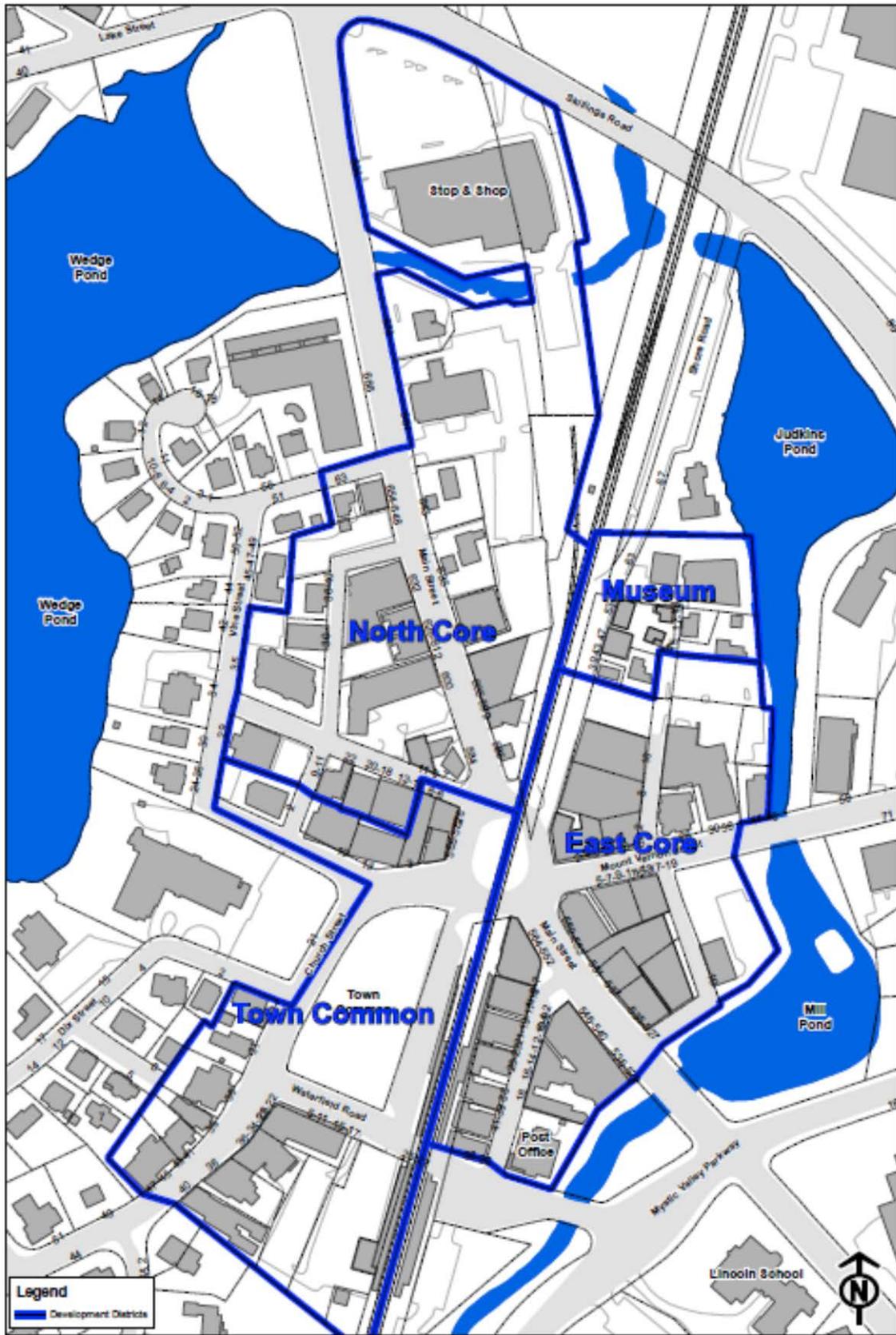
Zoning of the Town Common area is intended to accommodate a mix of uses around the rotary and Town Common. This district encourages retail, restaurant and service uses on the ground floor and office and residential uses on the upper floors. Buildings are to be set close to the street, emphasizing the pedestrian and retail nature of the frontage.

3. **North Core.** Characteristics to consider: One main downtown street; railroad spur edge; mixed-use commercial brick block; viaduct adjacency; 100-year flood plain, and generally 1- to 3-story buildings.

Zoning of the North Core area is intended to accommodate a mix of uses along Main Street north of the rotary; however, this district is unique in that it is within a 100-year floodplain. While retail, restaurant and service uses on the ground floor are encouraged, the buildings shall be designed in accordance with the National Flood Insurance Program (NFIP) regulations. Mixed-use buildings that do not have a residential component on the ground floor shall follow the regulations for a non-residential building. Mixed-use buildings that have a residential component on the ground floor shall follow the regulations for a residential building. Frontages will be similar to those in existing districts but could be larger due to redevelopment opportunities.

4. **Museum.** Characteristics to consider: Connects to photography museum and Winchester High School; enclave of mid to late 19<sup>th</sup> century frame houses, some Greek Revival, dating from the years prior to the town's incorporation; and generally 1.5- to 3-story buildings.

Zoning of the Museum area is intended to accommodate a mix of uses. The Museum area encourages retail, restaurant and service uses on the ground floor and office and residential uses on the upper floors. Buildings may be set back from the street and development may be less intense than in East or North Core areas.



**Center Business District- Map 7.3.1**

### 7.3.11 Uses

**7.3.11.1 General.** The allowed uses within each CBD area are specified in the Table of CBD Use Regulations. Uses that are not included in the table are not permitted within the CBD. Ground floor uses may extend into the basement, and accessory uses for any floor may extend to the basement. For parcels 25,000 square feet and larger, more than one principal building and use is permitted by Special Permit.

**7.3.11.2 Symbols.** The symbols employed in the Table of CBD Use Regulations shall mean the following:

**Y** Permitted as of Right;

**N** Prohibited;

**SP** Permitted by a special permit from the SPGA;

**G** Ground floor; and

**U** Upper floors.

### 7.3.11.3 Table of CBD Use Regulations

Uses	Areas							
	East Core		Town Common		North Core		Museum	
Group I Residential Uses	G	U	G	U	G	U	G	U
Dwelling, single family	N	N	N	N	N	N	Y	-
Dwelling, two family	N	N	N	N	N	N	Y	-
Garden apartment house <sup>1</sup>	SP	Y	SP	Y	SP	Y	SP	Y
Town house or dwelling, multiple-family <sup>1</sup>	SP	Y	SP	Y	SP	Y	SP	Y
Apartment house <sup>1</sup>	SP	Y	SP	Y	SP	Y	SP	Y
Group II – Educational, Institutional, Recreational and Agricultural Uses	East Core		Town Common		North Core		Museum	
	G	U	G	U	G	U	G	U
Use of land or structures for educational purposes on land owned or leased by the Commonwealth or by a religious sect or denomination or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y
Child care center	Y	Y	Y	Y	Y	Y	Y	Y
Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y	Y	Y	Y	Y	Y	Y	Y
Library or museum	Y	Y	Y	Y	Y	Y	Y	Y
Public park, playground, or other public recreation	Y	-	Y	-	Y	-	Y	-
Reservation or other conservation area	Y	-	Y	-	Y	-	Y	-
Private club or lodge	SP	Y	SP	Y	SP	Y	SP	Y
Philanthropic or charitable institution Orphanage	N	SP	N	SP	N	SP	N	SP
Group III – Government and Public Service Uses	East Core		Town Common		North Core		Museum	
	G	U	G	U	G	U	G	U
Essential services	SP	SP	SP	SP	SP	SP	SP	SP
Municipal administration building, fire or police	Y	Y	Y	Y	SP	SP	N	N

Water supply/ sewage disposal facilities	Y	-	Y	-	Y	-	Y	-
Television receiver-only antenna not over thirty (30)	N	SP	N	SP	N	SP	N	N
Television studio located within a municipal building	Y	Y	Y	Y	SP	SP	N	N
Temporary public event	Y	-	Y	-	Y	-	Y	-
<b>Group IV – Commercial Uses</b>	<b>East Core</b>		<b>Town Common</b>		<b>North Core</b>		<b>Museum</b>	
	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>
Retail store for the sale of merchandise where all display and sales are conducted within a building <sup>3</sup>	Y	Y	Y	Y	Y	Y	Y	Y
Personal service establishment	Y	Y	Y	Y	Y	Y	Y	Y
Lunch room, restaurant, cafeteria, or similar for serving food or beverages, except diner or lunch cart, to persons inside the building	Y	SP	Y	SP	Y	SP	Y	SP
Fast food restaurant	SP	N	SP	N	SP	N	SP	N
Fast food restaurant, less than thirty (30) seats	Y	N	Y	N	Y	N	Y	N
Indoor commercial amusement /indoor assembly use	SP	SP	SP	SP	SP	SP	SP	SP
General service establishment	Y	Y	Y	Y	Y	Y	Y	Y
Trade shop	Y	Y	Y	Y	Y	Y	Y	Y
Bank/automatic teller machine (ATM) <sup>3</sup>	Y	Y	Y	Y	Y	Y	Y	Y
Business or professional office <sup>4</sup>	Y	Y	Y	Y	Y	Y	Y	Y
Medical or dental laboratory	N	Y	N	Y	N	Y	N	Y
Medical or dental office,center <sup>5</sup>	Y	Y	Y	Y	Y	Y	Y	Y
Commercial parking lot or parking garage	SP	SP	SP	SP	SP	SP	N	N
Commercial green-house or stand	Y	Y	Y	Y	Y	Y	Y	Y
Trade, professional or other school conducted as a gainful business	SP	Y	N	Y	N	Y	N	Y
Health and fitness studio, including yoga, gym, etc.	SP	Y	SP	Y	SP	Y	SP	Y
Art gallery	Y	SP	Y	SP	Y	SP	Y	SP
Artist studio	Y	Y	Y	Y	Y	Y	Y	Y
Bed and breakfast	SP	Y	SP	Y	SP	Y	Y	Y
Conversion of office to residential uses	SP	Y	SP	Y	SP	Y	SP	Y
Mixed uses	Y	Y	Y	Y	Y	Y	Y	Y
<b>Group V - Industrial Uses</b>	<b>East Core</b>		<b>Town Common</b>		<b>North Core</b>		<b>Museum</b>	
	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>
Wireless communication facilities (See Section 8.4)	SP	SP	SP	SP	SP	SP	SP	SP
Adult uses (See Section 8.3.3)	N	SP	N	N	N	N	N	SP
<b>Group VI-Accessory Uses</b>	<b>East Core</b>		<b>Town Common</b>		<b>North Core</b>		<b>Museum</b>	
	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>
Professional/ service office in a dwelling unit	N	Y	N	Y	N	Y	Y	Y
Family day care, small	Y	Y	Y	Y	Y	Y	Y	Y
Family day care, large	SP	Y	SP	Y	SP	Y	SP	Y
<b>Group VII – Nonresidential Accessory Uses</b>	<b>East Core</b>		<b>Town Common</b>		<b>North Core</b>		<b>Museum</b>	
	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>
Outdoor parking of commercial vehicles	SP	-	SP	-	SP	-	SP	-
Retail uses incidental to manufacturing	N	N	N	N	N	N	N	N

Retail uses incidental to the operation of schools and nonprofit institutions	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>Group VIII – General Accessory Uses</b>	<b>East Core</b>		<b>Town Common</b>		<b>North Core</b>		<b>Museum</b>		
	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	<b>G</b>	<b>U</b>	
Removal of clay, etc., but not sod, etc., for the excavation for construction of driveways, etc.	Y	-	Y	-	Y	-	Y	-	
Roof-mounted dish antennas two (2) feet or smaller in diameter	-	Y	-	Y	-	Y	-	Y	
Dish antennas greater than two (2) feet in diameter	N	SP	N	SP	N	SP	N	SP	

Table Notes

1. Y if located on a secondary street or in a courtyard; entrances for residential use permitted on ground floor.
2. Additional special permit required for underground fuel tanks.
3. First floor frontage limited to twenty-five (25) feet; ATM frontage limited to twelve (12) feet.
4. A minimum of 70 percent of the front ground floor building façade to be transparent windows.
5. First floor frontage limited to twenty-five (25) feet.

**7.3.12 Dimensional Requirements**

**7.3.12.1 East Core**

1. Height: See Map 7.3.2 below for height limits by parcel;
2. Maximum Floor Area Ratio: 1.5 by-right, up to 2.5 with special permit;
3. Front Setback: Property line (0 feet); up to 10 feet with special permit;
4. Minimum Side Setback: Party wall unless bordering a free-standing historic structure, and if so, 5 feet;
5. Minimum Rear Setback: 20 feet; 15 feet with special permit;
6. Minimum Open Space: 10 percent. If open space is at least 20 percent (not including required Wetlands Protection Act buffer zone requirements), 15 percent of which is usable and abuts a lake, river, pond or stream, height may be increased by 10 feet through a Special Permit; and
7. Parking: Only in rear of site or within footprint of the building, or contribution to parking fund. See Section 7.3.20.4.

**7.3.12.2 Town Common**

1. Height: See Map 7.3.2 below for height limits by parcel;
2. Maximum Floor Area Ratio: 1.5 by-right, up to 2.5 with special permit;
3. Front Setback: Property line (0 feet); up to 10 feet with special permit for entryway to main commuter rail egress;
4. Minimum Side Setback: Party wall unless bordering a free-standing historic structure, and if so, 5 feet;
5. Minimum Rear Setback: 20 feet; 15 feet with special permit;

6. Minimum Open Space: 10 percent. If open space is at least 20 percent (not including required Wetlands Protection Act buffer zone requirements), 15 percent of which is usable and abuts a lake, river, pond or stream, height may be increased by 10 feet through a Special Permit; and
7. Parking: Only in rear of site or within footprint of the building, or contribution to parking fund. See Section 7.3.20.4.

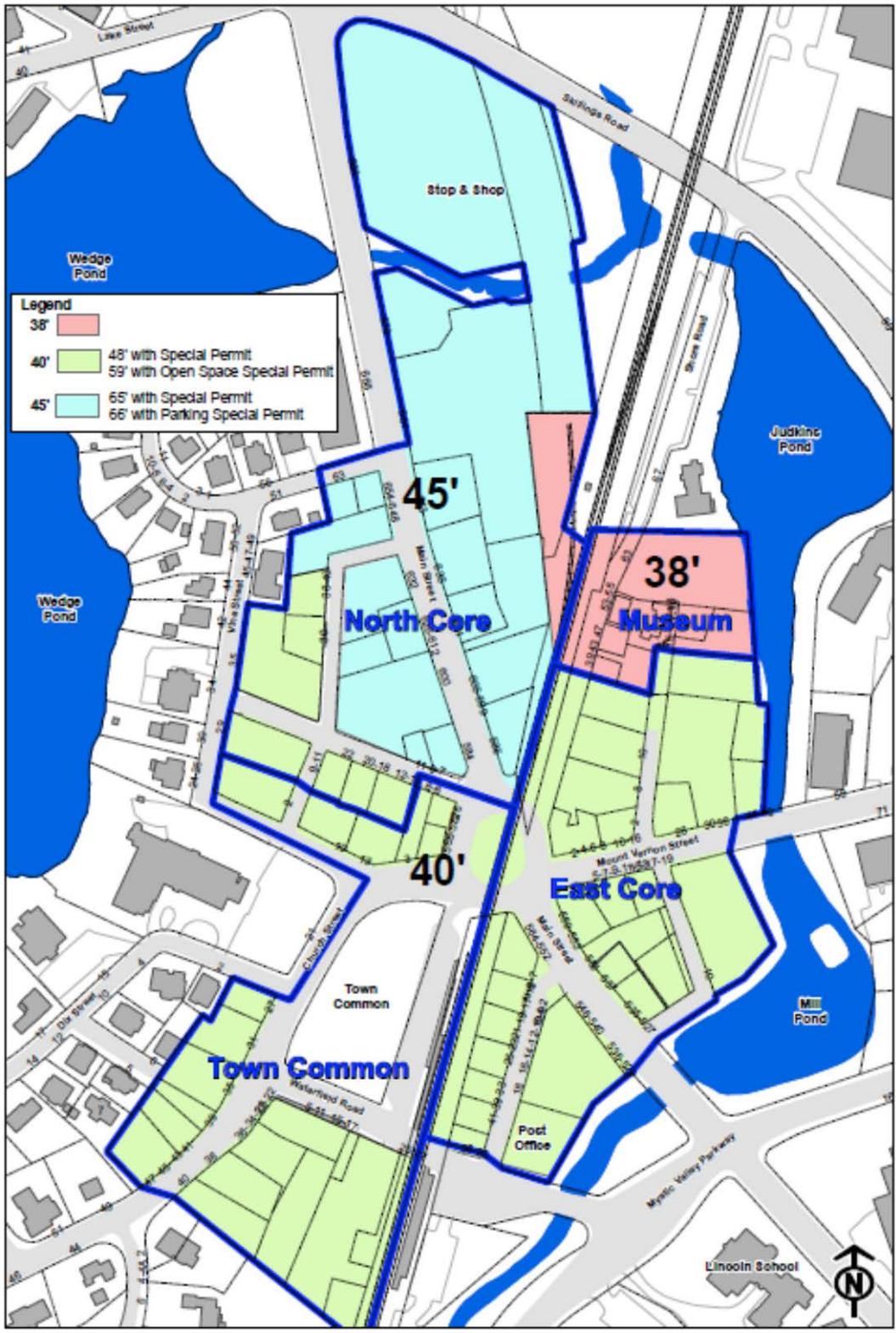
### **7.3.12.3 North Core**

1. Height: See Height Map 7.3.2 below for height limits by parcel; If a parking facility is located within or beneath the building, height may be increased to the maximum height for its height zone through a Special Permit;
2. Maximum Floor Area Ratio: 1.5 by-right, up to 2.5 with special permit;
3. Front Setback: Property line (0 feet); up to 10 feet for required ramp system with special permit;
4. Minimum Side Setback: Party wall unless bordering a free-standing historic structure, and if so, 5 feet;
5. Minimum Rear Setback: 20 feet; 15 feet with special permit;
6. Minimum Open Space: 20 percent. If open space is more than 20 percent (not including required Wetlands Protection Act buffer zone requirements), 15 percent of which is usable and abuts a lake, river, pond or stream, height may be increased by 10 feet through a Special Permit; and
7. Parking: Only in rear of site or within footprint of the building, or contribution to parking fund. See Section 7.3.20.4.

### **7.3.12.4 Museum**

1. Height: See Map 7.3.2 below for height limits by parcel;
2. Maximum Floor Area Ratio: 1.0 by-right, up to 1.75 with special permit;
3. Front Setback: 5 feet, up to 15 feet with special permit;
4. Minimum Side Setback: 15 feet;
5. Minimum Rear Setback: 30 feet; 20 feet with special permit;
6. Minimum Open Space: 20 percent; and
7. Parking: Only in rear of site or within footprint of the building, or contribution to parking fund. See Section 7.3.20.4.

7.3.13 Height Limits.

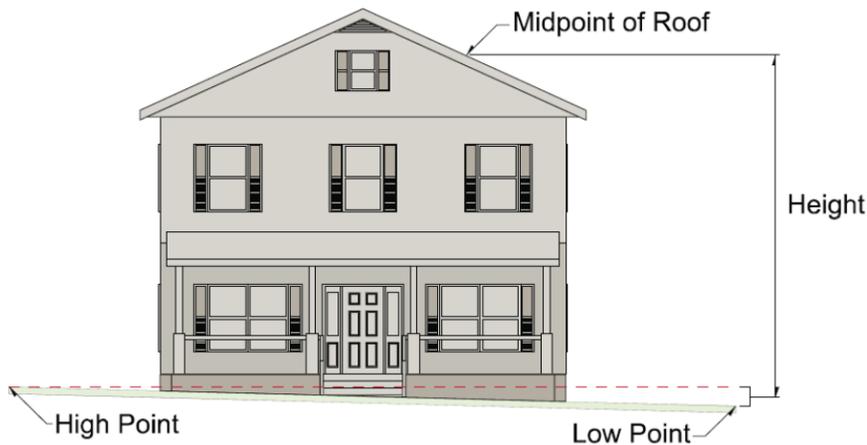


By Right Heights- Map 7.3.2

**7.3.13.1 Height Map.** The by-right permitted heights of structures are shown on the Height Map 7.3.2, above. The Height Map is established as part of the CBD regulations and made a part of the Official Zoning Map. The Height Map establishes height zones that set maximum heights for specific properties. If a building spans two or more height zones, the owner of such a building may follow any of the height zone requirements the building spans.

**7.3.13.2 Measurement of Height.** The height of a structure is the vertical distance measured from the mean grade of the existing ground level adjoining the building at each exterior wall to the mid-point of the roof, as illustrated in the Figure 7.3.1 below. A portion of the building which does not have a pitched roof will be measured from the mean grade of the existing ground level adjoining the building at each exterior wall to the top of the roof line:

**Figure 7-3.1 Measurement of Building Height**



**7.3.13.3 Height Exceedance.** The maximum height of a structure shall not exceed the distance in feet as set forth in the Height Map 7.3.2 above except under the following conditions: Chimneys, elevator penthouses and other structural features usually carried above roofs may exceed the maximum height by 15 feet. Domes, towers or church spires, provided such features are uninhabited, may also exceed the maximum height. Additionally, screening of necessary mechanical equipment, such as heating venting and air conditioning units, may exceed the height requirement by up to 4 feet.

**7.3.13.4 Dormers.** Dormers are allowed, provided that they meet the following standards:

1. A dormer ridge or roofline may not extend above the primary roof ridge;
2. A shed dormer face may not exceed 8 feet in width, and a gable dormer face may not exceed 10 feet in width. No dormer can exceed 50 percent of the wall plane length, whichever is less;
3. More than one dormer is acceptable on a wall plane, but the total combined dormer face width cannot exceed 50 percent of the wall plane length;
4. The space between dormers cannot be less than one-half the width of the adjoining dormer or the average of the two if they are of different sizes, whichever is greater; and
5. A dormer must be located a minimum of three feet from the wall plane that runs perpendicular to the dormer face.

### **7.3.14 Establishment of Planned Unit Development (PUD) Areas**

**7.3.14.1 Purpose.** The purpose of the Planned Unit Development (PUD) is to encourage and facilitate the development of new, mixed-used developments, especially those incorporating a substantial number of housing units, within the CBD. The PUD is intended to ensure coordination and flexibility in design and review through a carefully controlled process for evaluating specific plans rather than through the application of fixed regulations. It is expected that any residential component within a PUD will provide a diversity of housing types (rental, condo), price points and sizes to accommodate a wide range of ages and economic levels.

**7.3.14.2 Boundaries.** Within the CBD, three areas are designated as PUD areas and delineated on Map 7.3.4 below.

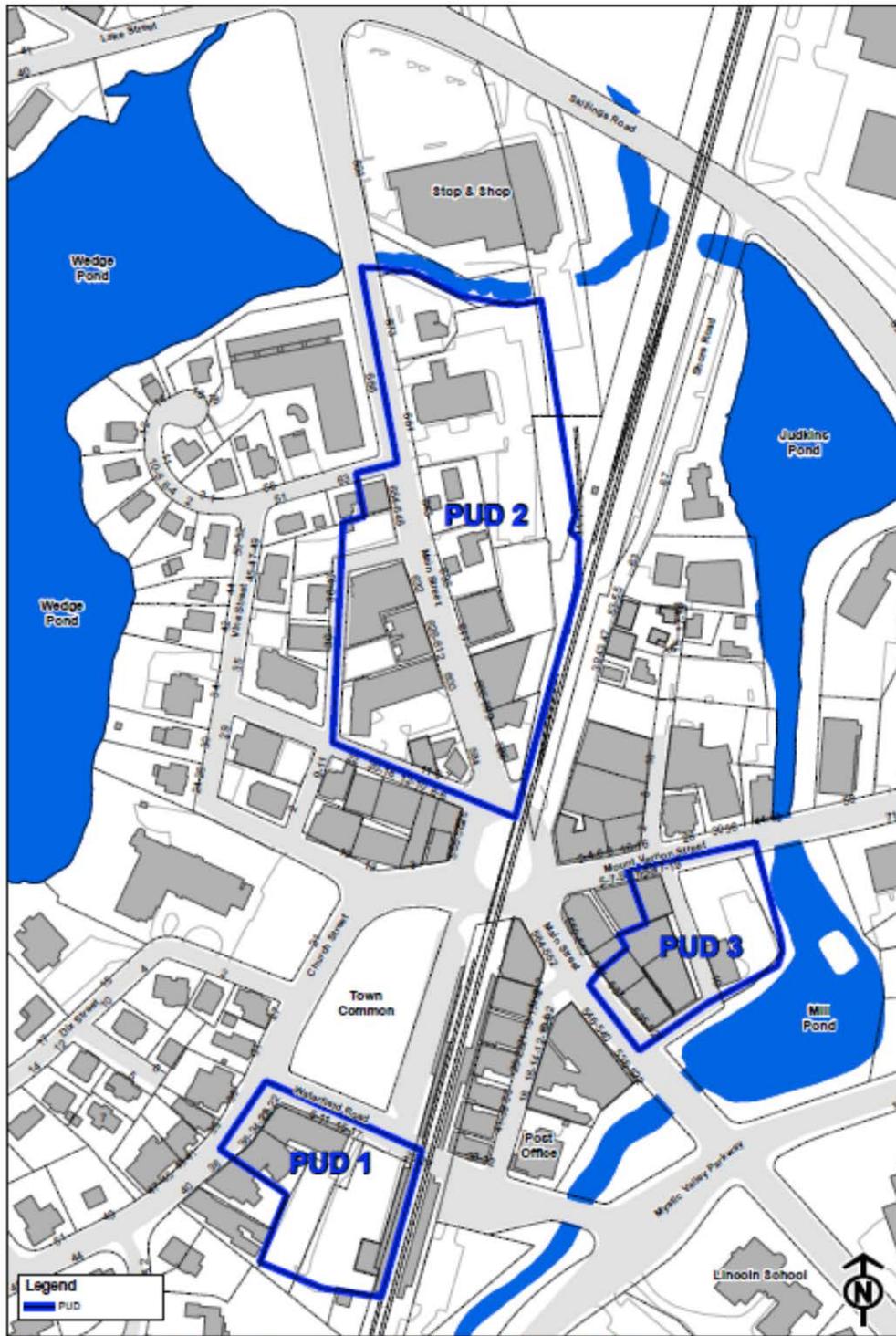
1. **Waterfield Lot;**
2. **Main Street; and**
3. **Mill Pond Site.**

**7.3.14.3 Procedures.** The PUD is an optional overlay district. Properties within a PUD area may be developed under the PUD regulations or the underlying CBD Area regulations. All PUDs require a special permit.

**7.3.14.4 Uses.** All uses allowed by right or special permit within the underlying CBD Area are allowed in the PUD. More than one principal building and use is permitted within a PUD.

**7.3.14.5 Lots and Ownership**

1. Contiguous lots may be assembled to create a PUD;
2. Proposed PUDs may include lawfully pre-existing nonconforming uses and buildings provided they are integrated into the development plan;
3. PUDs may consist of land in more than single ownership and may be subdivided into separate lots provided that all current and future owners and lots are bound by a restrictive covenant(s) to the PUD special permit approvals and are required to maintain the project as a single PUD; and
4. Subdivision of lots within a PUD after final approval of the site plan shall be considered an amendment to the Special Permit and will require approval by the SPGA.



**Planned Unit Development Districts- Map 7.3.3**

### 7.3.14.6 Dimensional Requirements

1. Lot area: minimum lot area of 25,000 square feet;
2. Frontage: minimum frontage of 50 feet;
3. Height: As required by the underlying CBD area; however, the SPGA may authorize additional height outside of the Special Permit standards of the underlying zoning if the construction of the development

references and clearly meets the goals and objectives of the CBD by offering more diverse housing opportunities which address the population needs of the Winchester community; and

4. FAR: As required by the underlying CBD area, however, the SPGA may authorize additional FAR that exceeds the Special Permit standards of the underlying zoning by 0.5 if the construction of the development references and clearly meets the goals and objectives of the CBD by offering more diverse housing opportunities which address the population needs of the Winchester community.

#### **7.3.14.7 Access Requirements**

1. Entrances to PUDs may be limited to one access point onto a public way. The SPGA may grant additional access points to improve traffic circulation if deemed necessary; and
2. Common driveways and parallel service drives are encouraged in the PUD to consolidate driveway openings to a few widely spaced locations.

**7.3.14.8 Design Guidelines.** Design Guidelines for each PUD are described in the Rules for this Section 7.3.14.

### **7.3.15 Site Plan and Design Review**

**7.3.15.1 Applicability** The following projects are subject to site plan review within the CBD:

1. New construction on a lot area equal to, or greater than 10,000 square feet;
2. Changes of uses in existing buildings; and
3. Expansion of floor space of existing buildings of 25 percent on a lot with an area equal to, or greater than, 10,000 square feet.

The following projects are subject to design review within the CBD:

1. All projects for which a Special Permit is required; and
2. All projects for which a building permit for exterior work is required.

The following exterior changes are excluded from design review:

- a. Ordinary maintenance, repair or replacement in like and kind (size and appearance);
- b. Building color;
- c. Roof replacement, gutters, and downspouts;
- d. Storm doors, storm windows/screens;
- e. A/C window units
- f. Lighting fixtures
- g. Temporary structures; and
- h. Mailboxes or signs (that are otherwise permitted by law)

**7.3.15.2 Procedure** The SPGA will conduct site plan review and design review for projects within the CBD.

1. **By-right Project.** At its discretion, the SPGA may conduct a public hearing for site plan and design review for these projects. Alternatively, it may conduct the review at a duly noticed public meeting. It may impose reasonable conditions on the project to be included in the building permit. Any decision of the SPGA on site plan review shall be in writing and shall be filed with the Town Clerk. No building permit shall be issued and no area for roadways, parking, loading or open space shall be established or changed except in conformity with a site plan bearing the endorsement of approval by the SPGA or a report bearing the endorsement of the design approval by the SPGA. No certificate of zoning compliance shall be issued for any such building or buildings, unless the same conforms in all respects to the approval.
2. **Special Permit Concurrent Review.** When a project seeks a special permit, the SPGA shall conduct site plan review (if necessary) and design review at a public hearing concurrently with the special permit review.
3. **CBD Review Subcommittee (CBDRS).** The SPGA shall consult with the CBDRS, which consists of three (3) members of the Winchester Design Review Committee, and three (3) members of the Winchester Historical Commission on all projects that require design review within the CBD. For any project review, 5 members must be present at the hearing or meeting. If the structure in question is considered historically significant according to the map in Section 7.3.18.1, 3 members from the Historic Commission and 2 members of the Design Review Committee shall constitute the Subcommittee. If the structure in question is not considered historically significant according to the map in Section 7.3.18.1, 2 members from the Historic Commission and 3 members of the Design Review Committee shall constitute the Subcommittee. The Subcommittee members shall be appointed annually by each respective committee/commission and each chair may designate an alternate member in cases of scheduling conflicts.

The CBDRS shall make recommendations in the form of a report to the SPGA on how the project meets or could meet the design guidelines located in 7.3.17. If no report is received by the SPGA within thirty-five (35) days from the time of a complete filing from an applicant, it shall be deemed a lack of opposition to the project. An additional report may be written by either committee/commission and submitted to the SPGA within thirty-five (35) days from the time of a complete filing from an applicant.

The SPGA shall make no final decisions until thirty-five (35) days have elapsed from the time of a complete filing from an applicant, or a report has been received from both the Historical Commission and the Design Review Committee, whichever comes first.

4. **Consultation.** The SPGA Board may consult with any other boards, commissions and departments to ensure a complete site plan and design review. The SPGA may utilize MGL Chapter 44 §53G peer review consultants.
5. **Joint Hearings and Meetings.** The SPGA may conduct joint public hearings and meetings with any other board or commission in addition to the Design Review Committee and the Historical Commission in order to expedite site plan and design reviews.

**7.3.15.3 Submission Requirements.** See Section 7.3.16.

**7.3.15.4 Design Review Guidelines.** See Section 7.3.17.

**7.3.15.5 General Standards for Site Plan Review.** In the review of any site plan conducted under this Section, the SPGA shall determine that reasonably adequate provisions have been made by the applicant for the following:

1. Traffic circulation and access;

2. Pedestrian safety and access;
3. Emergency vehicle access;
4. Stormwater drainage based upon a professional engineering report, utilizing on-site infiltration;
5. Flood control mitigation based upon a professional engineering report and report from the Town Engineer;
6. Screening, including the use of natural land features, plantings and erosion control;
7. Protection and preservation of existing historic structures, vistas and natural features;
8. Signage and exterior lighting;
9. Avoidance or mitigation of visual impact of parking, storage and other outside service areas;
10. Consistency with character and scale of surrounding buildings, CBD areas and neighborhoods;
11. Consistency with Design Review Guidelines in Section 7.3.17; and
12. Avoidance or mitigation of acoustical and lighting impact.

### **7.3.16 Submission Requirements**

**7.3.16.1 General.** Applicants for approval of projects requiring site plan review, design review or a Special Permit shall submit the information and materials:

1. **Submission Waivers.** *The SPGA may waive or modify any of the submission requirements or request additional materials at its discretion. The SPGA's intent is to require only as much information and materials as are appropriate to the scale and potential impacts of the project.*

**7.3.16.2 Project Narrative** summarizing the purposes and intents of the project, the planned uses, the development phasing strategy, if any, and how the proposed project meets Town objectives in Section 7.3.1.

**7.3.16.3 Existing Conditions Plan** stamped by a registered land surveyor licensed in the Commonwealth of Massachusetts, showing the site and including the location of surveyed property line boundaries and property ownership, division of the land into lots, easements, curb cut locations, utility information, delineated wetlands boundaries as approved by the Conservation Commission, topography at two-foot contour intervals, 100-year floodplain contour, Rivers Protection Act and Wetlands Protection Act buffer zone boundaries, general location of vegetated areas, and footprints of existing buildings, structures and paved or otherwise previously developed areas. The scale shall be 1 inch = 40 feet. The Applicant shall also show, unless waived by the SPGA after consultation with the Town Engineer, surrounding context within at least 400 feet of the site including property line boundaries, property ownership, footprints of existing buildings, and topography at two-foot contour intervals.

**7.3.16.4 Site Development Plan** illustrating the proposed buildings, parking facilities, roadways, driveways, easements, bikeways, walkways, sidewalks, access ways, required setbacks, site grading at two-foot contour intervals, finished floor elevations, parking, landscaping, open space areas and calculations, off-site improvements, delineated wetland boundaries, and land subject to the Rivers Protection Act and Wetlands Protection Act. The scale shall be 1 inch = 40 feet.

**7.3.16.5 Building Development Program** describing the buildings and their square footage by total use, the phasing of such uses if any, and the parking facilities and parking space counts devoted to such uses.

**7.3.16.6 Phasing Plan** identifying the general scope and location of the individual phases to be developed and providing sufficient information to evaluate total build-out of the site. For multi-phase projects:

1. The initial construction phase shall provide sufficient on-site and off-site improvements to adequately serve the constructed portion independent of future phases, encourage completion of the build-out design, and minimize disruptions during future construction phases. Improvements shall include but not be limited to driveways, parking, sewer, water, stormwater systems, lighting and landscaping;
2. The applicant shall provide the Town with a performance guarantee to cover the costs of construction of the on-site and off-site improvements, subject to approval from the SPGA, in the form of a performance bond, letter of credit, or cash escrow; and
3. Any changes in use or amendments to subsequent development phases shall require approval by the SPGA. Modifications or extensions to an approved phasing timetable shall not be considered substantive amendments.
4. The applicant shall provide a construction mitigation strategy that limits impacts on adjacent property operations and downtown traffic/emergency service.

**7.3.16.7 Visual Plans** depicting the project, including:

1. **Conceptual Ground Floor Architectural Plan** for major buildings and parking structure(s) at a scale of 1/8 inch = 1 foot;
2. **Building Elevations** for major buildings and parking structure(s), including appurtenances on the roof, at a scale of 1/8 inch = 1 foot;
3. **Three-Dimensional Bird's-Eye Perspective View(s)** showing approximate massing, bulk, and height of buildings, including surrounding context; additionally, the SPGA may require three-dimensional models to be provided by the petitioner; and
4. **Eye-Level Perspective View(s)** showing site and buildings with their immediate context as seen from major public vantage points such as adjacent major public streets and abutting neighborhoods, with the building materials clearly visible.

**7.3.16.8 Traffic, Circulation, Parking, and Transportation Demand Management Plan** describing (1) anticipated traffic demand and flows generated and attracted by the project; proposed locations and alignments of drives, drop-offs, curb cuts, parking, signage, pedestrian paths, sidewalks, bike paths, and easements for public access; (2) identifying impacted intersections, existing and projected levels of service and a summary of proposed mitigation, including off-site improvements; and (3) a Transportation Demand Management Plan including parking management policy, car and/or van pool programs, and bikeway access and bike parking provisions.

**7.3.16.9 Open Space, Conservation Lands and Natural Resources Plan** showing the location of open space, conservation lands, and natural resources and describing plans to add, change, or preserve open space, conservation lands and natural resources.

**7.3.16.10 Historic Conservation and Preservation Plan** showing the location of existing historic properties and resources and describing plans to tear down, move, modify, repair, maintain or reuse historic properties and resources.

**7.3.16.11 Utilities Plan** showing the location of proposed utilities and describing their capacity to meet or exceed applicable standards. The maximum scale shall be 1 inch = 40 feet.

**7.3.16.12 Stormwater Management and Flood Mitigation Plan** showing anticipated drainage patterns; stormwater management facilities; flood mitigation measures; and a description of the plan's ability to meet or exceed applicable standards, including a calculation of required and proposed compensatory flood storage, as well as drainage calculations comparing pre and post-development runoff rates and volumes. The maximum scale shall be 1 inch = 40 feet.

**7.3.16.13 Landscaping Plan** consistent with Section 9.8.10.

**7.3.16.14 Housing Plan:** The size, number, and approximate price of all units shall be expressly stated in order to determine if the proposed housing portion of the project is meeting the goals of the Winchester Master Plan Phase I which aims to provide a diversity of housing types to enable persons and households from a wide range of ages, economic levels and cultures to live within the CBD.

### **7.3.17 Design Review Guidelines**

**7.3.17.1 Design Principles.** The goal of the CBD zoning plan is to create a functionally diverse and active downtown development, consisting of attractive background buildings that focus on and enrich the streetscape and public open space.

New structures must be compatible with Winchester's historic architecture and sense of place. The Town seeks new buildings that are timeless and subtle. This will be achieved in part through the design of properly scaled windows, masonry articulation, setbacks, animated silhouettes, and use of materials that are warm, inviting, and supportive of other proposed buildings.

The objectives of the CBD do not support isolated, individual architectural statements that relate only to themselves. They do support projects that are positive additions to Winchester's town center. General guidelines are discussed below, while detailed guidelines for historic properties are located in the Rules for this Section 7.3.17 and entitled Guidelines for Existing Historically Significant Buildings.

The Town promotes an active setting along its main downtown streets both during and after customary business hours. Additionally, the Town supports new residential development throughout the downtown that will maximize hours of activity and improve public security.

Development in the public and private realms should be integrated in as positive, secure and elegant a manner as possible. Any part of the perimeter of new development that fronts on an existing street or public open space should be designed to complement and harmonize with adjacent land uses (planned or existing) with respect to use, scale, density, set-back, bulk, height, landscaping, and screening. Finally, each individual project should be carefully conceived and executed to the mutual benefit of its immediate neighbors. New development projects will inevitably affect the existing downtown community. Therefore, attractive and inviting connections to and from adjacent neighborhoods are essential.

#### **7.3.17.2 Open Space and Circulation Design**

1. **Open Space.** The Zoning bylaw requires that open space be provided downtown. Open space shall consist of parks and pervious landscapes (and other buffer zones as defined under the Wetlands Protection Act and Winchester's Code of Bylaws) that are open to the sky at the ground level. Usable open space shall consist of areas available for foot traffic or passive recreation.

Private development bordering public open space and public thoroughfares should have direct access to the public space, and must present inviting elevations and imagery, with special attention at the ground plane. More generally, all development must directly relate to, provide easy access to, and reinforce activity at the existing ground plane. Design must be coordinated to relate well to public open space and public or private passageways that connect with that open space. All retail/restaurant/first floor rental spaces should be at the same level as the adjoining sidewalk or public open space.

2. **Pedestrian Circulation.** All developments must include an integrated pedestrian circulation system with particularly strong connections to the public way and between the adjacent residential neighborhoods.

In order to accommodate a wide range of physical abilities, smooth concrete sidewalks, ramps and walkways are preferred to brick or other uneven surfaces.

In the development of any large, multi-acre site in the CBD, the Town will expect lobbies and other entries, each serving a particular section of the complex, rather than one large lobby and one or two entries serving the entire complex. Offices and residential lobbies should be directly located on public streets and, in the case of a mixed-use building, need to be clearly separated from each other.

3. **Service Facilities.** Entrances to parking facilities and service areas must be coordinated with adjacent development. In addition, entries need to be as far from intersections and public open space corridors as possible, and integrated into the building forms to minimize visual impact. Service roads should be coordinated where several adjacent private developments occur.

**7.3.17.3 Mix of Land Uses.** Each development is encouraged to include a mixture of uses, including retail and restaurant on first floor with housing and/or limited office above.

1. **Retail.** Retail/restaurant uses shall focus on and enliven existing streets in the CBD.
2. **Housing.** Town and State plans envision the development of a significant residential pattern of use throughout the downtown area. The town anticipates that, as the area becomes more and more established, housing will be built to help give an 18 hour presence and the depth of interest and vitality that only people living in an area can provide.
3. **Office.** The presence of the office space should be secondary to the open space system and active ground floor retail pattern.
4. **Parking.** All parking shall be screened to the satisfaction of the SPGA from all public view and from view of adjacent private development, if it will have a detrimental effect on either the design of or leasing of a planned or existing adjacent development. Parking facilities should be incorporated and located within development projects to maximize the opportunity for ground level retail/restaurant activity and to limit inactive, unsecured areas.

#### **7.3.17.4 Elements of Form**

1. **Height.** Height and bulk of buildings should be configured to minimize their visual dominance, the extent of cast shadows, and undesirable alterations of air currents affecting the public street and open space system, bordering neighborhoods and adjacent new or planned development.

No building element may project vertically beyond the maximum height allowed within the downtown, unless a coordinated system of expressive building tops becomes an integral part of the development's design concept. An expressive building roof line appropriately celebrates the building's union with the sky and is reminiscent of the downtown's late 19th and turn-of-the-century architecture.

2. **Scale.** Projects must relate to human dimensions and provide a sense of intimacy in all aspects of design from building concept development to construction details. Of particular importance are the treatments of the ground plane and other parts of the projects that can be seen and experienced directly by users.
3. **Massing.** Regardless of any preconceived development configuration for any particular use, new development is expected to reinforce the CBD's existing street pattern; to break down any building

type's typical massing to relate to the historic character and mass of Winchester's CBD; and to avoid a monolithic appearance.

Properties must maximize the hours of sunlight available to public open space and create a harmonious, architecturally integrated building form that enriches the public domain.

All adjacent private developments, when bordering the public domain, must build to a common party wall in an architecturally compatible manner, with adjacent buildings responding to their neighbors. The Town does not encourage the creation of alleyways along property lines and visible from any public view.

4. **Street-walls and Setbacks.** Maintenance of existing street-walls is generally required within the downtown. This may be accomplished by principal front wall plane setbacks and cornice lines that are consistent with existing buildings on the same block or neighboring blocks. Specific areas (such as immediately bordering the commuter rail at the Waterfield Road area and along Main Street north of Quill Rotary) require setbacks as noted in the bylaw. Permissible exceptions, subject to design review, might include entrance canopies and other at-grade open space amenities.
5. **Silhouette.** As buildings increase in height, they should be shaped to be increasingly slender and broken down in scale toward their top. As nearly all Winchester architectural icons have slanted roofs, the Town prefers to keep this architectural detail for any new additions or constructions. Buildings should be of a tripartite architectural configuration consisting of a base, a middle section and an expressive top section. Buildings must provide animated silhouettes that enliven views from the open space system, the historic downtown and nearby neighborhoods. This greater articulation should be an integral part and emphasis of the building concept.

**7.3.17.5 Details.** Development bordering the public domain must be rich in architectural details, pay special attention to the ground plane and silhouette, and convincingly incorporate appropriate imagery depending on project location, that is, historic downtown tradition, waterfront, and open space imagery. Overall form and individual elevations must be designed to emphasize human scale and presence through the use of properly proportioned features, including but not limited to punched windows, lateral-arm awnings, balconies, setbacks, passageways, etc.

1. **Materials.** All new buildings should be mainly faced with an authentic New England town style or equal, reviewed and recommended by the CBD Review Subcommittee. The highest quality of materials shall be used at the pedestrian level of all buildings;
2. **Color.** The selection of colors should be sympathetic to the general downtown palette;
3. **Awnings.** All new buildings should provide lateral-arm awnings, color coordinated with adjacent development, at all retail frontages overlooking public open space. The awnings will assist in offering an active, vital marketplace image, while at the same time creating a means of protection for shoppers, residents and office workers during inclement weather;
4. **Transparency of Ground Floor Spaces.** All new buildings should maximize visibility and transparency through ground floor retail or possible future retail space as determined by the Town. The Town realizes that future additions of storage rooms, toilets and restaurant kitchens will limit transparency, but it is the Town's objective to locate these areas to maximize visibility and transparency where it is desirable;
5. **Balconies.** All new buildings should provide human-scaled balconies at appropriate locations overlooking public open space. The balconies must be detailed so that they are inviting, highly usable and relate directly to the character of the adjoining open space;

6. **Penthouses and Mechanical Equipment.** All mechanical penthouses and other projections should be architecturally integrated within the overall form and individual elevations of the building. It is encouraged that the penthouses are faced with the same or sympathetic building materials as the principal facade and enhance, and not detract from, the overall building appearance and balance. Mechanical equipment shall be screened to the maximum extent possible with the minimum amount of height exceedance; and
  
7. **Windows** For reason of public health, aesthetics, and future energy concerns, the Town desires operable windows to be used throughout the buildings of downtown. Strip windows are not acceptable. Traditional masonry openings and articulated fenestrations are expected.

### **7.3.18 Historic Resources**

**7.3.18.1 Historically Significant Structures.** Buildings shown in red on Map 7.3.4 below identifies historically significant structures (each designated a “historically significant building within the Center Business District.”) that contribute to the established fabric and character of Winchester Center. These structures, and their decorative exterior elements including but not limited to: brackets, moldings, and casings, shall be preserved to the maximum extent possible. Plans that include demolition of historic structures are strongly discouraged.

**7.3.18.2 Preservation Incentives.** To provide incentives to preserve these structures, consistent with the Town Master Plan, the owner of a historically significant building within the CBD may restore building elements including floors (if additional floors once existed) without the requirement of a special permit or variance for dimensional or parking relief. Where an approved change in use has occurred within a historic structure, any additional parking that would be required by the use change will be waived. Restoration plans will be reviewed jointly by the SPGA, the Design Review Committee and the Winchester Historical Commission under the provisions for Site Plan and Design Review, as described in Section 7.3.15.



**Historic Resources in the Center Business District- Map 7.3.4**

7.3.19 Inclusionary Housing

**7.3.19.1 Purpose.** The purpose of inclusionary housing is to foster the creation of housing that is affordable and is located near mass transit, schools, parks and other municipal improvements.

**7.3.19.2 Requirements.** All projects in the CBD that include a housing component shall have affordable units on the project site as follows:

1. Ten (10) percent of the dwelling units within a project that have six (6) or more dwelling units shall be affordable according to 760 CMR 56;
2. Ten (10) percent of dwelling units within a project that have twenty-five (25) or more dwelling units shall be affordable according to 760 CMR 56, and five (5) percent of the dwelling units within a project that have twenty-five (25) or more dwelling units shall be affordable to middle income applicants (80-120 percent of Boston Area Median Income); and
3. If the number of affordable units calculated contains a decimal, the number of units shall be rounded up for values between 0.5-0.99.

**7.3.19.3 Incentives.** To further promote affordable housing in the CBD, an applicant may, with a Special Permit from the SPGA, reduce the number of required parking spaces by up to 0.25 spaces/unit, and/or increase FAR by up to 0.5 if more than the required affordable units are constructed. Under no circumstances can the FAR be more than the maximum allowed in a particular subzone.

**7.3.19.4 Payment in Lieu of On-Site Affordable Units.** The SPGA, after comments have been received from a review from the Winchester Housing Partnership Board, may allow the applicant to pay a fee in lieu of providing on site affordable units if the SPGA determines that: It is in the best interest of the Town to do so; and, the provision of affordable units would render the project economically infeasible. If no report is received by the SPGA from the Housing Partnership Board within thirty-five (35) days from the time of a complete filing from an applicant, it shall be deemed a lack of opposition to the payment in lieu of on-site affordable units. The fee for each affordable unit shall be established by the SPGA in the Rules for this Section 7.3.19.4. The payment shall be made into the Winchester Affordable Housing Fund administered by the Board of Selectmen.

**7.3.19.5 Affordable Units** (as defined under 760 CMR 56) shall be deed restricted and shall remain affordable to and occupied by an Income Eligible Household (for household incomes at 80 percent of the Boston AMI or lower), and are eligible for inclusion on the Subsidized Housing Inventory as set forth in 760 CMR 56.

**7.3.19.6 Administration.** The SPGA, with guidance from the Housing Partnership Board and the Board of Selectmen, shall promulgate rules for the implementation of this Section 7.3.19.

## **7.3.20 Parking and Loading Requirements**

**7.3.20.1 Applicability.** The parking requirements in this section are applicable to existing and proposed developments in the CBD as follows:

1. The requirements apply when a change to an existing structure or use occurs would require an increase of more than 15 percent in the parking facilities;
2. The SPGA may allow a reduction of the parking requirement in the CBD. See Section 7.3.20.4, Options for Reducing Required Parking;
3. No additional vehicle parking is required for any changes in use under 5,000 square feet of gross floor area;
4. No vehicle parking is required for additions or changes in Allowed Uses to structures listed as Historic Resources and shown on the Historic Resources Map 7.3.4 located in Section 7.3.18;

5. No vehicle parking is required for any Governmental or Public Service use;
6. Outdoor dining areas are exempt from the calculation of required vehicle parking spaces;
7. If parking is provided at or below ground level, and is located under a building or structure, such area of parking shall be completely screened from view, from any public right-of-way that adjoins the front of a lot, by inhabited ground floor uses (lobbies, retail space, office or other allowed use) and from any adjoining side street (if applicable) either by such active ground floor uses or by an opaque wall; and
8. Off-street loading facilities shall be governed by Section 5.2 of this Bylaw.

**7.3.20.2 Required Vehicle Parking Spaces.** The minimum and maximum numbers of parking spaces required by category of use are specified in the table below. The SPGA may waive or adjust the requirements by special permit.

<b>Required Vehicle Parking Spaces</b>		
<b>Use Category</b>	<b>On Site</b>	
	<b>Minimum</b>	<b>Maximum</b>
Residential uses	0.75 spaces per unit	1.5 spaces per unit
Commercial uses, including restaurants	0.75 spaces per 1000 square feet of gross floor area	1.25 spaces per 1000 square feet of gross floor area
Theatre/places of public assembly	1 space per 4 seats	1 space per 4 seats

Note: If the calculated number of spaces contains a fraction, then the number of required spaces is rounded up to the next whole number.

1. For mixed-use development, the total number of required parking spaces is the sum of the requirements of the various uses computed separately. The required space for one use cannot be considered as providing the required space for any other use, except pursuant to Shared Vehicle Parking (see Section 7.3.20.4);
2. Required parking spaces must be located on the same lot as the use(s) they are intended to serve, except as noted in Section 7.3.20.5; and
3. The requirement of 0.75 spaces per 1,000 square feet of commercial space shall only apply in cases where the gross floor area is expanded beyond its original dimensions. Lots that have existing areas devoted to parking shall be required to maintain and continue those areas. Relief may be sought to reduce devoted parking areas; see Section 7.3.20.4.

**7.3.20.3 Reduction of Required Parking.** Any minimum required amount of parking may be reduced only upon issuance of a special permit of the SPGA. A special permit may be granted only if the SPGA determines, based on specific findings that the lesser amount of parking will not cause excessive congestion, endanger public safety, substantially reduce parking availability for other uses or otherwise adversely impact the neighborhood, or that such lesser amount of parking will provide positive environmental or other benefits to the users of the lot and the neighborhood. In making the determination, the SPGA may require the applicant to provide a parking analysis as part of the special permit application. Additionally, refer to Section 7.3.19.3 for the affordable housing incentive parking reduction.

**7.3.20.4 Options for Reducing Required Parking**

1. **Proximity to Transit, Shuttle or Taxi Service.** The SPGA may approve a 30 percent reduction in the number of required parking spaces for buildings with a main entrance within an 800-foot walking distance of a transit station, bus stop or taxi stand. Walking distance is to be measured from the nearest entrance of the building to the nearest qualifying transit facility location.
2. **Car-Sharing Program.** The SPGA may approve a parking reduction of up to ten (10) percent for each car sharing vehicle where: (a) An active car-sharing program is made available to residents and/or employees; and (b) Cars for the car-sharing program are available on the site or within an 800-foot walking distance of the site.
3. **Payment in Lieu of Providing Parking.** Within the CBD, the SPGA may allow a partial or full waiver of the onsite parking requirement if the applicant pays into a parking and transportation fund established by the Town. The fund is to be controlled by the Board of Selectmen. Fees can be used to administer the public parking system or complete other transportation improvements that mitigate the demand for parking. The fee to be charged shall be a one-time fee per space for each parking space required. The one-time fee shall be determined by the Board of Selectmen at a public hearing in an amount to cover the estimated cost of providing additional parking spaces in the general location of the proposed use, and may be altered as needed on an annual basis. The fee shall be payable in accordance with the Board of Selectmen’s administrative policies.
4. **Shared Vehicle Parking.** Shared Vehicle Parking is defined as the use of one or more parking space(s) to satisfy the parking required for two or more separate uses within a project. The shared parking may be on the same project site or at an acceptable off-site location per 7.3.20.5. Applicants wishing to use shared parking to reduce the total number of required spaces must submit a shared parking analysis provided in a form established by the SPGA in consultation with the Town’s Engineering, Planning and Public Works Departments. Reductions in the total number of required spaces for shared parking may be permitted if the SPGA in consultation with the town staff/consultants determines that a reduction is appropriate based on findings that the shared parking:
  - a. Provides a use and management plan describing operations and management of proposed parking;
  - b. Has either mutually exclusive or compatibly overlapping normal hours of operation. The SPGA will determine whether the hours of operation are compatibly overlapping on a case-by-case basis through the use of the Urban Land Institute Shared Parking Model (latest edition);
  - c. Reserves, for the residential portion of a mixed use project, a minimum of 0.25 spaces per unit from any shared use calculations;
  - d. Does not create hazardous conditions for pedestrians or result in potentially unsafe traffic conditions; and
  - e. Contributes to the economic vitality and vibrancy of Winchester’s town center.

### **7.3.20.5 Techniques for Reducing the Amount of Land Devoted to Parking**

1. **Off-Site Vehicle Parking.** Required parking spaces may be permitted on a different lot from the project site if the SPGA, after consultation with the Town Engineer, determines that the following standards have been met.
  - a. Off-site parking spaces are located within 800 feet of the primary entrance of the building served, or an approved shuttle-served lot for commercial uses. The distance shall be measured along the shortest available pedestrian route from the nearest point of the parking area to the nearest point of the primary entrance served by the off-site parking lot;
  - b. Specifically designated off-site parking areas for employees may be located up to 1,000 feet of the primary entrance of the building served. The distance shall be measured along the shortest available pedestrian route from the nearest point of the parking area to the nearest point of the employee entrance served by the off-site parking lot;
  - c. The application includes a mutual Shared Parking Agreement signed by all involved property owners. The written agreement shall include, but not be limited to the following items: maintenance, snow removal, ownership and liability;
  - d. Documentation is provided demonstrating that the parking to be used offsite is available and not otherwise committed. The methodology described in the Urban Land Institute Shared Parking Model may be applicable for this effort as needed;
  - e. The SPGA may apply special conditions (such as annual reporting) to the use of off-site parking to satisfy parking requirements; and
  - f. Any off-site parking arrangement shall be documented on file at the building department for all relevant properties and, if recordable, shall be recorded in the Registry of Deeds.

#### **2. Tandem Parking Spaces**

- a. Tandem parking (2 spaces end-to-end) is allowed for the residential component of a mixed-use project;
- b. Tandem spaces must be at least 9 feet wide and together, at least 38 feet long;
- c. Both spaces in tandem-parking configuration must be assigned to the same dwelling unit;
- d. Tandem parking may not be used to provide guest parking.

#### **3. Connecting Parking Lots**

- a. Uses abutting one another shall physically connect their parking areas at the lot line to create connecting drive aisles, provided that a mutual access easement that is acceptable to the Town of Winchester has been executed;
- b. The agreement must ensure that adequate maneuvering space for both parking areas is preserved; and
- c. The use of joint parking does not by itself authorize a reduction in the number of required spaces, but may be considered by the SPGA in conjunction with other measures as means of reducing minimum parking requirements.

**7.3.20.6 Bicycle Parking.** Bicycle parking shall be provided for all new development, and shall be located as

close as possible to the building entrance(s). Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner within the same block.

1. **Residential buildings.** One indoor bicycle parking rack (2-bike capacity) must be provided by the developer for every ten residential units. Indoor bicycle storage requirements may be waived for projects under ten units;
2. **Mixed-use projects.** One indoor bicycle parking rack (2-bike capacity) must be provided by the developer per ten residential units. Indoor bicycle storage requirements may be waived for projects under ten units;
3. **New projects located on lots containing more than 10,000 square feet.**
  - a. For commercial uses, the developer must provide one employee bicycle parking rack (2-bike capacity) per 10,000 square feet of Gross Floor Area and one visitor/customer bicycle parking rack (2-bike capacity) per 25,000 square feet of gross floor area;
  - b. For residential uses, the developer must provide one tenant bicycle parking rack (2-bike capacity) per ten units and one visitor bicycle parking rack (2-bike capacity) per 25 units. Projects under ten units shall have no minimum requirement;
  - c. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the sidewalk area intended for use by pedestrians, nor shall they encroach on any required fire egress; and
  - d. On-street bicycle parking spaces (typically along the street tree alignment line) may be counted toward the minimum customer/visitor bicycle parking requirement.
4. **Bicycle parking racks**
  - a. Racks shall be of a high-quality construction that provides for adequate theft protection and security. Racks shall support a bicycle at two points of contact to prevent damage to bicycle wheels and frames; and
  - b. All outdoor bicycle racks must be publicly visible and accessible. Racks shall be located within 100 feet of the primary building entrance. Where a bicycle rack allows bicycles to be locked on both sides of the rack without conflict, each side may be counted as one required space.

### 7.3.21 Definitions

Front Setback- A line delineating the distance between the front lot line and the front of a building on a lot.

Rear Setback- A line delineating the distance between the rear lot line and the rear of a building on a lot.

Side Setback- A line delineating the distance between a side lot line and a side of a building on a lot.

(Planning Board)

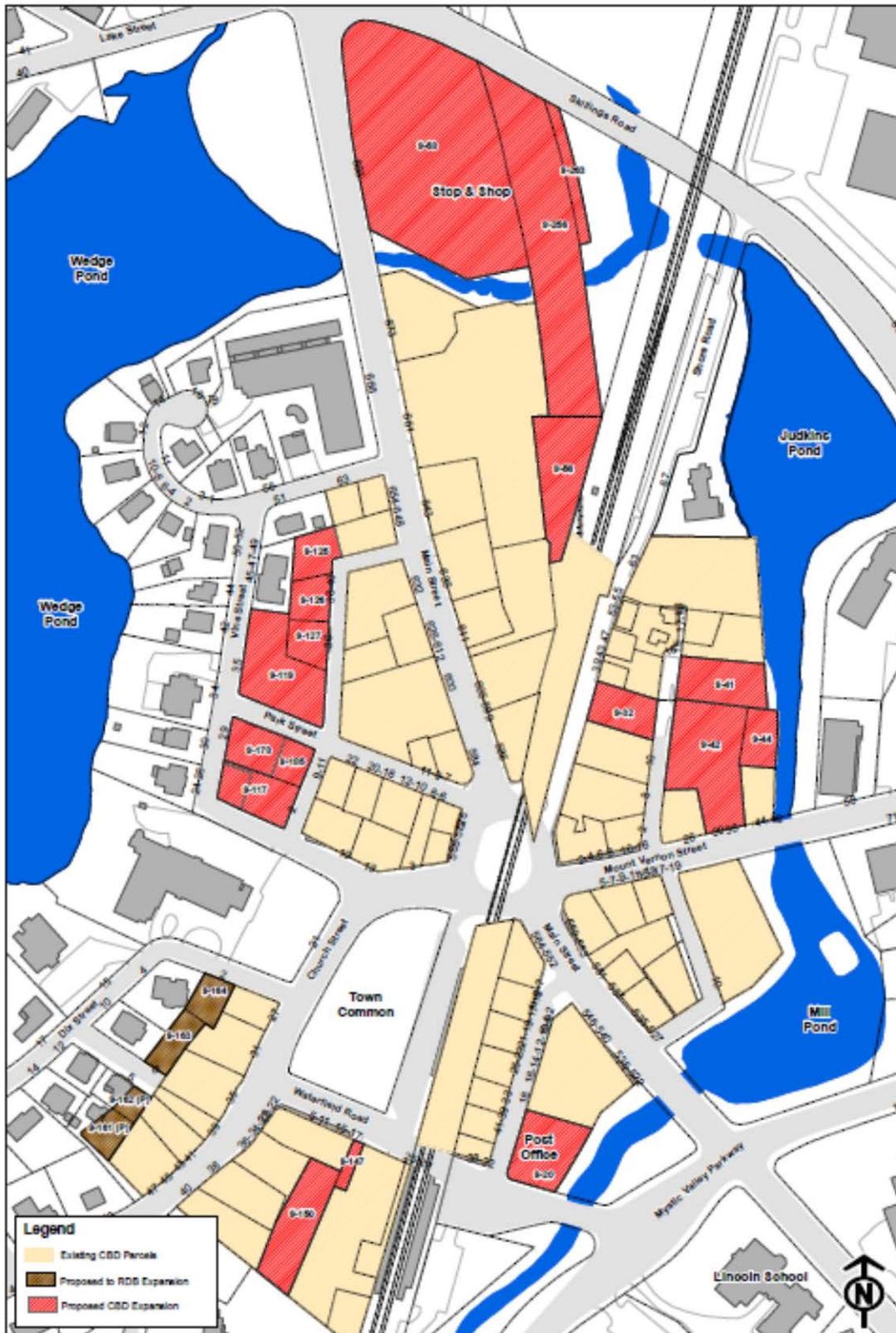
**ARTICLE 4.** To amend the Zoning Map by including the following parcels as part of the Center Business District, and according to the map below created by the Winchester Engineering Department and titled Proposed CBD Boundary Changes.

9 117
9 178 - 9 185
9 119
9 20
9 125-9 127
9 56 and 9 58
9 41
9 42
9 44
9 32
9 256
9 263
9 147
9 150

(Planning Board)

**ARTICLE 5.** To amend the Zoning Map by including the following parcels as part of RDB-10 District, and according to the map below created by the Winchester Engineering Department and titled Proposed CBD Boundary Changes.

- 9 161 (partial)
- 9 162 (partial)
- 9 163
- 9 164



**Proposed CBD Boundary Changes - March 26, 2015**

(Planning Board)

**ARTICLE 6.** To amend the Zoning Bylaw within the sections below in order to reflect Article 3, if passed. The list of changes below is to be under one article as they are minor changes that reflect the new section.

**Change 1:** Delete CBD from the Use Table in Section 3.0 Use Regulations, and replace with:

*See Section 7.3.11.4 for the Table of Uses in the CBD*

**Change 2:** Delete CBD from the Table of Dimensional Requirements in Section 4.0 Dimensional Requirements and replace with:

*See Section 7.3.12 for the Dimensional Requirements in the CBD.*

**Change 3:** In Section 4.2.1 Table of Floor Area Ratio, delete 2.0 from the Center Business District (CBD) row, and replace with:

*See Section 7.3.12 for the Table of Floor Area Ratios for the CBD*

**Change 4:** In Section 5.1.3, Table of Off-Street Parking Requirements related to the CBD, for Group I-Residential Uses 4, 5 and 6. delete See Section 7.3.13 and replace with:

*0.75 spaces per dwelling unit.*

Delete use 10 in its entirety.

For Group II, uses 1, 2, 4, 5, 8, and 14, the requirement should be changed to

*0.75 spaces per 1,000 square feet.*

For Group III, uses 1 and 2, the requirement should be

*0.75 spaces per 1,000 square feet.*

For Group IV, uses 1,2,3,6,7,8,9,10,11,13, 15, 16, 17, 20 and 21 the requirement should be

*0.75 spaces per 1,000 square feet.*

For Group V, use 6 the requirement should read

*See Section 8.3.3.*

**Change 5:** 5.1.4.4 . 1200 square feet should be deleted and replaced with:

*1000.*

**Change 6:** 5.1.4.6 is to be deleted

**Change 7** 8.5.5. Currently reads, “For the following permitted uses, the parking requirement in the VCOD shall be identical to that for the corresponding use in the CBD.” This should be changed to the following,

*“For the following permitted uses, the parking requirement in the VCOD shall be 2 spaces per dwelling unit or 1 space per 1,200 square feet of retail space”.*

**Change 8:** Section 10.0 Definitions, Multiple Use Development is to be deleted.

(Planning Board)

**ARTICLE 7.** To see if the Town will vote to authorize the Treasurer, with the approval of the Town Manager and the Board of Selectmen, to borrow money from time to time in anticipation of revenue for the fiscal year beginning July 1, 2015 in accordance with Massachusetts General Law, Chapter 44, Section 4 as amended and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of Massachusetts General Law, Chapter 44, Section 17, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 8.** To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the fiscal year beginning July 1, 2015 and especially for or relating to all or any of the officers, boards or departments and for all purposes authorized by law, vote to fix the salary and compensation of all elective officers of the Town as provided in Massachusetts General Law, Chapter 41, Section 108 as amended and to appropriate funds into the Capital and Building Stabilization Funds, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 9.** To see if the Town will vote to appropriate a sum of money to the Capital Stabilization Fund and/or the Building Stabilization Fund established under Chapter 69 of the Acts of 2002, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 10.** To see if the Town will raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Water and Sewer Enterprise Fund of the Department of Public Works for the fiscal year beginning July 1, 2015, and to appropriate and retained earnings into the Water Sewer Enterprise Account, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 11.** To see if the Town will raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Recreation Department for the fiscal year beginning July 1, 2015, and to appropriate and transfer retained earnings into the Recreation Enterprise Account, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 12.** To see if the Town will vote to appropriate a sum of money, in addition to the \$1,300,000 appropriated under Article 10 of the November 2014 special town meeting, for improvements to the gatehouse structure and replacement of the low level outlet at the South Reservoir Dam, including all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing, transfer of unexpended bond proceeds or otherwise; or to take any other action relative thereto.

(Capital Planning Committee)

**ARTICLE 13.** To see if the Town will raise and appropriate any sums of money to be used with such sum or sums as may be made available from the State Highway Fund or allotted by the County Commissioners for maintenance, repair, alteration, relocation or other improvements of Town or County ways, together with the acquisition of easements for the payment of damages and expenses in connection therewith, as well as to authorize the transfer and use for said purposes of any unused balances, or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 14.** To see if the Town will vote to continue a revolving fund for the Archival Center in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive monies, grants, or gifts and fees associated with the sale of reproductions of historical items; that funds derived from the sale of such items be expended by authorization of the Town Manager and that the amount of the fund be limited to \$5,000 in FY2016, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 15.** To see if the Town will continue a revolving fund in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive fees associated with the use of energy in school and municipal buildings; that funds derived from the assessment of fees for such use may be expended by authorization of the Town Manager for projects that conserve energy in the operation of the Town's buildings and infrastructure, and that the amount of the fund be limited to \$80,000, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Board of Selectmen and School Committee)

**ARTICLE 16.** To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E½, in order to receive monies, grants or gifts and fees charged for public health programs, such as clinics, sponsored by the Board of Health, and further, to authorize the Board of Health to administer and expend funds for these and related programs, such as medical services, up to a limit of \$75,000 in FY2016, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Board of Health)

**ARTICLE 17.** To see if the Town will vote to establish a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E1/2 in order to receive monies, grants or gifts and fees charged for grass field permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations by the Field Management Committee, to administer and expend funds in FY 2016, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Field Management Committee)

**ARTICLE 18.** To see if the Town will vote to continue the Synthetic Turf Revolving Fund in accordance with Massachusetts General Law, Chapter 44, Section 53E1/2 in order to receive monies, grants or gifts and fees charged for the synthetic turf field permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations by the Field Management Committee, to administer and expend funds received in FY 2016, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Field Management Committee)

**ARTICLE 19.** To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to wages and salaries, working conditions, new or revised rates of wages and salaries, changes, additions, adjustments or revisions of wages and salaries and in classifications and definitions, and in amending, revising and adding to the Personnel Policy Guide as well as in other matters thereto related; and to raise and appropriate money for any adjustments or revisions of wages and salaries of employees subject and not subject to collective bargaining agreements or in any job classifications, and to provide for salary or wage adjustments not otherwise provided for, said monies to be expended by the departments affected; determine in what manner the monies shall be raised by taxation or otherwise, or take any other action in relation thereto.

(Personnel Board)

**ARTICLE 20.** To see if the Town will vote to transfer from free cash or other available funds, a sum or sums of money to supplement or reduce appropriations previously voted for Fiscal Year 2015 Budgets, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 21.** To see if the Town will vote to raise and appropriate or transfer from Free Cash or other available funds a sum of money for extending the useful life of rolling stock and building systems and further, to authorize the Town Manager, based on recommendations by the Capital Planning Committee, to administer and expend funds from said account, or take any other action in relation thereto.

(Capital Planning Committee/Board of Selectmen)

**ARTICLE 22.** To see if the Town will vote to appropriate \$66,300 from Free Cash to the Cemetery Perpetual Care fund or take other action in relation thereto.

(Commissioners of Trust Funds)

**ARTICLE 23.** To see if the Town will vote to appropriate a sum of money to the Special Education Stabilization Fund in accordance with Section 5B of Chapter 40 of the Massachusetts General laws, determine whether the money shall be provided by the tax levy, by transfer from available funds, or by any combination of these methods, or take any other action in relation thereto.

(School Committee)

**ARTICLE 24.** To see if the Town will vote to increase the FY2015 Recreation Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings, or take any other action in relation thereto.

(Finance Committee/Town Manager)

**ARTICLE 25.** To see if the Town will vote to raise and appropriate or transfer from available funds to the “Other Post-Employment Benefits Liability Trust Fund” in order to reduce the unfunded actuarial liability of health care and other post-employment benefits for which the Town is obligated, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 26.** To see if the Town will vote to accept as a gift the bequest of the late Robert D. Beattie under the terms and conditions stated by the benefactor for the Public Library and take any action in relation thereto.

(Library Trustees)

**ARTICLE 27.** To see if the Town will vote to transfer from other available funds, a sum of money for the maintenance of the parking lot and other costs associated with the collection and enforcement of parking ticket revenues, including lease payments to the Massachusetts Department of Conservation & Recreation at the Wedgemere Lot, and other Town Center lots, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 28.** – To see if the Town will vote to raise and appropriate funds to prepare an engineering report on noise mitigation strategies for neighborhoods impacted by train service noise, and overall townwide noise mitigation efforts.

(Town Manager)

**ARTICLE 29.** To see if the Town will raise and appropriate or transfer from available funds a sum of money to be transferred to the Workers Compensation Reserve Fund established in accordance with Mass General Law Chapter 40 Section 13c to pay future workers compensation claims, or take any other action in relation thereto.

(Town Comptroller)

**ARTICLE 30.** – To see if the Town will vote to appropriate a sum of money from Free Cash or other available funds to replenish the FY2015 ADA-Town School Account 0396962 that was funded at the 2014 Spring Town Meeting or take any other action in relation thereto.

(Capital Planning Committee/Town Manager)

**ARTICLE 31.** To see if the Town will authorize the Board of Selectmen to sell or otherwise transfer all or a portion of a parcel of land consisting of approximately 12.54 acres located off 78 Ridge Street, Winchester, commonly known as Lots D and E of the Wright-Locke Farm, in accordance with the provisions of the Massachusetts General Laws, Chapter 30B, Section 16 to a qualified purchaser for not less than \$7,000,000; said portion includes all options identified in the Request for Proposals for the Proposed Disposition of Town-Owned Property at Wright-Locke Farm issued October 2014, and to enter into a purchase and sales agreement and development agreement with the successful bidder containing other terms and conditions which the Selectmen consider in the best interests of the Town, or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 32.** To see if the Town will authorize and direct the Board of Assessors to take any sum of money from available funds to reduce the tax levy for the current financial term and/or transfer funds to or from the Stabilization Fund, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 33.** To see if the Town will vote to take appropriate or necessary actions to comply with the provisions of Massachusetts General Law Chapter 59 Section 21C, a law known as the “2½ Tax Limitation” or any State legislative acts or executive orders supplementary or amendatory thereto, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 34.** To see if the Town will vote to hear or accept committee reports, dissolve old committees, authorize new committees, or take any other action in relation thereto.

(Board of Selectmen)

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.

Here of 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 6th day of April two thousand fifteen.

JAMES A. JOHNSON, III, CHAIRMAN  
LANCE R. GRENZEBACK, VICE CHAIRMAN  
STEPHEN L. POWERS  
MICHAEL BETTENCOURT  
E. JAMES WHITEHEAD

Board of Selectmen  
Town of Winchester

A true copy:

ATTEST:  
Richard S. Kelley, Constable

**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 McCall Middle School Auditorium, 458 Main Street in said Town on

**MONDAY, THE TWENTY-SEVENTH DAY OF APRIL, 2015**

at eight o'clock in the evening for a Special 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 see if the Town will vote to appropriate a sum of money for the Aberjona River Flood Mitigation Project 6, consisting of the design, permitting and construction of a supplemental culvert and surface floodway at Skillings Athletic Fields, including all costs incidental and related thereto; and to determine whether any borrowing that may be voted under this article be contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. c.59, Section 21C (Proposition 21/2); or to take any other action relative thereto.

(Board of Selectmen)

**ARTICLE 2.** To see if the Town will vote to appropriate a sum of money for the design, permitting, and construction of the environmental remediation of Skillings Field, including all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; and to determine whether any borrowing that may be voted under this article be contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. c.59, Section 21C (Proposition 21/2); or to take any other action relative thereto.

(Board of Selectmen)

**ARTICLE 3.** To see if the Town will vote to appropriate a sum of money for the design, permitting, and construction of synthetic turf or grass athletic fields consisting of a baseball diamond and a rectangular multi-purpose field at Skillings Field, including lighting conduit, original equipment and landscaping, and all other costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; and to determine whether any borrowing that may be voted under this article be contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing and the borrowings for the Skillings Field supplemental culvert and floodway, and environmental remediation projects from the limitations on taxes imposed by M.G.L. c.59, Section 21C (Proposition 21/2); or to take any other action relative thereto.

(Board of Selectmen)

**ARTICLE 4.** To see if the Town will vote to appropriate a sum of money from free cash or other available funds for the final design of remediation measures for Skillings Field, and completion of the permitting and final design for the Flood Mitigation Project 6, and development of contract bid documents for these projects including all costs incidental and related thereto from available funds.

(Board of Selectmen)

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 boards at least fourteen 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 6th day of April 2015.



JAMES A. JOHNSON III, CHAIRMAN  
LANCE R. GRENZEBACK, VICE CHAIRMAN  
STEPHEN L. POWERS  
MICHAEL BETTENCOURT  
E. JAMES WHITEHEAD

Board of Selectmen  
Town of Winchester

A true copy:  
ATTEST:

Richard S. Kelley, Constable

