

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To the Constables of the Town of Winchester,

GREETING:

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

**MONDAY, THE TWENTY-FIFTH DAY OF APRIL, 2016**

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

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

(Planning Board)

**ARTICLE 3.** To see if the Town will vote to amend Section 10.0 of the Winchester Zoning Code by adding new entries for green space and hardscape and including such in the Table of Dimensional Requirements in section 4.0 of the Winchester Zoning Code.

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

(Planning Board)

**ARTICLE 4.** To see if the Town will vote to amend Section 3.0 Use Table in the Winchester Zoning Code to allow food to be served outside.

a. 3.1

i. Group IV Commercial Uses

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

b.7.3.11.4

i. Group IV Commercial Uses

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2. Footnote to be added for the serving of food outside of the building to be allowed via Special Permit

(Planning Board)

**ARTICLE 5.** To see if the Town will vote to amend Chapter 8 Section 21 of the Code of Bylaws to allow alcohol to be served outside

a. Chapter 8 Section 21

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

(Planning Board)

**ARTICLE 6.** To see if the Town will vote to amend Chapter 14, Section 2, Demolition of Historic Buildings, of the Code of By-Laws of the Town of Winchester as follows:

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

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

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

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

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

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

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

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

(Winchester Historical Commission)

**ARTICLE 7.** To see if the Town will vote to amend Chapter 14, Section 2, Demolition of Historic Buildings, of the Code of By-Laws of the Town of Winchester as follows:

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

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

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

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

Add a new Section 3.12 to read as follows:

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

Amend Section 6 as follows:

**Section 6. OPPORTUNITY FOR REMOVAL**

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

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

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

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

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

(Winchester Historical Commission)

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

(Town Manager)

**ARTICLE 9.** To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds dated July 1, 2015 for the remodeling and reconstruction of, and an addition to, Winchester High School, which bonds are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds or notes and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount, or to take any other action relative thereto.

(Town Manager)

**ARTICLE 10.** To see if the Town will vote to transfer from free cash or other available funds, a sum or sums of money, for the purpose of engineering and associated consultations pertaining to the location of electronic transmission lines in Winchester as proposed by Eversource in accordance with its petitions to the Energy Facility Siting Board, Department of Public Utilities EFSB 15-04/DPU 15-140, 141 and EFSB 15-03/DPU 15-64, 65 or take any other action relative thereto.

(Town Manager)

**ARTICLE 11.** To see if the Town will vote to raise and appropriate or transfer from free cash of other available funds or sums of money to prepare preliminary architectural and engineering reports for the construction of public parking facilities at so-called Waterfield Road parking lot and the Public Safety parking lot on Winchester Place or take any other action thereto.

(Town Manager)

**ARTICLE 12.** To see if the Town will vote to transfer from free cash or other available funds, a sum or sums of money to supplement or reduce appropriations previously voted for Fiscal Year 2016 Budgets, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 13.** To see if the Town will vote to increase the FY2016 Recreation Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings, or take any other action in relation thereto.

(Finance Committee/Town Manager)

**ARTICLE 14.** To see if the Town will vote to transfer from other available funds, a sum of money for the maintenance of the parking lot and other costs associated with the collection and enforcement of parking ticket revenues, including lease payments to the Massachusetts Department of Conservation & Recreation at the Wedgemere Lot, and other Town Center lots, or take any other action in relation thereto.

(Town Manager)

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

(Town Manager)

**ARTICLE 16.** To see if the Town will vote to authorize the Treasurer, with the approval of the Town Manager and the Board of Selectmen, to borrow money from time to time in anticipation of revenue for the fiscal year beginning July 1, 2016 in accordance with Massachusetts General Law, Chapter 44, Section 4 as amended and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of Massachusetts General Law, Chapter 44, Section 17, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 17.** To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the fiscal year beginning July 1, 2016 and especially for or relating to all or any of the officers, boards or departments and for all purposes authorized by law, vote to fix the salary and compensation of all elective officers of the Town as provided in Massachusetts General Law, Chapter 41, Section 108 as amended and to appropriate funds into the Capital and Building Stabilization Funds, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 18.** To see if the Town will raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Water and Sewer Enterprise Fund of the Department of Public Works for the fiscal year beginning July 1, 2016, and to appropriate and retained earnings into the Water Sewer Enterprise Account, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 19.** To see if the Town will raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Recreation Department for the fiscal year beginning July 1, 2016, and to appropriate and transfer retained earnings into the Recreation Enterprise Account, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 20.** To see if the Town will vote to appropriate a sum of money to the Capital Stabilization Fund and/or the Building Stabilization Fund established under Chapter 69 of the Acts of 2002, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 21.** To see if the Town will vote to raise and appropriate or transfer from available funds to the “Other Post-Employment Benefits Liability Trust Fund” in order to reduce the unfunded actuarial liability of health care and other post-employment benefits for which the Town is obligated, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 22.** To see if the Town will raise and appropriate any sums of money to be used with such sum or sums as may be made available from the State Highway Fund or allotted by the County Commissioners for maintenance, repair, alteration, relocation or other improvements of Town or County ways, together with the acquisition of easements for the payment of damages and expenses in connection therewith, as well as to authorize the transfer and use for said purposes of any unused balances, or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 23.** To see if the Town will vote to appropriate a sum of money for the design, engineering, bid documents and all other costs incidental or related thereto for the reconstruction of the Swanton Street Bridge (flood mitigation project #8). Said appropriation shall be made from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, free cash, or any other available funds or take any action in relation thereto.

(Capital Planning Committee)

**ARTICLE 24.** To see if the Town will vote to appropriate a sum of money for the engineering and design of repairs to the sewer system identified in the Meter #1 ,2 & 6 and Lawson/Leslie Subareas Sanitary Sewer Evaluation Survey Project for the removal of sources of infiltration and inflow (I/I) upstream of the Massachusetts Water Resources Authority connection at Shannon Beach and in a high infiltration area near Lawson Road, and to address other defects that adversely affect the collection system, in order to reduce the occurrence of sewer system back-ups and overflows, including the preparation of bid documents for the project and all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Resources Authority or otherwise; to authorize the Treasurer to apply for and accept any grants or loans for the project from the Massachusetts Water Resources Authority or any other source; and to take any other action relative thereto.

(Capital Planning Committee)

**ARTICLE 25.** To see if the Town will vote to amend the vote taken under Article 12 at the 2014 Fall Annual Town Meeting which appropriated \$500,000 for “water main lining in the Ware Road and North Border Road area and for town-wide lead neck removal, including all design, engineering and other costs incidental or related thereto” and authorized a borrowing from the Massachusetts Water Resources Authority to meet such appropriation, in order to expand the purpose of such appropriation and borrowing to include water main cleaning and lining on Cleveland Road, and the installation of a water main on Spruce Street; and to take any other action relative thereto.

(Capital Planning Committee/Town Manager)

**ARTICLE 26.** To see if the Town will vote to raise and appropriate or transfer from Free Cash or other available funds a sum of money for extending the useful life of rolling stock and building systems and further, to authorize the Town Manager, based on recommendations by the Capital Planning Committee, to administer and expend funds from said account, or take any other action in relation thereto.

(Capital Planning Committee/Board of Selectmen)

**ARTICLE 27.** To see if the Town will vote to continue a revolving fund for the Archival Center in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive monies, grants, or gifts and fees associated with the sale of reproductions of historical items; that funds derived from the sale of such items be expended by authorization of the Town Manager and that the expenses be limited to **\$5,000 in FY2017**, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 28.** To see if the Town will continue a revolving fund in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive fees associated with the use of energy in school and municipal buildings; that funds derived from the assessment of fees for such use may be expended by authorization of the Town Manager for projects that conserve energy in the operation of the Town’s buildings and infrastructure, and that the expenses be limited to \$80,000 in FY2017, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Board of Selectmen and School Committee)

**ARTICLE 29.** To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E½, in order to receive monies, grants or gifts and fees charged for public health programs, such as clinics, sponsored by the Board of Health, and further, to authorize the Board of Health to administer and expend funds for these and related programs, such as medical services, up to a limit of \$75,000 in FY2017, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Board of Health)

**ARTICLE 30.** To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E1/2 in order to receive monies, grants or gifts and fees charged for grass field permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations by the Field Management Committee, to administer and expend funds limited to \$50,000.00 in FY 2017 for field maintenance, portable bathrooms, fencing repairs for Town, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Field Management Committee)

**ARTICLE 31.** To see if the Town will vote to continue the Synthetic Turf Revolving Fund in accordance with Massachusetts General Law, Chapter 44, Section 53E1/2 in order to receive monies and fees charged for the synthetic turf field permits sponsored by the Field Management Committee, and further, to authorize the Town Manager, based on recommendations by the Field Management Committee, to administer and expend funds limited to \$50,000.00 for turf field maintenance, bleacher and fence repair, field painting, and field custodian salaries received in FY 2017, any remaining funds will remain in this account and not rolled into the General Fund at close of the fiscal year, or take any other action in relation thereto.

(Field Management Committee)

**ARTICLE 32.** To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to wages and salaries, working conditions, new or revised rates of wages and salaries, changes, additions, adjustments or revisions of wages and salaries and in classifications and definitions, and in amending, revising and adding to the Personnel Policy Guide as well as in other matters thereto related; and to raise and appropriate money for any adjustments or revisions of wages and salaries of employees subject and not subject to collective bargaining agreements or in any job classifications, and to provide for salary or wage adjustments not otherwise provided for, said monies to be expended by the departments affected; determine in what manner the monies shall be raised by taxation or otherwise, or take any other action in relation thereto.

(Personnel Board)

**ARTICLE 33.** To see if the Town will authorize and direct the Board of Assessors to take any sum of money from available funds to reduce the tax levy for the current financial term and/or transfer funds to or from the Stabilization Fund, or take any other action in relation thereto.

(Town Manager)

**ARTICLE 34.** To see if the Town will vote to take appropriate or necessary actions to comply with the provisions of Massachusetts General Law Chapter 59 Section 21C, a law known as the "2½ Tax Limitation" or any State legislative acts or executive orders supplementary or amendatory thereto, or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 35.** To see if the Town will vote to hear or accept committee reports, dissolve old committees, authorize new committees, or take any other action in relation thereto.

(Board of Selectmen)

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 30th day of March two thousand sixteen.

LANCE R. GRENZEBACK, CHAIRMAN  
STEPHEN L. POWERS  
MICHAEL BETTENCOURT  
E. JAMES WHITEHEAD  
DAVID P. ERRICO

Board of Selectmen  
Town of Winchester

A true copy:

ATTEST:  
Gregory F. Quill, 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 **Winchester High School Auditorium**, 80 Skillings Road in said Town on

**MONDAY, THE TWENTY-FIFTH DAY OF APRIL, 2016**

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 authorize the Board of Selectmen to amend, modify, replace, or rescind all or part of two agreements between the Town of Winchester and Winning Farm, LLC and to enter into any other and further agreements which in the Selectmen's opinion are in the best interest of the Town. The existing Agreements are:

Winning Farm Operating Agreement dated March 13, 2006 (as amended by Amendment to Winning Farm Operating Agreement dated April 28, 2011) and Winning Farm Regulatory Agreement dated March 23, 2006. The Selectmen request this authorization so that approximately 12.5 acres at Gershon Way, located off Thornberry Road, Winchester, MA which is the subject of the proposed rezoning at this Special Town Meeting under Article 1 can be developed by Ronald S. Bonvie et al., substantially in accordance with the development plan presented to this Special Town Meeting, or take any other action in relation thereto.

(Board of Selectmen)

**ARTICLE 2.** To see if the Town will vote to include the following two parcels of land within the Attached Residential Cluster Development Overlay District (ARCDOD).

PARCEL ONE-RECORDED LAND: Lots 2 and 3 as shown on a plan entitled "Plan of Land Located in Winchester, Massachusetts (Middlesex County) prepared for Winning Farm, LLC, dated February 28, 2001 and revised May 29, 2001, by Michael J. Juliano. Professional Land Surveyor, Meridian Engineering, Inc. recorded at Middlesex South Registry of Deeds as Plan 802 of 2006 Sheet 1-14 being a portion of the premises described in a Deed from Winning Home Inc. a.k.a. Winning Home to the Town of Winchester dated February 28, 1997 and recorded with said Deeds in Book 27117, Page 532. Also see Confirmatory Deed dated July 21, 1999 recorded with said Deeds in Book 30552, Page 602.

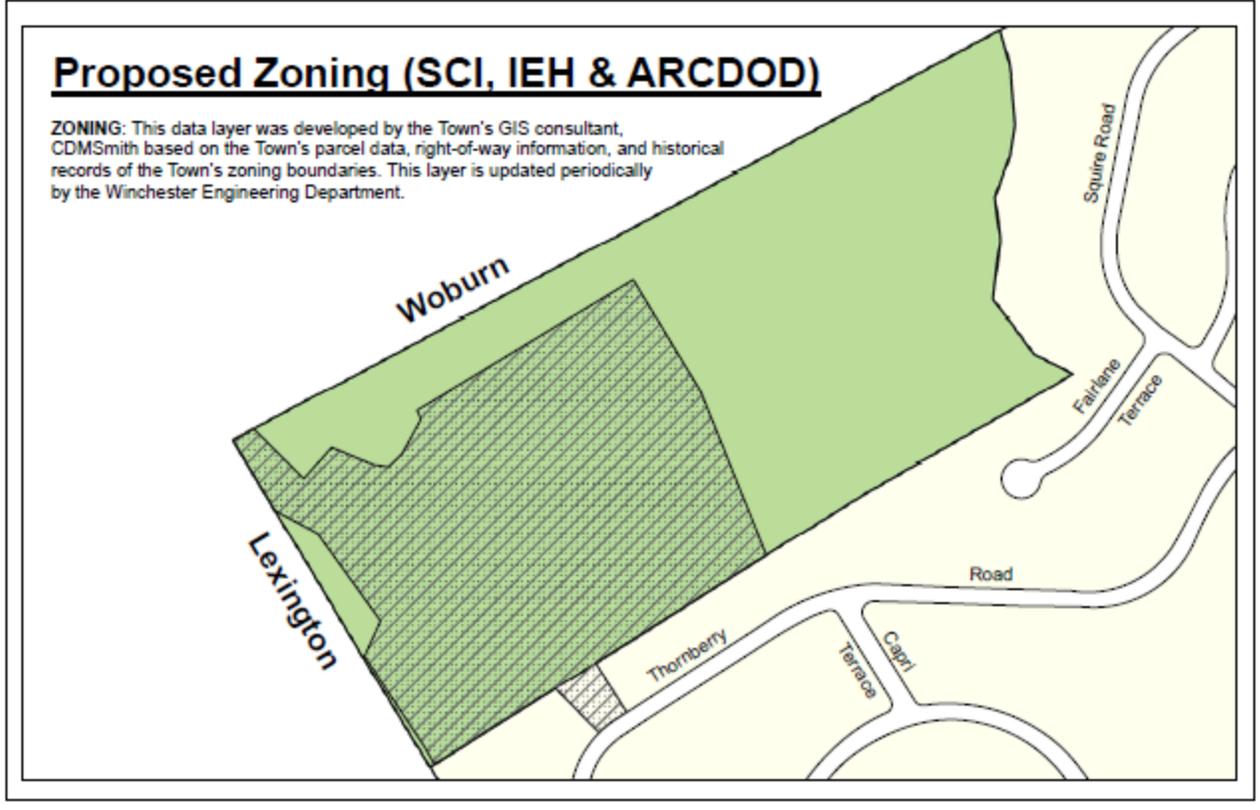
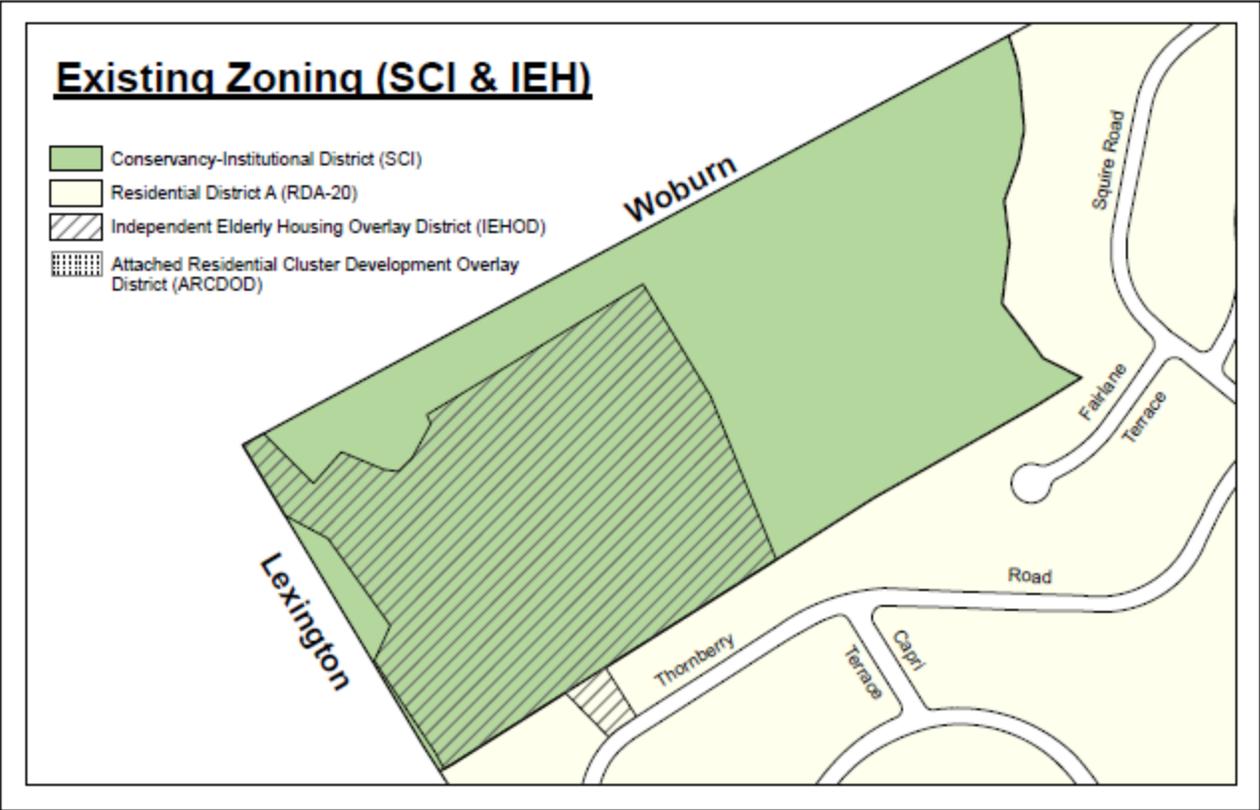
PARCEL TWO-REGISTERED LAND: That certain parcel of land situate in Winchester in the County of Middlesex and said Commonwealth, bounded and described as follows:

- SOUTHEASTERLY by Thornberry Road, ninety-two and 67/100 feet;
- SOUTHWESTERLY by lot 121 as shown on plan hereinafter mentioned one hundred sixty-nine and 15/100 feet;
- NORTHWESTERLY by land now or formerly of Winning Home Corporation, one hundred twenty-seven and 97/100 feet; and
- NORTHEASTERLY by lot 117 on said plan, one hundred fifty-seven and 73/100 feet.

Said parcel is shown as lot 119, Sheet 4, on said plan (Plan No. 20756<sup>0</sup>)

Both parcels are located off Thornberry Road, Winchester, MA and were conveyed to Winning Farm LLC by the Town by deed dated March 27, 2006 or take any other action in relation thereto.

(Planning Board)



**Winning Farm - Existing & Proposed Zoning**

Map created 3/30/16

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 30th day of March two thousand sixteen.

LANCE R. GRENZEBACK, CHAIRMAN  
STEPHEN L. POWERS  
MICHAEL BETTENCOURT  
E. JAMES WHITEHEAD  
DAVID P. ERRICO

Board of Selectmen  
Town of Winchester

A true copy:  
ATTEST:

Gregory F. Quill, Constable