

# *Town of Winchester*

## **Fall Annual Town Meeting 2017**



### **Preliminary Motions**

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

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

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

(Board of Selectmen)

**MOTION:**

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

*Majority vote required*

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**ARTICLE 2.** To see if the Town, acting under Article 2, Section 2.5(c) of the Winchester Home Rule Charter, and upon the recommendations of the Committee on Rules pursuant to Chapter 2, Section 4.4.3 of the Code of By-Laws of the Town of Winchester, will vote to declare vacant the seats of certain Town Meeting Members for failure to attend one half or more of the total number of sessions of the Winchester Town Meeting held during the previous 12 month period, Fiscal Year 2016 and Spring 2017; or take any other action in relation thereto.

(Committee on Rules)

**MOTION:**

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

**BACKGROUND:**

The Board of Selectmen has determined that consideration of this Article is not necessary at this time.

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**ARTICLE 3.** To see if the Town will vote to Amend Section 9.4.2 of the Winchester Zoning Bylaw to clarify the criteria for Special Permits (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

9.4.2 Special Permits: Criteria

**Proposed**

**Unless otherwise specified in Section 3.5 or elsewhere in this Bylaw, a special permits shall may** be granted by the Special Permit Granting Authority (SPGA) ~~unless otherwise specified herein only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood~~ **if it finds that the beneficial impacts of the proposed use or structure will outweigh its adverse effects on** the town or the neighborhood in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the ~~determination~~ **SPGA shall include consideration of each of the following: consider, and its written decision shall address, each of the following, as well as any recommendations by other town agencies and officials:**

1. Community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. **Impacts on** neighborhood character, including ~~the extent to which historic resources and social structures:~~
  - a) **building forms and materials are compatible with the prevailing scale and character of buildings in the neighborhood;**
  - b) **architectural features add visual character to the neighborhood (for example, dormers, lintels, bay windows, open porches, chimneys); and**
  - c) **patterns and proportions of windows are consistent;**
5. Adequacy of proposed screening and buffering;
6. Impacts on the natural environment, **including but not limited to, changes in topography, installation of retaining walls, or the removal of mature trees;**
7. ~~Potential~~ Fiscal impacts, including impact on town services, tax base and employment; **and**
8. **Impacts on Historic Resources, as defined in Section 10 of this Bylaw.**

**If the SPGA disagrees with the recommendations of any other town agencies or officials, it shall explain its position in its written decision.**

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 3 as printed in the warrant.

**BACKGROUND:**

Special Permits are granted to project applicants based on criteria in Section 9.4.2 of the Zoning Bylaw. For example, common forms of Special Permits granted are for dimensional relief, to allow for an addition to encroach into a side or front setback, or for other construction. Article 3 aims to clarify the language to promote consistency and avoid confusion.

*2/3 Vote Required*

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**ARTICLE 4.** To see if the Town will vote to amend Section 9.4.3 of the Winchester Zoning Bylaw to allow town agencies to make recommendations rather than reports (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

9.4.3 Special Permit Procedures

Special permit applications shall be governed by the rules and regulations of the special permit granting authority. Whenever an application for a special permit is filed with a special permit granting authority, the applicant shall file eighteen (18) paper copies (and an electronic copy) of the submission at the Building Department. Within five (5) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation shall be forwarded by the Board of Appeals clerk to the Planning Board, Board of Health, Town Engineer, Conservation Commission, Building Commissioner, Director of Public Works, Police Chief, Fire Chief, The Design Review Committee and Historical Commission for their consideration, review, and ~~report~~ **recommendations.**  
(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 4 as printed in the warrant.

**BACKGROUND:**

Many boards, committees and departments review Special Permit applications. Article 4 aims to allow such entities to make recommendations regarding an application without also requiring a comprehensive report. Currently, some recommendations are submitted as part of a committee's meeting minutes, and thus a separate report is unnecessary.

*2/3 Vote Required*

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**ARTICLE 5.** To see if the Town will vote to amend Section 3.5.7 of the Winchester Zoning Bylaw to clarify the criteria for reconstruction of non-conforming structures (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

3.5.7 #3 Reconstruction/Voluntary Demolition

**Proposed:**

~~In the event that~~ **If** the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit **under Section 9.4.2** shall be required from the Board of Appeals prior to such demolition. ~~The Board shall not grant such special permit unless it determined by the Board that the proposed reconstruction is compatible in scale with the existing neighborhood.~~

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 5 as printed in the warrant.

**BACKGROUND:**

Currently, it is unclear which criteria are to be used for review of projects when a new structure is constructed after a demolition. Article 5 would clarify the criteria for such review.

*2/3 Vote Required*

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**ARTICLE 6.** To see if the Town will vote to amend Section 10.0 of the Winchester Zoning Bylaw to add a definition, “Historical Resources,” a term that is currently used in the Winchester Zoning Bylaw; or take any other action in relation thereto.

Section 10. Definitions

New definition:

**HISTORIC RESOURCE.** A Building, area, neighborhood, or other Structure that:

- a. possesses integrity of location, design, setting, materials, workmanship, feeling, and association and
  - 1) embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
  - 2) is associated with events that have made a significant contribution to the broad patterns of our history;
  - 3) is associated with the lives of significant persons in our past; or
  - 4) has yielded or may be likely to yield, information important to history or prehistory,as set out in 36 Code of Federal Regulations, Section 60.4 in effect in 2017; or
- b. is listed on, or is a contributing asset listed on, the National Register of Historic Places or State Register of Historic Places; or
- c. is included in the Massachusetts Historical Commission’s “Inventory of Historic and Archeological Assets of the Commonwealth.”

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 6 as printed in the warrant.

**BACKGROUND:**

Historical Resource is a term used in the Zoning Bylaw without a definition. The definition proposed is consistent with the definition of “Significant Historical Resource” in the General Bylaw.

*2/3 Vote Required*

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**ARTICLE 7.** To see if the Town will vote to amend Section 10.0 of the Winchester Zoning Bylaw to rename and clarify an existing definition, and make any necessary conforming changes (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

Proposed definition

~~DWELLING, TWO-FAMILY. DWELLING, DUPLEX.~~ A detached residential building containing either (i) ~~two dwelling units, attached to each other or~~ (ii) ~~two dwelling units within a single structure, in either such case designed for occupancy by not more than two families.~~ **A building containing two dwelling units that are fully integrated into a coherent, unified massing.**

Associated changes:

Section 3 Table of Uses:

Group I #2 ~~Dwelling, two family~~ **Duplex dwelling**

Group I #3 ~~two family attached dwelling~~ **duplex dwelling**

Section 3.5.5

Nonconforming Single and ~~Two-Family~~ **Duplex** Residential Structures. Nonconforming single and ~~two family~~ **Duplex** residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

Section 4.1.2

h. ~~Two family dwelling~~ **Duplex dwelling:** Minimum lot area 11,000 square feet; Minimum lot frontage 85 feet; Minimum lot width 85 feet; Minimum side yard 15 feet.

t. A 6,500 square-foot lot area is required for new ~~one family and two family dwellings~~ **single and duplex residential structures.**

z. Sixty (60) percent open area shall be required for garden apartments and townhouses; Seventy (70) percent open area shall be required for ~~one family and two family dwellings~~ **single and duplex residential structures.**

Section 4.4.3

#3 No more than one such antenna may be affixed to any single-family residence, and no more than two such antennas on any ~~two family residence~~ **duplex dwelling.**

Section 5.1.3

Table of Off-Street Parking Requirements

Group I #2 ~~Two-Family dwelling~~ **Duplex dwelling**

Group I #3 Conversion to ~~two-Family dwelling~~ **Duplex dwelling**

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 7 as printed in the warrant.

**BACKGROUND:**

The term “two-family dwelling” does not reflect current usage in the Zoning Bylaws. Article 7 would rename the term and clarify its definition with a more widely accepted term. For Special Permit and other applications under review, examples of duplexes with coherent and unified massing are pictured below:

**Examples of structures that have fully integrated, coherent, unified massing:**



**Examples of structures that do not have fully integrated, coherent, unified massing:**



*2/3 Vote Required*

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**ARTICLE 8.** To see if the Town will vote to amend Section 9.5.1 of the Winchester Zoning Bylaw to allow for an additional type of waiver to be granted to applicants for Site Plan Review (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

9.5.1 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.

**Waivers**

1. If an expansion **requiring Site Plan Review under provisions 4-6 above** is 500 square feet or less **(as verified by a registered architect)**, ~~but still reaches one of the triggers above in 4-6,~~ the Zoning Board of Appeals may waive the site plan review ~~at a public meeting.~~ **Such a waiver shall not be granted more often than once every three years for a lot.**
2. **If an expansion requiring Site Plan Review under provisions 4-6 above is 100 square feet or less (as verified by a registered architect), the Building Commissioner may waive the site plan review. Such a waiver shall not be granted more often than once every three years for a lot.**

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 8 as printed in the warrant.

**BACKGROUND:**

Regarding subsection (1), currently, if an applicant plans to expand a structure by 500 square feet or less, but the proposal still requires Site Plan Review, an applicant may apply for a waiver from Site Plan Review from the Zoning Board of Appeals at a public meeting. The applicant may also have to wait potentially a month for the Zoning Board of Appeals' meeting to occur. Article 8's new subsection (2) would allow for a waiver from Site Plan Review by the Building Commissioner at the time of the waiver application, if the proposed expansion is less than 100 square feet.

*2/3 Vote Required*

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**ARTICLE 9.** To see if the Town will vote to amend Section 9.5.4 of the Winchester Zoning Bylaw to require applicants to submit enough copies for distribution to all town agencies that review such projects (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

9.5.4 Site Plan Review Application

A person applying for Site Plan Approval hereunder shall file with the Board of Appeals ~~ten~~ **twenty** copies **and an electronic version of** each ~~of an~~ application and a site plan, and a filing fee. Such application and site plan shall include the information the Board of Appeals shall reasonably requires by rule or regulation. In subsequent applications concerning the same subject matter, the Board may waive the filing of plans and documents to the extent they duplicate those previously filed; or take any other action in relation thereto.

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 9 as printed in the warrant.

**BACKGROUND:**

Currently, the following entities review applications for Site Plan Review: Police Department, Fire Department, Public Works Department, Planning Department, Engineering Department, Board of Health, Historical Commission, Design Review Committee, Conservation Commission (when applicable), and the Planning Board. Rather than using Town resources to make copies, Article 9 would make an applicant responsible for making a sufficient number of copies available to all Town agencies that review Site Plan Review applications.

*2/3 Vote Required*

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**ARTICLE 10.** To see if the Town will vote to amend Section 9.5.5 of the Winchester Zoning Bylaw regarding Site Plan Review applications (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

9.5.5 Site Plan Review: Review by Other Boards

Proposed:

The Board of Appeals shall within three days (Saturdays, Sundays and holidays excluded) of receipt of them transmit to the Conservation Commission, **the Historical Commission, the Design Review Committee** and ~~the~~ Planning Board two copies of the above application and site plan. The Planning Board, **the Historical Commission, the Design Review Committee** and the Conservation Commission shall consider the same and submit a final recommendations thereon to the Board of Appeals with a copy to the applicant. The Conservation Commission shall review the application with particular reference to the provisions of the Wetlands Protection Act - Chapter 131, Section 40 - and shall recommend as to the advisability of granting the special permit and as to any restrictions which should be imposed upon the development as a condition of such permit. The Board of Appeals shall not make a finding and determination upon an application until it has received the final recommendation of the Planning Board, **the Historical Commission, the Design Review Committee** and ~~of~~ Conservation Commission thereon or until 35 days shall have elapsed since the transmittal of said copies of the application and site plan to the Planning Board, **the Historical Commission, the Design Review Committee** and the Conservation Commission without such report being submitted. The failure to submit such a report with recommendations within such 35 day period shall be deemed a lack of opposition to the application by whichever of the Planning Board, **the Historical Commission, the Design Review Committee** or the Conservation Commission fails to submit such report.

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 10 as printed in the warrant.

**BACKGROUND:**

This article codifies existing practices of the Historical Commission and the Design Review Committee for reviewing and commenting on Site Plan Review applications.

*2/3 Vote Required*

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**ARTICLE 11.** To see if the Town will vote to amend Section 9.5.7 of the Winchester Zoning Bylaw (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

9.5.7 Site Plan Review: Decision

New building construction and other site alterations shall be designed, after considering the qualities of the specific location, the proposed land use, the design of the buildings, grading, egress points, and other aspects of the development, so as to:

- 81.** Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- 2. Minimize any adverse effect on any Historic Resource;**
- 43.** Minimize the volume of cut and fill, the number of removed trees six inches in caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, soil erosion;
- 24.** Provide adequate storm water management and other utilities consistent with the functional requirements of the Planning Board Subdivision Rules and Regulations;
- 35.** Maximize pedestrian and vehicular safety both on the site and egressing from it;
- 46.** Provide adequate access to each structure for fire and emergency service equipment;
- 57.** Minimize obstruction of scenic views from publicly accessible locations;
- 68.** Minimize visual intrusion by controlling the visibility of parking, storage, **utilities such as HVAC systems and transformers**, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- 79.** Minimize glare from headlights and lighting intrusion;
- 910.** Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances; **and**
- 11.** Ensure compliance with the provisions of this Zoning Bylaw, including parking, signs, landscaping, and environmental standards.

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 11 as printed in the warrant.

**BACKGROUND:**

Article 11 rennumbers criteria for Site Plan Review decisions, codifies existing practices, and further explains how to minimize visual intrusion. Historic Resources have always been reviewed as part of Site Plan Review under the following decision criteria: “Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.” Article 11 would include the term Historic Resource as part of the review process. In addition, this amendment addresses HVAC systems and transformers explicitly. Such systems are currently reviewed during the Site Plan Review process, and therefore this change codifies existing practices.

*2/3 Vote Required*

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**ARTICLE 12.** To see if the Town will vote to amend Section 7.3.15.1 of the Winchester Zoning Bylaw regarding design review in the Central Business District (“CBD”) (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

**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)~~

(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 12 as printed in the warrant.

**BACKGROUND**

Currently, all projects which require a building permit for exterior work in the **Central Business District** are subject to design review. The current Bylaw includes a list of eight (8) types of projects that are excluded from design review. However, nearly all of these exclusions do not require a building permit, and they are, therefore, already excluded from design review. Article 12 would delete this unnecessary list of exclusions, so that design review is required only for projects that require a building permit for exterior work (or that require a Special Permit, as currently).

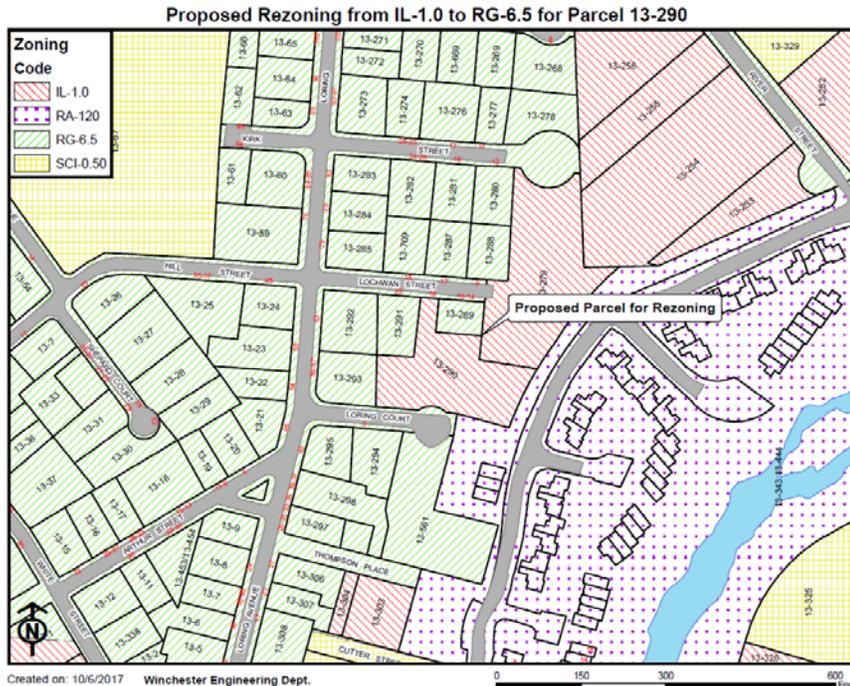
*2/3 Vote Required*

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**ARTICLE 13.** To see if the Town will vote to amend the Winchester Zoning Map by changing the zoning district of Parcel ID 13-290-0 from Light Industrial (IL) to a Residential district (RG-6.5), said land being more fully bounded and described as follows; or take any other action in relation thereto.

A certain parcel of land located at 18 Lochwan Street, being shown as lot 290 on Town of Winchester Assessors Map 13, also shown on a plan entitled Certified Plot Plan 18 Lochwan Street Winchester, MA, dated April 13, 2017, prepared by Medford Engineering and Survey, recorded in Middlesex South Registry of Deeds Plan 391 of 2017. Currently owned by Koko Properties LLC and further described as follows: Beginning at a point on the Southerly side of Lochwan Street, one hundred two and 22/100 feet (102.22') from a stone bound, thence S 04° 43'03" W, sixty three and 55/100 feet (63.55' ); thence S 85° 16'57" E, one hundred two and 22/100 feet (102.22') to a point; thence S 04° 43'03" W, forty eight and 42/100 feet (48.42' ) to a point; thence S 75°22'57"E, ninety seven and 33/100 feet (97.33' ) to a point; thence along a curve to the left, having a radius of five hundred sixty and 00/100 feet (560.00') a length of ninety six and 55/100 feet (96.55') to a point; thence N 75~ 16'35" W, one hundred fifteen and 98/100 feet (115.98') to a point on Loring Court; thence N 8S19' 24" W, fourteen and 54/100 feet (14.54') along Loring Court; thence along a curve to the left having a radius of 40 and 00/100 feet (40 .00') a length of ...fifty two and 34/100 feet (52.34') along Loring Court; thence N 85° 16'57" W, seventy six and 89/100 feet {76 .89') to a point; thence N 04° 43'03"E, one hundred and 00/100 feet (100.00') to a point; thence S 85° 16'57" E, seventy five and 00/100 feet (75 .00') to a point; thence N 04 43'03" E, one hundred and 00/100 feet (100.00') to a point on Lochwan Street; thence S 86° 16' 57" E, twenty two and 78/100 feet (22 .78'), along Lochwan Street, to the point of beginning.



(Planning Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 13 as printed in the warrant.

**BACKGROUND:**

The Triangle Master Plan adopted in 1996 provided a long-range vision for an area of Town around Main Street, North of the Stop and Shop area, which includes the neighborhoods around Lochwan Street, Loring Avenue, Loring Court and the vicinity. The Plan outlined potential zoning changes for the Light Industrial parcels that abut residential properties. 18 Lochwan Street is one such parcel that was highlighted to be rezoned in the Triangle Master Plan. Article 13 would implement a portion of the Triangle Master Plan by rezoning 18 Lochwan Street to a residential use, in response to the neighborhood's request and the owner's permission.

*2/3 Vote Required*

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**ARTICLE 14.** To see if the Town will vote to amend the Town of Winchester Code of By-Laws Chapter 19, Heritage Districts (new language in bold, deletions in strikethrough); or take any other action in relation thereto.

19.1.3. Definitions

- m. **New Heritage District Proposal**—A proposal to the Town Meeting to include in this Chapter 19 a new Heritage District in accordance with this section 1 of this Chapter 19.
- n. **Heritage District Amendment Proposal**—A proposal to the Town Meeting to add or amend provisions in this Chapter 19 applicable specifically to an existing Heritage District, but excluding a Property Addition Proposal.
- o. **Property Addition Proposal**—A proposal to the Town Meeting solely to add one or more properties to an existing Heritage District.
- p. **New Construction**—Construction, fabrication, assembly, manufacture, or placement of a Heritage District Feature that has never before been present.
- q. **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.
- r. **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.
- s. **Regulation**—A rule of a Heritage District Commission that governs procedural or substantive aspects of its activities and is adopted after a public hearing.
- t. **Review**—Study and evaluation by a Heritage Commission under the applicable Review Standards of the Reviewable Elements of a Project Proposal.
- u. **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.
- v. **Reviewable Element**—A part, portion, or component of any Change that is not an Excluded Element.
- w. **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.
- x. **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.

y. Structure—A construction, fabrication, assembly, or manufacture in a Heritage District, other than a Building.

z. 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.

aa. Violation Determination—A determination by vote of a Heritage District Commission as to whether a Violation has occurred.

#### 19.1.4. Establishing New Heritage Districts, Amending Existing Heritage Districts, and Adding Properties to an Existing Heritage District

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

One or more new Heritage Districts may be established (**based on a New Heritage District Proposal**), **provisions of this Chapter 19 specifically related to an existing Heritage District may be added** or amended (**based on a Historic District Amendment Proposal**), and **properties may be added to an existing Heritage District (based on a Property Addition Proposal)**, in each case by a majority vote of the Town Meeting **to approve such a Proposal** ~~to include in this Chapter 19 a new or amended section applicable to the Heritage District.~~

##### b. New Heritage District Proposal

A **New** Heritage District Proposal may be filed by a governmental body of the Town of Winchester or an owner or owners of property in a proposed **new** Heritage District with 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 **new** Heritage District and (ii) a list of suggested members of the Heritage District Commission for the proposed **new** 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.

A proposed new or amended section of this Chapter 19 in a **New** Heritage District Proposal shall include (i) a map showing the geographic boundaries of the proposed new Heritage District and the properties to be included in the proposed new Heritage District, (ii) a list of the properties to be included in the **proposed new** Heritage District, (iii) a description of the historical, architectural, and cultural characteristics of the proposed **new** 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 new Heritage District, and (vii) a name for the proposed new Heritage District.

##### c. Heritage District Amendment Proposal

A **Heritage District Amendment Proposal** may be filed by a governmental body of the Town of Winchester or an owner or owners of property in an existing Heritage District with the Winchester Town Planner or the Winchester Town Manager (in the absence of the Town Planner), and shall include a proposed new or amended section of this Chapter 19 specifically applicable to the existing Heritage District ~~for example, changes regarding Heritage District Features or Excluded Elements.~~

d. **Property Addition Proposal**

A Property Addition Proposal may be filed by a governmental body of the Town of Winchester, or an owner or owners of property in an existing Heritage District with the Winchester Town Planner or the Winchester Town Manager, (in the absence of the Town Planner), and shall include (i) a map showing the geographic boundaries of the existing Heritage District including the properties proposed to be added to the existing Heritage District, and (ii) a list of the properties proposed to be added to the existing Heritage District. ~~New Property Addition Proposals may only be filed with the written consent of the owner of record to opt in to the Heritage District.~~

e. **Heritage District Commission**

Each Heritage District Commission shall have ~~five regular~~ **seven** 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~~ four members ~~and one alternate member~~ and, the Winchester Board of Selectmen Historical Commission shall appoint designate two regular representatives to be members ~~and one alternate~~ of the Heritage District Commission, and the Winchester Design Review Committee shall designate one representative to be a member of the Heritage District Commission for the Heritage District.**

Of the members to be appointed by the Planning Board, ~~two regular~~ three 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~~ and a fourth member 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~~ **the appropriate Board or Committee that appointed or designated the 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~~ **Committee (as designated above)**, as the case may be, shall promptly appoint **or designate** 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~~ **a majority of** 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 ~~violation~~ **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.

**f. 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.

**g. Public Notice, Individual Notice, and Public Meetings for New Heritage District Proposals or Heritage District Amendment Proposals, and Property Addition Proposals**

**1. Public notice of a New Heritage District Proposal or a Heritage District Amendment Proposal shall be given by publication within ten days after the New Heritage District Proposal or a Heritage District Amendment Proposal has been filed with the Town Planner or Town Manager, and no later than 45 days before the closing of the warrant for the Town Meeting at which such Proposal is to be considered. 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. Public notice of the New Heritage District Proposal or the Heritage District Amendment Proposal shall also be posted in the normal manner specified by the Town Clerk from time to time. If the publication is not made within ten days after the filing of the Proposal with the Town Planner or Town Manager or is not made at least 45 days before the closing of the warrant for the Town Meeting, the Proposal shall not be included in the warrant and shall not be voted on at that Town Meeting.**

**2. Individual notice of a New Heritage District Proposal or a Heritage District Amendment Proposal shall be given to the owners of properties proposed to be included in the new Heritage District contemplated by such New Heritage District Proposal or the properties in the existing Heritage District that is the subject of the Heritage District Amendment Proposal, as the case may be, at least 45 days before the closing of the warrant for the Town Meeting. The individual notice with respect to a New Heritage District Proposal shall include a quotation of section 19.1.4.h. of this Chapter 19. Such individual notice shall be given by:**

**a. hand delivery of the notice with a copy of the New Heritage District Proposal or the Heritage District Amendment Proposal to the properties proposed to be included in the new Heritage District or the properties in the existing Heritage District, as the case may be (if physically possible), and**

**b. mailing by the Town Planner, by registered mail return receipt, with respect to each property proposed to be included in the new Heritage District or the properties in the existing Heritage District, as the case may be, 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.**

In addition, the delivery of the individual notice may be made in the manner provided for service of a summons in civil actions in Massachusetts under Massachusetts Civil Procedure Rule 4 (d)(1) through 4(d)(6) or any successor rule for service of summons.

~~The individual notice shall include a quotation of the following paragraph of this section 19.1.4.f of this Chapter 19.~~

Notwithstanding the preceding paragraphs of this section 19.1.4.g, no public notice or individual notice of a New Heritage District Proposal shall be required if the consent in accordance with section 19.1.4.h has been provided with respect to each property proposed to be included in the new Heritage District contemplated by the New Heritage District Proposal.

**3. The Historical Commission shall hold a public meeting on a New Heritage District Proposal or a Heritage District Amendment Proposal or a Property Addition Proposal that would increase the number of properties in a Heritage District by more than 25%; the public meeting shall be held prior to the closing of the warrant.**

h. **Consent to Inclusion of Property Required**

**No property that is listed in a New Heritage District Proposal as proposed to be included in the new Heritage District and no property that is listed in a Property Addition Proposal shall be included in the new Heritage District or added to the existing Heritage District unless, at least five days (and no more than six months) before the closing of the Town Meeting warrant that includes an article to approve the New Heritage District Proposal or the Property Addition Proposal, an owner of the property or a duly authorized representative of an owner of the property, identified on the records of the Winchester tax assessor as of the date of the notice provided above, has confirmed that the property is to be included in the new Heritage District or added to the existing Heritage District, as the case may be, by:**

(a) signing the petition to include the article on the warrant for the Town Meeting; or

(b) signing another writing filed with the Town Planner or the Winchester Town Manager (in the absence of the Town Planner).

In either case (a) or (b), **the owner or representative must state** that he or she is an owner of the property or a duly authorized representative of an owner of the property and that the property is to be included in the **new Heritage District or added to the existing Heritage District, as the case may be**. The property identified in the notice shall then be included in the bylaw and map in the warrant article for the proposed **new Heritage District or for the addition of the property to the existing Heritage District**. The other signed writing referred to in clause (b) above may be of any form that meets the stated requirements including, for example, a form provided by the Town Planner for purposes of this section 19.1.4.h.

i. **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.

j. **Warrant Article**

No provision of this Chapter 19 shall be construed to alter or expand the parties who may request articles concerning Heritage Districts to be placed on warrants of the Town Meeting as identified in section 2-12 (a) of the Home Rule Charter of the Town of Winchester.

(Rangeley Park Heritage District Commission)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 14 as printed in the warrant.

**BACKGROUND:**

The proposed by-law changes fall into three categories: 1. The further defining of a New Heritage District, a Heritage District Amendment and a Property Addition; 2. changes to the appointment process for the Rangeley Park Heritage District Commission; and 3. changing from 5 regular members and 2 alternates to 7 regular members (for a quorum of 4).

1. Currently, a new Heritage District, a bylaw change, or an addition of a property to an existing Heritage District all require the same level of notification to residents of the Heritage District, including publication in the newspaper, a public meeting, and individual hand delivery of notice to all members. This level of notification is unnecessary if just one property is added to an existing Heritage District. All properties that wish to be part of any Heritage District must willingly OPT IN to the district, and therefore such an excessive notification process should only be used for new Heritage Districts, Bylaw changes, or significant additions of properties to existing Heritage Districts.

2. The Rangeley Park Heritage District Commission composition will not change, but the appointing process is proposed to change as follows: instead of the Board of Selectmen appointing members of the Rangeley Park Heritage District Commission from the Historical Commission and the Design Review Committee, each respective commission will designate representatives to the Commission. The Design Review Committee and the Historical Commission members are already

appointed and approved by the Board of Selectmen. This proposed change aims to eliminate an unnecessary step in the appointment process.

3. The Rangeley Park Heritage District Commission proposes a change from 5 regular members and 2 alternates to simply 7 regular members. This change encourages attendance at all meetings and ensures that multiple points of view are represented at all meetings.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 15.** To see if the Town will vote to amend the Articles of Organizations for the Wright-Locke Farm Conservancy, Inc. by deleting Section 4.3 A in its entirety; or take any other action in relation thereto.

4.3 Directors. A). General. The Conservancy shall have a Board of Directors composed of eleven individual Directors. Each Director shall be a resident of the Town of Winchester. The Directors shall be appointed by the following specified Boards and elected officials of the Town of Winchester:

- (i) The Board of Selectmen shall appoint two Directors;
- (ii) Each of the Finance Committee, the Council on Aging, the Conservation Commission and the Historical Commission shall appoint one Director; and
- (iii) The elected Moderator of the Winchester Town Meeting shall appoint five Directors.

Each Director will be appointed to a three-year term and terms will be staggered. To accomplish this, the Directors first appointed under Article 4.3 (A) (i) will be appointed, initially, to a one year term and the Directors first appointed under Article 4.3 (A) (ii) will be appointed, initially, to a two year term.

**and replacing it with the following:**

4.3 Directors. (A) The Conservancy shall have a Board of Directors composed of eleven individual Directors whose terms shall last for three years beginning on October 1 in the year of their appointment. Beginning as of October 1, 2018, Directors shall be appointed as follows:

- (i) The Board of Selectmen shall appoint three Directors, one each year beginning in 2018;
- (ii) The Winchester Town Moderator shall appoint three Directors, one each year beginning in 2018.
- (iii) The Members of the Conservancy's Board of Directors then in office shall appoint five Directors, one in 2018, two in 2019, and two in 2020.
- (iv) The following transition provisions will implement the changes in appointing authority from that in effect through October 1, 2017:
  - a. For one of the positions for which the Moderator has the appointing authority, the Board of Selectmen will have that authority.
  - b. For two of the positions for which the Moderator has the appointing authority, the Conservancy's Board of Directors will have that authority.
  - c. One of the positions for which the Moderator has the appointing authority will expire on September 30, 2018, notwithstanding the reference to three-year terms above; that

position, for which the Moderator will retain the appointing authority, will revert to a three-year term in 2018.

- d. For one of the positions for which the Board of Selectmen has the appointing authority, the Conservancy's Board of Directors will have that authority.
- e. For the position for which the Finance Committee has the appointing authority, the Board of Selectmen will have that authority.
- f. For the position for which the Council on Aging has the appointing authority, the Moderator will have that authority.
- g. For the two positions for which the Conservation Commission and Historical Commission have the respective appointing authority, the Conservancy's Board of Directors will have that authority.

(Wright-Locke Farm Conservancy Board)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 15 as printed in the warrant.

**BACKGROUND:**

The Wright-Locke Farm Conservancy was created by the 2008 Winchester Spring Town Meeting following the recommendations of the Wright-Locke Master Planning Committee. At that time, it was uncertain how the Conservancy and the Farm would evolve. Appointments to the Board were spread widely between Town leaders and organizations, as there was no existing Conservancy Board to make those appointments.

Since 2008, the Wright-Locke Farm has matured into a vibrant and active resource for Winchester and the surrounding communities. As the business of the Board has grown, the responsibilities of the Board have changed. The early boards were comprised of active volunteers who managed the operations themselves. While volunteers are still critical to the Conservancy's success, the farm has gradually become a more professional organization with staff doing the daily work and the Board setting policy. A strong Board requires a variety of skills, backgrounds and interests which may or may not be found under the existing appointment system.

Note that under Article 4.3(A)(ii), one of the positions filled by the Moderator in 2017 will terminate in one year. The Moderator will refill that position in 2018 for the usual three-year term.

Under Article 4.15 Amendments, these Articles of Organization can be amended only by the affirmative vote of eight of the eleven Conservancy Directors plus the affirmative vote of two-thirds of Winchester Town Meeting. At least eight of the eleven Directors have voted for this amendment.

*2/3 Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 16:** To see if the Town will vote to amend the Town of Winchester Code of By-Laws by adding a new section to Chapter 6 Finance and Fiscal Procedures; to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E½; or take any other action in relation thereto.

**Section 6: REVOLVING FUNDS**

**6.1 PURPOSE.** This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, Section 53E½.

**6.2 EXPENDITURE LIMITATIONS.** A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- a) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers).
- b) No liability shall be incurred in excess of the available balance of the fund.
- c) The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.

**6.3 INTEREST.** Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

**6.4 PROCEDURES AND REPORTS.** Except as provided in General Laws Chapter 44, Section 53E½ and this by-law, the laws, Charter, rules, regulations, policies or procedures that governed the receipts and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Comptroller shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Comptroller provides the department, board, committee, agency or officer on appropriations made for it use.

## 6.5 AUTHORIZED REVOLVING FUNDS.

a) **Archival Center Revolving Fund:** There shall be a separate fund called the Archival Center Revolving Fund for the use of the Archives Department. The Comptroller shall establish the Archival Center Revolving Fund as a separate account and credit to the fund all fees and charges associated with the sale of reproductions of historical items, including photographs received by the Archival Department. The fees and charges are assessed by Archives Advisory Board under the direction of the Town Manager. During each fiscal year, the Archives Department may incur liabilities against and spend monies from the Archival Center Revolving Fund for additions to the Town of Winchester's historical collections. Salaries or wages of employees and contractual services paid for operating the Archival Center shall be paid from the annual budget appropriation of the Archival Department and shall not be paid from the fund. The Archival Center Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

b) **Energy Department Revolving Fund:** There shall be a separate fund called the Energy Revolving Fund for the use of the Energy Department through the Department of Public Works. The Comptroller shall establish the Energy Revolving Fund as a separate account and credit to the fund all fees and charges associated with the use of energy in school and municipal buildings. The fees and charges are assessed by the Energy Management Committee under the direction of the Department of Public Works. During each fiscal year, the Energy Department, with the authorization of the Town Manager, may incur liabilities against and spend monies from the Energy Department Revolving Fund for projects that conserve energy in the operation of the Town's buildings and infrastructure including incentives from Eversource and National Grid. The Energy Management Committee reviews the fund on a regular basis regarding the best uses for the funds and report on current balance(s) additionally reports are filed with the Town Manager annually. Salaries or wages of employees and contractual services paid for operating the Energy Department shall be paid from the annual budget appropriation of the Energy Department and shall not be paid from the fund. The Energy Department Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

c) **Board of Health Revolving Fund:** There shall be a separate fund called the Board of Health Revolving Fund for the use of the Board of Health Department. The Comptroller shall establish the Board of Health Revolving Fund as a separate account and credit to the fund fees charged for public health programs; such as clinics. During each fiscal year, the Board of Health Department may incur liabilities against and spend monies from the Board of Health Revolving Fund for public health programs, such as clinics. The Board of Health requires an annual review of the revolving fund. Partial salaries and wages of not more than one full-time employee shall be paid from the fund. The Board of Health Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

d) **Grass Fields Revolving Fund:** There shall be a separate fund called the Grass Fields Revolving Fund for the use of the Town Manager based on the recommendations of the Field Management Committee. The Comptroller shall establish the Grass Fields Revolving Fund as a separate account and credit to the fund all fees associated with fees and charges applicable to the Town of Winchester's grass fields. The fees and charges are assessed by the Fields Management Committee. During each fiscal year, the Town Manager, based on recommendations of the Fields Management Committee may incur liabilities against and spend monies from the Grass Fields Revolving Fund for grass field maintenance, bathrooms, fencing, lights and scoreboards. The Field Management Committee requires a quarterly review of the revolving fund. Salaries or wages of employees shall be paid from the annual budget appropriation of the Department of Public Works and Recreation Department and shall not be paid from the fund. The Grass Fields Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

e) **Synthetic Fields Revolving Fund:** There shall be a separate fund called the Synthetic Fields Revolving Fund for the use of the Town Manager based on the recommendations of the Field Management Committee. The Comptroller shall establish the Synthetic Fields Revolving Fund as a separate account and credit to the fund all fees associated with fees and charges applicable to the Town of Winchester's synthetic fields. The fees and charges are assessed by the Fields Management Committee. During each fiscal year, the Town Manager, based on recommendations of the Fields Management Committee may incur liabilities against and spend monies from the Synthetic Fields Revolving Fund for synthetic/turf field maintenance, bathrooms, fencing, lights and scoreboards. The Field Management Committee requires a quarterly review of the revolving fund. Permanent salaries or wages of employees shall be paid from the annual budget appropriation of the Department of Public Works. The overtime salaries or wages of custodial employees may be paid from the revolving fund. The Synthetic Fields Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

(Town Manager/Comptroller)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to amend the Town of Winchester Code of By-Laws by adding a new section to Chapter 6 Finance and Fiscal Procedures; to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, Section 53E½; as follows:

**Section 6: REVOLVING FUNDS**

**6.1 PURPOSE.** This by-law establishes and authorizes revolving funds for use by Town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, Section 53E½.

**6.2 EXPENDITURE LIMITATIONS.** A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- a) Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers).
- b) No liability shall be incurred in excess of the available balance of the fund.
- c) The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Board of Selectmen and Finance Committee.

**6.3 INTEREST.** Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

**6.4 PROCEDURES AND REPORTS.** Except as provided in General Laws Chapter 44, Section 53E½ and this by-law, the laws, Charter, rules, regulations, policies or procedures that governed the receipts and custody of Town monies and the expenditure and payment of Town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Comptroller shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the Comptroller provides the department, board, committee, agency or officer on appropriations made for it use.

**6.5 AUTHORIZED REVOLVING FUNDS.**

a) **Archival Center Revolving Fund:** There shall be a separate fund called the Archival Center Revolving Fund for the use of the Archives Department. The Comptroller shall establish the Archival Center

Revolving Fund as a separate account and credit to the fund all fees and charges associated with the sale of reproductions of historical items, including photographs received by the Archival Department. The fees and charges are assessed by Archives Advisory Board under the direction of the Town Manager. During each fiscal year, the Archives Department may incur liabilities against and spend monies from the Archival Center Revolving Fund for additions to the Town of Winchester's historical collections. Salaries or wages of employees and contractual services paid for operating the Archival Center shall be paid from the annual budget appropriation of the Archival Department and shall not be paid from the fund. The Archival Center Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

b) **Energy Department Revolving Fund:** There shall be a separate fund called the Energy Revolving Fund for the use of the Energy Department through the Department of Public Works. The Comptroller shall establish the Energy Revolving Fund as a separate account and credit to the fund all fees and charges associated with the use of energy in school and municipal buildings. The fees and charges are assessed by the Energy Management Committee under the direction of the Department of Public Works. During each fiscal year, the Energy Department, with the authorization of the Town Manager, may incur liabilities against and spend monies from the Energy Department Revolving Fund for projects that conserve energy in the operation of the Town's buildings and infrastructure including incentives from Eversource and National Grid. The Energy Management Committee reviews the fund on a regular basis regarding the best uses for the funds and report on current balance(s) additionally reports are filed with the Town Manager annually. Salaries or wages of employees and contractual services paid for operating the Energy Department shall be paid from the annual budget appropriation of the Energy Department and shall not be paid from the fund. The Energy Department Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

c) **Board of Health Revolving Fund:** There shall be a separate fund called the Board of Health Revolving Fund for the use of the Board of Health Department. The Comptroller shall establish the Board of Health Revolving Fund as a separate account and credit to the fund fees charged for public health programs; such as clinics. During each fiscal year, the Board of Health Department may incur liabilities against and spend monies from the Board of Health Revolving Fund for public health programs, such as clinics. The Board of Health requires an annual review of the revolving fund. Partial salaries and wages of not more than one full-time employee shall be paid from the fund. The Board of Health Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

d) **Grass Fields Revolving Fund:** There shall be a separate fund called the Grass Fields Revolving Fund for the use of the Town Manager based on the recommendations of the Field Management Committee. The Comptroller shall establish the Grass Fields Revolving Fund as a separate account and credit to the fund all fees associated with fees and charges applicable to the Town of Winchester's grass fields. The fees and charges are assessed by the Fields Management Committee. During each fiscal year, the Town Manager, based on recommendations of the Fields Management Committee may incur liabilities against and spend monies from the Grass Fields Revolving Fund for grass field maintenance, bathrooms, fencing, lights, court maintenance, playground equipment and scoreboards. The Field Management Committee requires a quarterly review of the revolving fund. Salaries or wages of employees shall be paid from the annual budget appropriation of the Department of Public Works and Recreation Department and shall not be paid from the fund. The Grass Fields Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

e) **Synthetic Fields Revolving Fund:** There shall be a separate fund called the Synthetic Fields Revolving Fund for the use of the Town Manager based on the recommendations of the Field Management Committee. The Comptroller shall establish the Synthetic Fields Revolving Fund as a separate account and credit to the fund all fees and charges applicable to the Town of Winchester's synthetic fields. The fees and charges are

assessed by the Fields Management Committee. During each fiscal year, the Town Manager, based on recommendations of the Fields Management Committee may incur liabilities against and spend monies from the Synthetic Fields Revolving Fund for synthetic/turf field maintenance, bathrooms, fencing, lights and scoreboards. The Field Management Committee requires a quarterly review of the revolving fund. Permanent salaries or wages of employees shall be paid from the annual budget appropriation of the Department of Public Works. The overtime salaries or wages of custodial employees may be paid from the revolving fund. The Synthetic Fields Revolving Fund shall operate for fiscal years that begin on or after July 1, 2018. At the conclusion of the fiscal year any remaining funds shall remain in the revolving fund and shall not revert back to the General Fund.

**BACKGROUND:**

This Article proposes to add a section to Chapter 6 of the Town's General By-laws to enable the Town to continue to use revolving funds for the purposes described above. The Municipal Modernization Act of 2016 amended General Laws Chapter 44, Section 53E½ to eliminate the cap on the amount that can be spent from revolving funds authorized for a particular department and in total from all revolving funds. In addition, the statute, as amended, requires revolving funds to be authorized by by-law rather than an annual Town Meeting vote. Town Meeting must still vote on or before July 1 on the amount that may be spent from each fund during the upcoming fiscal year. The by-law changes proposed under this article are intended to comply with the statute as revised.

*Majority Vote Required*



**ARTICLE 17.** To see if the Town will vote to amend the Town of Winchester Code of By-Laws by adding a new Chapter 21, as follows; or take any other action in relation thereto:

## **SOLICITATION AND CANVASSING**

### **Section 1. STATEMENT OF PURPOSE**

This by-law establishes registration requirements for persons intending to engage in door-to-door solicitation or canvassing in the Town of Winchester in order to (1) protect the citizenry from disruption of peaceful enjoyment of their residences and from the perpetration of fraud or criminal activity; and (2) to allow for reasonable access to residents in their homes by persons or organizations who wish to communicate commercial messages. The by-law attempts to achieve a balance between the right of free speech and the right of privacy. It does not apply to non-profit, charitable, benevolent, political or religious activities, or any other non-commercial activities entitled to protection under the First Amendment to the United States Constitution.

### **Section 2. DEFINITIONS**

2.1 “Solicitation or canvassing” means traveling by foot, motor vehicle or any type of conveyance, from place to place, from house to house, or from street to street, for salary, commission or other remuneration, whether on behalf of oneself or on behalf of another person, for-profit firm, corporation or entity and:

- (a) Selling, leasing or taking orders for the sale of any goods, wares, merchandise or services whatsoever, including without limitation books, periodicals, food, and home improvement services, or attempting to so sell, lease or take orders, whether or not advance payment on such sales is collected; or
- (b) Seeking or requesting donations of money, goods or services for any for-profit entity.

2.2 “Residential property” means any property in residential use within the meaning of the Town of Winchester Zoning By-law, including without limitation an individual dwelling unit.

2.3 “Chief of Police” means either the Winchester Chief of Police or his designee.

### **Section 3. REQUIREMENTS**

3.1 No person(s) shall engage in solicitation or canvassing in or upon any residential property in the Town of Winchester without first receiving a registration certificate from the Chief of Police as required by this Chapter. Immediately upon gaining access to any residential property, each solicitor or canvasser must do the following:

- (a) Inform the occupant that he or she has registered with the Town, show the occupant the registration certificate and make it available for inspection; and
- (b) Inform the occupant of the nature and purpose of his or her business and, if he or she is representing an organization, the name of that organization.

3.2 Persons engaged in solicitation or canvassing shall carry such registration certificate while so engaged and shall produce such certificate upon the request of a police officer of the Town of Winchester. Each person engaged in solicitation or canvassing in or upon any residential premises shall immediately and peacefully leave such premises upon the request of any occupant.

No person shall engage in solicitation or canvassing in or upon any residential property upon which is displayed a sign prohibiting trespassing, solicitation or canvassing.

No person engaging in solicitation or canvassing shall misrepresent in any way his or her true objective, status or mission or that of any organization on behalf of which he or she is so engaged.

Persons engaging in solicitation or canvassing shall comply with all federal, state and local laws and regulations, including, but not limited to, consumer protection laws such as General Laws Chapters 93, 93A and 255D.

#### **Section 4. REGISTRATION**

4.1 Persons seeking registration certificates in accordance with this by-law shall apply in person at the Winchester Police Department between the hours of 9:00 a.m. and 5:00 p.m., Monday-Friday. Applicants shall be required to fill out an application form provided by the Town, signed under penalties of perjury. Applicants must submit the required fee along with the form.

4.2 The form shall require that each applicant shall provide the following information:

- (a) Personal Information, Applicant's Full Name, Residential Address and Phone Numbers, Date of birth; and Valid driver's license or other government-issued photo identification.
- (b) Business Information, Business name and phone number, Description of the nature of the business and the goods or services to be sold, Length of time for which applicant seeks to conduct business in the Town of Winchester.
- (c) Vehicle Information-If applicant will be travelling through the Town of Winchester by motor vehicle while soliciting or canvassing, applicant must present the vehicle's current and valid registration.

4.3 Fee. Upon filing such application each applicant shall pay a nonrefundable filing fee in the amount of \$25 per applicant.

#### **Section 5. REQUIREMENTS FOR ISSUANCE**

5.1 The Chief of Police shall refuse to register an individual whose registration certificate has been revoked for violation of this By-Law within the previous seven (7) year period OR for failure to include all of the required information requested on the application. If the applicant or the organization on whose behalf the applicant intends to solicit is listed with the Better Business Bureau, the Police Department may check the or organization's rating on the Better Business Bureau's website, [www.bbb.org](http://www.bbb.org), and if the rating is C- or below, the application shall be denied

5.2 The Chief of Police shall conduct a routine criminal background check on all applicants:

- a) All applicants must give written permission for the background check to be conducted using the state's Criminal Offender Records Information (CORI) and Sex Offender Records Information (SORI) database.
- b) Grounds for denial of the registration certificate shall include, but are not limited to, the following:
  - A conviction in any state or federal court of the United States or any court of a territory of the United States for any of the following named offenses committed within seven (7) years prior to the date of such application: burglary, breaking and entering, larceny, robbery, receiving stolen property,

assault, fraud, sexual misconduct as specified in General Laws Chapter 265, Sections 13B and 22-24, and Chapter 272, Section 53, unlawfully carrying weapons, or the attempt of any such offense;

- The failure to include any of the information requested in the application.

5.3 Within ten (10) business days of the filing of a complete application, the Chief of Police shall either: approve such application and cause the certificate of registration to be issued; or deny such application, stating in writing the reason(s) for such denial. If the Chief of Police fails to so act within ten (10) business days, the applicant may appeal to the Board of Selectmen. If applicant does not receive a response by the Chief of Police or the Board of Selectmen within thirty (30) days of submitting a complete application, said application shall be considered approved and the Chief of Police shall provide a registration certificate to the applicant.

**Section 6. CONTENTS OF CERTIFICATE**

Each certificate of registration shall contain the signature of Chief of Police and shall show the name, address and photograph of the holder of said certificate, the date of issue, the description of the certificate holder's business provided pursuant to Section 4(b)(2), and a registration number.

**Section 7. EXPIRATION OF CERTIFICATE**

Each certificate of registration issued pursuant to this by-law shall expire one year from date of issue.

**Section 8. TRANSFER OF CERTIFICATE**

No certificate of registration may be transferred to any other person or entity.

**Section 9. REVOCATION OF CERTIFICATE**

The Chief of Police may revoke the certificate of registration of any solicitor or canvasser for violation of any provision of law, including this by-law, or for providing false information on the application.

**Section 10. APPEAL**

10.1 Any applicant aggrieved by the action of the Chief of Police in denying such application or in revoking such certificate of registration may appeal in writing to the Board of Selectmen within seven (7) days of the action complained of by filing such appeal with the Town Clerk. The Board of Selectmen shall hold a hearing and render a decision within thirty (30) days of the date the Town Clerk receives the appeal. If the Board of Selectmen fails to render a decision within thirty (30) days, the action of the Chief of Police shall be deemed to be upheld.

**Section 11. DUTIES OF POLICE DEPARTMENT**

The Police Department shall keep a record of all certificates of registration, including registration numbers, and application thereof for a period of seven years after application.

**Section 12. EXCEPTIONS**

The provisions of this by-law shall not apply to the following persons:

- (a) Any person duly licensed under Massachusetts General Laws Chapter 101.
- (b) Any person employed in the sale or delivery of newspapers pursuant to Massachusetts General Laws Chapter 149, Section 69.
- (c) Any officer or employee of the town, county, state or federal government on official business, or any other person soliciting or canvassing on behalf of any such entity, including, without limitation, a public school or a program or department thereof.
- (d) Any route salesperson or other person having established customers making periodic deliveries to such customers including, but not limited to, a news carrier, dairy delivery person, and a person acting on behalf of "farmshare" or "community supported agriculture" enterprises.
- (e) Any person involved in the dissemination of political or religious materials or speech or any other non-commercial activity protected by the United States or Massachusetts Constitutions.

- (f) Any person soliciting or canvassing on or behalf of any charitable, benevolent, political or religious organization, including, without limitation, an organization organized pursuant to Massachusetts General Laws Chapter 180, Section 4.
- (g) Anyone 18 years of age or younger.
- (h) Any not-for-profit entity distributing leave-behind literature at residential properties and not conducting face-to-face solicitations.

**Section 13. SEVERABILITY**

If any provision of this by-law shall be declared invalid, the remainder shall continue in full force and effect.

**Section 14. PENALTY**

This by-law may be enforced through the provisions of General Laws c. 40, Section 21D, which provides for the non-criminal disposition of by-laws violations. A violation of this Chapter shall be punishable by a fine of \$100 for the first offense; \$200 for the second offense; and \$300 for each subsequent offense. The enforcing person shall be the Chief of Police.

(Board of Selectmen)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 17 as printed in the warrant.

**BACKGROUND:**

Versions of this by-law have been proposed at prior Town Meetings in order to provide a means for conducting background checks on certain kinds of solicitors and canvassers operating in the Town. A working group has edited this by-law with recommendations from the 2017 Spring Town Meeting.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 18.** To see if the Town will vote to amend the Town of Winchester Charter, Code of By-Laws, and Zoning By-Law to change the name of the Board of Selectmen to The Select Board, with members to be identified as Select Board Members, or Members of the Select Board; or take any other action in relation thereto.

(Board of Selectmen)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 18 as printed in the warrant.

**BACKGROUND:**

The Board of Selectmen is supporting a change to the language of the Charter and Bylaws which will result in a gender neutral titling of the Board itself. The Board believes that this is an appropriate way to demonstrate that the representation on the Town's executive body should in no way be perceived as being limited to one gender only.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 19.** To see if the Town will vote to approve the following the resolution to signify Winchester's backing of our Governor, for the Commonwealth to comply with the Paris Climate Agreement through its membership in the U.S. Climate Alliance.

*Whereas*, the people of the Town of Winchester and future generations benefit from a healthy environment, along with food and nutrition security;

*Whereas*, the Town of Winchester feels the urgency of protecting our children's air and water, and is united as ever in confronting one of the greatest challenges of our lifetime;

*Whereas*, our collective efforts to act on climate will ensure we maintain the U.S.'s commitment to curb carbon pollution while advancing a clean energy economy that will bring well-paying jobs to America's workers;

*Whereas*, the Commonwealth has reiterated its commitment to exceed the emission reduction targets of the Paris Climate Agreement, and join the U.S. Climate Alliance to expand the Commonwealth's efforts while partnering with other states to combat climate change;

*Whereas*, the Town of Winchester looks forward to continued, bipartisan collaboration with other towns and municipalities to protect the environment, grow the economy and deliver a brighter future to the next generation;

*Now be* it resolved that the Town of Winchester, Massachusetts, acting by vote of Winchester Town Meeting, hereby state and affirm the town's backing of the Governor of the Commonwealth, of both the U.S. Climate Alliance and the Paris Climate Agreement; or take any other action in relation thereto.

(Carl Kaplan, Citizen Petition)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve the resolution printed in Article 19 of the Warrant to signify Winchester's backing of our Governor, for the Commonwealth to comply with the Paris Climate Agreement through its membership in the U.S. Climate Alliance.

**BACKGROUND:**

As a certified historical tour guide in Boston, with a passion for this area's history, and the part it played in the founding of the United States, I enjoy telling my tourers about the uniqueness of New England Town Meeting. I point out that it goes back to the very founding of Massachusetts in the early 1600s, and that as many historians have pointed out, it truly represents democracy in action.

I therefore submit the text above in order that the people of the Town of Winchester, through Town Meeting, may express their desire to support our Governor in his decision to recognize the importance of our environment through Massachusetts joining the U.S. Climate Alliance. We often hear people question whether the wishes and desires of constituents are being followed. I see this as an opportunity to express at a grassroots level the desire of the people to support the Governor of the Commonwealth.

Thank you for your time and consideration.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 20.** The see if the Town will vote to adopt the following by-law regarding marijuana; The operation of any marijuana establishment as defined in General Laws Chapter 94G, Section 1, including a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed or registered marijuana-related business, shall be prohibited in Winchester. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed or registered pursuant to Chapter 369 of the Acts of 2012.

or take any other action in relation thereto.

(Board of Selectmen)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 20 as printed in the warrant.

**BACKGROUND:**

In November 2016, an initiative petition entitled the “Regulations and Taxation of Marijuana Act” (“Act”) was approved on a statewide basis. In Winchester, the vote on the ballot was 7,262 No; and 5,503 Yes. Subsequent to the November 2016 vote, the State legislature amended the Act (Chapter 55 of the Acts of 2017). Part of the new law is a provision that allows the Town to adopt a bylaw prohibiting recreational sale of marijuana in the Town. The Board is recommending adoption of this prohibition which they believe is in keeping with the Town-wide vote in November 2016.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 21.** To see if the Town will vote to accept Chapter 90, Section 17C to authorize the Board of Selectmen to change the speed limit in the Town to 25 miles per hour; or take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 21 as printed in the warrant.

**BACKGROUND:**

The Municipal Modernization Act allows communities to adopt the provision of Massachusetts General Laws Chapter 90, Section 17C, which would authorize the Board of Selectmen to implement a Town-wide speed limit of 25 miles per hour on certain roadways. Acceptance of the statute does not result in implementation of the speed limit; it merely allows the Board to consider adoption. The Board continues to work with a traffic advisory committee to review traffic calming and traffic safety measures that can be adopted throughout the Town.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 22.** To see if the Town will appropriate a sum of money for improvements to the Thornberry Road sewer pumping station, including all costs incidental or related thereto, which sum shall be in addition to the \$350,000 that was originally appropriated at the Spring 2017 Town Meeting (Article 21) for such project; to determine whether this appropriation shall be raised by borrowing or otherwise; to determine whether any borrowing authorized shall be reduced by reimbursement funds received; or to take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that \$75,000 be appropriated for improvements to the Thornberry Road sewer pumping station, including all costs incidental or related thereto, which sum shall be in addition to the \$350,000 originally appropriated at the Spring 2017 Town Meeting (Article 22) for such project; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$75,000 under Chapter 44 of the General Laws or any other enabling authority; that the Board of Selectmen be authorized to accept any reimbursements for the project from the private developer and apply such amounts to this appropriation, provided that the amount of the authorized borrowing shall be reduced by the amount of any such reimbursement funds received for the project prior to the issuance of bonds or notes under this vote; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with General Laws, Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; that the Town Manager be authorized to have oversight of said project; and that in accordance with Section 4-2 of the Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to said project.

**BACKGROUND:**

This project was originally appropriated at Spring 2017 Town Meeting. Since that time the project was bid and the contract awarded. This request is for the additional funding required to have an adequate construction contingency and to pay for engineering services during the construction phase.

*2/3 Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 23.** To see if the Town will vote to raise and appropriate a sum of money for water & sewer infrastructure improvements; or take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED,** that further consideration of this Article 23 be indefinitely postponed.

**BACKGROUND:** The Board of Selectmen has determined that consideration of this Article is not necessary at this time.

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 24.** To see if the Town will vote to appropriate a sum or sums of money to increase or decrease appropriations previously voted for Fiscal Year 2018 budgets; said appropriation to be made from Free Cash or any other available funds; or take any action in relation thereto.

(Finance Committee)

**MOTION #1:**

**MOVED AND SECONDED** that the Town vote to appropriate \$27,000 to the FY2018 Department of Public Works Expense Budget, account 0141312 from Free Cash.

**MOTION #2:**

**MOVED AND SECONDED** that the Town vote to appropriate \$100,500 to the FY2018 Reserve Fund Budget, account 0194302 from Free Cash.

**MOTION #3:**

**MOVED AND SECONDED** that the Town vote to appropriate \$60,000 to the FY2018 Interest on Funded Debt Budget, account 0171202; said amount shall be raised as a debt exclusion in the tax levy.

**BACKGROUND #1:**

Motion #1 allows for the replenishment of the DPW budget for spending that occurred on a Capital Project at McCall Middle School.

**BACKGROUND #2:**

The Finance Committee uses the Finance Committee Reserve Fund to cover approved additional unexpected expenses based on department submissions of a Reserve Fund Transfer request. Each fiscal year and with Town Meeting approval, the fund is replenished to \$400,000.

To date in FY2018, Finance Committee has approved Reserve Fund Transfers in total of \$100,500, which leaves a balance of \$299,500. The funded requests to date include:

- McCall Expansion Phase I Design: \$ 58,500
- Temporary Light-Ridge & Johnson Roads 25,000
- Thornberry Road Pumping Station 17,000

**Total Reserve Fund Transfers To Date FY18: \$100,500**

There are potential additional expenses for the Eversource project, Legal costs and possible additional Personal Services costs which may require additional payment prior to Spring Town Meeting in 2018. These additional expenses above and beyond the FY2018 budget would only be able to be paid by a Reserve Fund Transfer. Any balance in the Reserve Fund at the end of FY2018 would revert back to the General Fund.

**BACKGROUND #3:**

This appropriation is intended to sufficiently fund additional borrowings in FY2018.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 25.** To see if the Town will vote to appropriate a sum of money to supplement the Eversource account number 0397252 appropriated at the 2016 Fall Town Meeting and at the 2017 Spring Town Meeting for the purpose of engineering and associated consultations pertaining to the location of the 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; said appropriation to be made from Free Cash or any other available funds; or take any action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$265,000 to supplement the Eversource account number 0397252 appropriated at the 2016 Fall Town Meeting and at the 2017 Spring Town Meeting for the purpose of engineering and associated consultations pertaining to the location of the electric 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; said appropriation to be made from Free Cash.

**BACKGROUND:**

As previously reported, Eversource has received Energy Facilities Siting Board (EFSB) approval to locate an underground transmission line along the west side of Town from Main Street at the Medford Town line through Bacon, Fletcher, Wildwood, and Pond Streets and Woodside Road to the substation in Woburn. It is expected that the work will take place mostly in 2018.

The Town has negotiated a Memorandum of Understanding with Eversource, wherein Eversource has agreed to reimburse the Town for some of its costs for overseeing the construction of the line. Eversource has also agreed to fund work for areas including Main Street at Highland Avenue and in and around Winter Pond.

The funds appropriated under this Article will forward fund the contracts for some of these services and Eversource will reimburse the Town for these amounts as the work progresses.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 26.** To see if the Town of Winchester will vote to approve the Northeast Metropolitan Regional Vocational Technical School District Committee's vote on August 10, 2017 to establish a Stabilization Fund pursuant to General Laws Chapter 71, Section 16G½, said Stabilization Fund to be invested and to retain its own interest earnings as provided by law, and further set up one or more operational line items to be created to transfer available monies into said Stabilization Fund; or take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to approve Article 26 as printed in the warrant.

**BACKGROUND:**

Chapter 71, Section 16G 1/2 of the Massachusetts General Laws requires the approval of the establishment of a Regional School District Stabilization Fund by a majority of the local appropriating authorities of the member municipalities. This would allow the Northeast Metropolitan Regional Vocational Technical School District a method to have money available for both expected and unexpected capital expenses, and to avoid the need for further borrowing by member municipalities.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 27.** To hear and act on the report of the Capital Planning Committee regarding the proposed Capital Plan for FY2019 and place the report on file; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED** that the Capital Planning Committee Report for FY2019 be received and placed on file.

*Capital Planning Committee Report sent under separate cover*

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 28.** To see if the Town will vote to appropriate a sum of money from unexpended capital accounts, which projects are complete, to the Capital Stabilization Fund, and /or Building Stabilization Fund established under Chapter 69 of the Acts of 2002, and/or Cemetery Permanent Care Fund; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION #1:**

**MOVED AND SECONDED** that the Town appropriate a sum of \$10,423.92 from surpluses in previously appropriated capital projects to the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 as follows:

Account #	Description	Original Article	Balance
0397042	Public Safety Building	STM 5/14 Art 18	\$ 1,040.00
0397142	Library Chimney	FTM 11/15 Art 9	\$ 9,383.92

**MOTION #2:**

**MOVED AND SECONDED** that the Town appropriate a sum of \$79,424.99 from surpluses in previously appropriated capital projects to the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 as follows:

Account #	Description	Original Article	Balance
0396652	GIS	FTM 11/11 Art 6	\$ 1,170.00
0396972	Ambulance	STM 5/14 Art 18	\$ 14.75
0396982	Fire Prevention Vehicle	STM 5/14 Art 18	\$ 940.23
0397222	Borggaard Beach	FTM 11/15 Art 9	\$25,000.00
0396992	Voting Machines	STM 5/14 Art 18	\$21,047.59
0397122	DPW Tractor	STM 5/15 Art 8	\$13,056.42
0397172	Muraco Pavement	FTM 11/15 Art 9	\$18,196.00

**MOTION #3:**

**MOVED AND SECONDED** that the Town appropriate a sum of \$9,020.58 from surpluses in previously appropriated capital projects to the Cemetery Permanent Care Fund as follows:

Account #	Description	Original Article	Balance
0397032	Cemetery Truck	STM 5/14 Art 18	\$ 9,020.58

*Capital Planning Committee Report sent under separate cover*

*2/3 Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 29.** To see if the Town will vote to appropriate \$65,000 for the North Reservoir & Saw Mill Brook Drainage Project, including all design, engineering and other costs incidental and related thereto, said appropriation to be from the Water and Sewer Retained Earnings or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED** that \$65,000 be appropriated for the North Reservoir & Saw Mill Brook Drainage Project, including all design, engineering and other costs incidental and related thereto; said appropriation to be from the Water and Sewer Retained Earnings.

(Capital Planning Committee)

*Capital Planning Committee Report sent under separate cover*

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 30.** To see if the Town will vote to appropriate \$200,000 for the Stowell Road Engineering & Construction for the purpose of drainage improvements on Stowell Road, including planning, design and all other costs incidental and related thereto, said appropriation to be made by transferring unexpended bond proceeds for which the projects are complete and for which no liability remains, by transfer from Water and Sewer Retained earnings, or otherwise; or to take any other action in relation thereto.

(Capital Planning Committee)

**MOTION:**

**MOVED AND SECONDED** that \$200,000 be appropriated for the for the Stowell Road Engineering & Construction for the purpose of drainage improvements on Stowell Road, including planning, design and construction and all other costs incidental and related thereto, and further that \$146,594.34 of this appropriation shall be funded by the unexpended bond proceeds set forth below for which the projects are complete and for which no liability remains:

<u>Account #</u>	<u>Description</u>	<u>Original Article</u>	<u>Balance</u>
8890	Low Level Outlet Engineering	STM 5/13 Art. 13	\$ 29,765.00
8893	Low Level Outlet Construction	FTM 11/14 Art. 10	\$116,829.34

and further that \$53,405.66 be transferred for this purpose from Water and Sewer Retained Earnings.

(Capital Planning Committee)

*Capital Planning Committee Report sent under separate cover*

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 31.** To see if the Town will vote to appropriate a sum of money for the following projects:

1. Waterfield Road Bridge Engineering	\$ 50,000
2. Generator at Westside Fire Station	\$ 50,000
3. DPW Wall Additional Funding for Environmental Handling	\$ 50,000
4. Public Safety Generator Engineering	\$ 25,000
5. DPW Director Vehicle	\$ 40,000
6. Installation of Rectangular Rapid Flash Beacon	\$ 120,000
7. Traffic Engineering Services at Main and Highland	\$ 50,000
8. Fire Pick Up Truck	\$ 44,000
9. Ambrose School: Change Oil to Natural Gas (Tank)	\$ 103,794
10. Lincoln School: Change Oil to Natural Gas (Tank)	\$ 111,731,

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

(Capital Planning Committee)

**MOTION #1:**

**MOVED AND SECONDED** that \$50,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Waterfield Bridge Road Engineering Project including engineering and all other costs incidental and related thereto.

**MOTION #2:**

**MOVED AND SECONDED** that \$50,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Generator at Westside Fire Station including engineering, equipment, construction and all other costs incidental and related thereto.

**MOTION #3:**

**MOVED AND SECONDED** that \$50,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the DPW Wall Additional Funding for Environmental Handling including engineering, permitting, construction and all other costs incidental and related thereto.

**MOTION #4:**

**MOVED AND SECONDED** that \$25,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Public Safety Generator Engineering Project including engineering, and all other costs incidental and related thereto.

**MOTION #5:**

**MOVED AND SECONDED** that \$40,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the DPW Director Vehicle including vehicle, equipment, accessories, and all other costs incidental and related thereto.

**MOTION #6:**

**MOVED AND SECONDED** that \$120,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Installation of Rectangular Rapid Flash Beacon including engineering, construction, permitting, and all other costs incidental and related thereto.

**MOTION #7:**

**MOVED AND SECONDED** that \$50,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Traffic Engineering Services at Main and Highland including engineering, permitting, and all other costs incidental and related thereto.

**MOTION #8:**

**MOVED AND SECONDED** that \$44,000 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the purchase of a Fire Pickup Truck including the vehicle, equipment, accessories, and all other costs incidental and related thereto.

**MOTION #9:**

**MOVED AND SECONDED** that \$103,794 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Ambrose School: Change Oil to Natural Gas (Tank) including engineering, construction, permitting, and all other costs incidental and related thereto.

**MOTION #10:**

**MOVED AND SECONDED** that \$111,731 be appropriated from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Lincoln School: Change Oil to Natural Gas (Tank) including engineering, construction, permitting, and all other costs incidental and related thereto.

*Capital Planning Committee Report sent under separate cover*

*2/3 Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 32.** To see if the Town will vote to appropriate a sum of money for the design and construction of Phase I of the McCall Middle School Expansion project, as outlined in the Winchester Public Schools' 10-year Facilities Master Plan approved July 2017, and for architectural services for the schematic design of Phase II of such project, including all costs incidental or related thereto, said appropriation to be raised by borrowing, transfer from available funds or otherwise; or to take any other action in relation thereto.

(School Committee, Capital Planning Committee,  
Educational Facilities Planning Board Committee)

**MOTION:**

**MOVED AND SECONDED** that \$1,634,685 is appropriated for architectural design services and for the construction of Phase I of the McCall Middle School Expansion project, as outlined in the Winchester Public Schools' 10-year Facilities Master Plan approved July 2017, and for architectural services for the schematic design of Phase II of such project, including all costs incidental or related thereto; that to meet this appropriation, \$499,685 shall be transferred from Free Cash, and the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$1,135,000 under Chapter 44 of the General Laws or any other enabling authority; that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; that the Educational Facilities Planning and Building Committee (EFPBC) is authorized to have oversight of said project; and that in accordance with Section 4-2 of the Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to said project.

**BACKGROUND:**

The recently-completed 2017 School Facilities Master Plan (the "Master Plan") has identified space shortages and deficiencies at McCall Middle School as an urgent/top priority. A ten-year district enrollment increase of over 17% has created a critical shortage of classrooms and other teaching spaces. For example, a portion of the McCall library has been partitioned for instructional spaces, the cafeteria is very undersized for the population, and all teacher workrooms/meeting spaces have been converted to instructional use. A projected five-year enrollment increase of over 150 additional students in grades 6-8, as well as 21st century academic program improvements, will require more space.

The Master Plan calls for a two-phase expansion of McCall Middle School, with Phase I primarily a conversion of existing space and Phase II primarily space additions, including:

Phase I - completion September 2018

- Three-classroom expansion made by converting existing space in the lower level of the gymnasium wing
- New connector between the gymnasium and library wings to provide accessibility and allowing courtyard use as a seasonal "outdoor classroom"

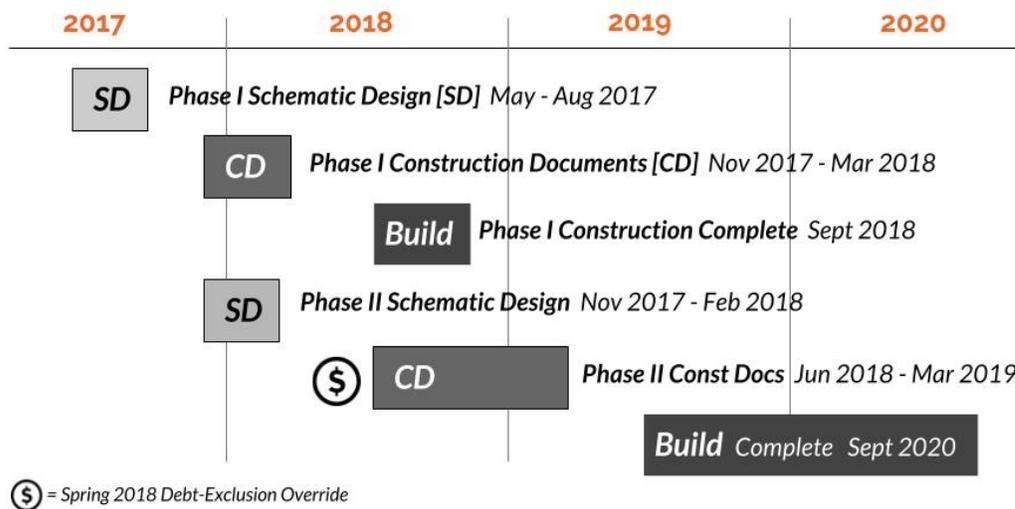
(Note: Schematic Design, authorized by 2016 Fall Town Meeting (\$50,000), is complete for this phase.)

Phase II - completion September 2020

- Three-story, six-classroom addition at rear of library wing
- Expansion of existing cafeteria to meet Life Safety Code occupancy requirements
- Conversion of lower-level storage space into athletic program team rooms and additional restroom facilities
- Renovation of an undersized former classroom (now storage) into teacher workroom/meeting space

Of the total \$1,634,685 appropriation, approximately \$1,447,380 will be used to complete design and construction of Phase I (September 2018 occupancy) and approximately \$187,305 will be for the Schematic Design of Phase II (September 2020 occupancy).

### McCall Expansion Project Schedule 2017 - 2020



Phase II is outlined in the Master Plan at a preliminary and conceptual level. Schematic Design is needed to better define a scope of work with a detailed cost estimate. (As noted above, Phase I Schematic Design and \$1,634,685 cost estimate have been completed.) The Master Plan suggests a project cost range for Phase II of \$5.8M to \$6.5M. We anticipate that Phase II Schematic Design with a detailed cost estimate will be completed early in 2018 and a debt-exclusion override vote for the McCall expansion project will be held in the Spring Town Election.

McCall is undersized for current and projected enrollment, but the building as a whole is in good physical condition -- unlike Lynch School and Muraco School, which need both classroom additions and renovation/replacement of major systems. The Master Plan recommends a focus on these larger, more costly elementary school projects in seeking funding from the Massachusetts School Building Authority (MSBA). In April of this year, the School Committee and Board of Selectmen jointly submitted Statement of Interest forms for the reconstruction/replacement of the Lynch and Muraco schools. The MSBA will next accept applications for project funding in the spring of 2018, but it would be extraordinary if two projects were funded by the MSBA for Winchester at the same time.

An independent peer review of the Master Plan enrollment projections by consultant UMass Donahue Institute (“UMDI”) is underway, to assess their alignment with regional demographic, economic, and housing trends. The UMDI report is expected shortly before Town Meeting.

All public-school, sixth through eighth grade students townwide attend McCall Middle School for the preparation they need for success in high school and beyond. This proposed expansion project will enable us to meet the academic and space needs of these students in a thoughtful, cost-effective and efficient manner.

The full 2017 Master Plan can be found at: [www.tinyurl.com/WinchesterMasterPlan](http://www.tinyurl.com/WinchesterMasterPlan)

*2/3 Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 33.** To see if the Town will vote to appropriate a sum of money from the Parking Meter Fund to the Wedgemere Parking account 0396912 to pay for expenses associated with the operation of the Wedgemere Commuter Station Parking Lot; or take any other action in relation thereto.  
(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that \$80,000 be appropriated from the Parking Meter Fund to the Wedgemere Parking Article account #0396912 to pay for expenses associated with the operation of the Wedgemere Commuter Station Parking Lot.

**BACKGROUND:**

As reported in the past, the Town operates the Wedgemere Station Commuter Rail Parking Lot under an agreement with the Department of Conservation and Recreation (“DCR”). These funds will be used to pay DCR its proportional share of revenue from the lot receipts (approximately \$61,500), and to pay for expenses (approximately \$17,000) associated with management of the lot.

The Town realizes about \$31,000 in net revenue from lot receipts. Gross lot receipts for FY2017 total about \$112,400.

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 34.** To see if the Town will vote to appropriate a sum of money to pay bills incurred in prior fiscal years, said appropriation to be from Free Cash or from other available funds; or take any other action in relation thereto.

(Town Manager)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$3,851.06 from Free Cash to pay the following bills that were incurred in Fiscal Years 2016 and 2017:

<u>Vendor</u>	<u>Amount</u>
Fresh Paint	\$ 63.97
Edwards Lettering	115.00
Melrose Police Department	1,197.09
CDM Smith	2,475.00
Total:	<u>\$ 3,851.06</u>

**BACKGROUND:**

The above bills were not paid before the close of FY2016 and FY2017. This motion must be approved in order to pay these bills in FY2018.

*9/10th Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 35:** 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 appropriate money for any adjustments or revisions of wages and salaries of employees subject and not subject to collective bargaining agreements or in any job classifications, and to provide for salary or wage adjustments not otherwise provided for, said monies to be expended by the departments affected, said appropriation to come from Unallocated Wage Reserve or other available funds; or take any other action in relation thereto.

(Personnel Board)

*Materials to be sent under separate cover*

*Majority Vote Required*

Town of Winchester  
2017 Annual Fall Town Meeting



**ARTICLE 36.** To see if the Town will vote to accept committee reports, dissolve old committees, authorize new committees; or take any other action in relation thereto.

(Board of Selectmen)

*Majority Vote Required*