

COMMONWEALTH OF MASSACHUSETTS

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

GREETING:

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

MONDAY, THE FOURTH DAY OF NOVEMBER, 2019

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

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

(Select Board)

ARTICLE 2. To see if the Town, acting under Article 2, Section 2.5 (c) of the Winchester Home Rule Charter, and upon the recommendations of the Committee on Rules pursuant to Chapter 2, Section 4.4.3 of the Code of By-Laws of the Town of Winchester, will vote to declare vacant the seats of certain Town Meeting Members for failure to attend one half or more of the total number of sessions of the Winchester Town Meeting held during the previous 12 month period, Fall 2018 and Spring 2019; or take any other action in relation thereto.

(Committee on Rules)

ARTICLE 3. To see if the Town will vote to amend Section 10 of the Winchester Zoning Bylaw as follows (deleted language struck through; proposed language in bold); or take any other action in relation thereto.

CURRENT DEFINITION

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

PROPOSED DEFINITIONS

DWELLING UNIT One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom and sleeping facilities.

~~A dwelling unit shall have~~ More than one-half of ~~it's~~ **the** floor-to-ceiling height **shall be** above the average level of the adjoining ground. Each dwelling unit shall be occupied by not more than one family. **No dwelling unit may have more than one inside cooking facility with such appliances as an oven, range or stove.**

(Planning Board)

ARTICLE 4. To see if the Town will vote to amend Section 3.5.5 of the Winchester Zoning Bylaw as follows (deleted language struck through; proposed language in bold); or take any other action in relation thereto.

Section 3.5.5

Nonconforming Single and Duplex Residential Structures. Nonconforming single and 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:

1. **A reconstruction, extension, alteration or change** ~~Alteration~~ to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the **reconstruction, extension, alteration or change** will also comply with all of said current requirements.
2. **A reconstruction, extension, alteration or change** ~~Alteration~~ to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the **reconstruction, extension, alteration or change** will also comply with all of said current requirements.
3. **A reconstruction, extension, alteration or change** ~~Alteration~~ to a structure which encroaches upon one or more required yard or setback areas, where the **reconstruction, extension, alteration or change** will comply with all current setback, yard, building coverage and building height requirements. ~~where the alteration will also comply with all of said current requirements.~~

(Planning Board)

ARTICLE 5. To see if the Town will add an alternate member to the Educational Facilities Planning and Building Committee (“EFPBC”) established pursuant to Article 10 of the 1995 Annual Town Meeting, as amended. Said member shall be a representative of, and appointed by, the Disability Access Commission. The revised committee shall consist of eleven (11) full members and two (2) alternate members for a total of thirteen (13) members appointed as follows: three (3) jointly appointed by the Select Board and School Committee: a registered architect, a registered engineer, and a citizen at large; three (3) jointly appointed by the Select Board, School Committee and Finance Committee; four (4) citizens at large appointed by the Town Moderator; the Superintendent of Schools; and two alternate members, one appointed by the Town Moderator and one appointed by the Disability Access Commission; or take any other action in relation thereto.

(Select Board)

ARTICLE 6. To see if the Town will vote to add Section 3.13 to the Winchester Code of Bylaws as follows; or take any other action in relation thereto.

3.13 The Select Board may, pursuant to Chapter 40, Section 21D of the General Laws, impose a fine, not exceeding three hundred dollars (\$300), for each violation of a duly promulgated regulation of the Board. Any regulation for which the Select Board intends to invoke this authority shall include language setting the fine that may be imposed for each violation.

(Select Board)

ARTICLE 7. To see if the Town will vote to amend Chapter 8, adding new Section 38 to the Code of By-Laws; or take any other action in relation thereto.

Restriction of Delivery Times and No Idling

Deliveries for commercial purposes on Maple Road, Orient Street and Valley Road shall be prohibited between the hours of 8:00 pm and 7:30 am and on weekends. The deliveries result in excessive noise and pose a safety issue for children walking to school in the morning. Delivery vehicles shall not idle on these streets at any times. In addition, they shall not block access to these roadways.

(Richard Nadel, Citizen’s Petition)

ARTICLE 8. To see if the Town will vote to add a new Chapter 25 to the Code of By-Laws of the Town of Winchester as follows:

SECTION 1: PURPOSE.

The purpose of this bylaw is to (a) promote the health and safety of the public, (b) protect property from flooding and damage caused by stormwater runoff, and (c) protect and manage water quality by controlling the level of pollutants in stormwater runoff and the flow of water as conveyed by manmade and natural stormwater management systems and facilities.

SECTION 2: RATES; APPLICABILITY; EXEMPTIONS; EFFECTIVE DATE.

- a. **Rates.** The Select Board (“Board”) shall establish just and equitable annual charges (the “Stormwater Fee”) for the use of the Town’s municipal separate storm sewer system (MS4) and other stormwater related costs. The Board shall set Stormwater Fee rates in a tiered structure that establishes different rates for residential and non-residential parcels. The Stormwater Fee shall be a flat rate for each tier.

The Stormwater Fee tier applicable to a particular parcel shall be based on the approximate square footage of impervious surface on that parcel as derived from aerial imagery or other data available to the Town. The Stormwater Fee tier applicable to a parcel may be increased based on an increase in impervious area, or decreased following the fee reduction procedures set forth in Section 5.

For the purposes of this Bylaw, “impervious surface” shall mean an area of a parcel which prevents or impedes the infiltration of stormwater into the soil as it would under natural conditions prior to development. Impervious surfaces shall include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patios, swimming pools, decks, driveways, parking lots, storage areas, compacted gravel and soil, awnings and other coverings.

- b. **Applicability.** The Stormwater Fee shall be paid by each landowner of record for a parcel (“Owner”) in the Town, unless exempt under this Bylaw.
- c. **Exemptions.** The following parcels are exempt from the Stormwater Fee:
 - i. Parcels owned by the Town or any of its departments, boards, or agencies. The Board may exempt other types of parcels owned by governmental owners by regulation.
 - ii. Undeveloped land that does not include any impervious surface other than unpaved access roads and trails.

- d. **Effective Date.** The Effective Date of this Stormwater Bylaw shall be March 1, 2020 (the “Effective Date”). The Town shall assess the first Stormwater Fees no earlier than July 1, 2020.

SECTION 3: USE OF STORMWATER FEES.

The Town shall use Stormwater Fees for the following purposes:

- a. engineering and design, debt service and related financing expenses, construction costs for new stormwater infrastructure facilities (including costs for contracted services) and enlargement or improvement of existing stormwater infrastructure facilities;
- b. capital investments including stormwater best management practices (BMPs) and components (e.g., purchase of plants, soils, and other amenities to support stormwater management alternatives utilizing vegetation);
- c. operation and maintenance of the MS4, including catch basin cleaning, ditch maintenance, street sweeping, pipe repairs, and stormwater facility repairs;
- d. costs of administration and implementation of the Town’s stormwater management program and this bylaw, including the cost of labor and equipment attributable to the stormwater management program and the establishment of reasonable operating and capital reserves to meet unanticipated or emergency stormwater management requirements;
- e. water quality monitoring and water quality programs;
- f. detection and elimination of illicit discharges;
- g. inspection and enforcement activities;
- h. acquisition by gift, purchase or condemnation of real and personal property, and interests therein, necessary to construct, operate and maintain stormwater management systems and facilities; and
- i. other activities which are necessary and incidental to construction, maintenance and operation of the MS4 or stormwater infrastructure facilities in accordance with all applicable laws.

Nothing herein shall be construed to limit the Town’s use of other municipal funds for the purposes listed herein.

SECTION 4: ADMINISTRATION.

- a. **Administration by Select Board.** The Board shall administer, implement, and enforce this bylaw unless otherwise provided herein. Any powers granted to or duties imposed upon the Board may be delegated in writing by the Board to an employee or agent of the Town. The Board may promulgate rules and regulations to effect the purposes of this bylaw, including a fee schedule for peer review of drainage calculations, stormwater/sewer systems, and other information submitted under Section 5 of this Bylaw consistent with M.G.L. c. 44, § 53G.
- b. **Billing and Collection.** Stormwater Fee invoices shall be included and separately itemized on quarterly invoices sent to Owners. The Town may impose late fees in amounts established by the Board. The Owner must pay the Stormwater Fee assessed for

that parcel, unless the Owner demonstrates that it is exempt under Section 2.c. or that a fee reduction is appropriate consistent with the procedures in Section 5. If a parcel is unbilled, or if no bill is sent for a particular parcel of developed land, the Town may back bill for the fees as applicable for a period not to exceed six years of charges beginning on the Effective Date, but in such case no late fees shall be charged or recovered from any Owner so back billed.

- c. **Payment to Treasurer.** Owners shall pay the Stormwater Fee to the Town Treasurer. The Treasurer shall notify the Board (or its designee) of the amounts collected, and shall keep records of all paid and unpaid Stormwater Fees. Stormwater Fees shall be deposited in an Enterprise Fund lawfully established by the Town.
- d. **Liens.** If the Stormwater Fee for a parcel is not paid by the due date, the Town may impose a lien on the parcel pursuant to M.G.L. c. 40, § 58.

SECTION 5: CHALLENGES TO STORMWATER FEE CHARGES.

Upon petition to the Board, Owners may demonstrate that the Stormwater Fee that the Town has charged should be reduced to a lower tier or that the parcel is exempt. The Board shall establish regulations setting forth procedures for such petitions. In the Board's discretion, Owners may qualify for fee reduction if:

- a. the Owner demonstrates that it has been incorrectly identified as an Owner of a parcel;
- b. the Owner can demonstrate that the parcel is exempt, or that the impervious area on the parcel is smaller than that measured on the Owner's invoice, such that a lower tier of Stormwater Fee is appropriate, provided that such demonstration is made using evidence satisfactory to the Board;
- c. the Owner has installed or operates stormwater measures or infrastructure at the parcel, in addition to that required by any Town bylaw or regulation, that reduce stormwater impacts from that parcel to the level of impacts equivalent to a lower Stormwater Fee tier, provided that such reduction is demonstrated through a report authored by a qualified expert, and that the Owner provides certification that the system is in good working order, including records of annual inspections and maintenance since the system was installed; or
- d. the Owner has installed or permitted to be installed stormwater measures or infrastructure that reduce stormwater impacts from another parcel, including an exempt parcel such as Town-owned property, in which case the area served by such measures or infrastructure shall be deducted from the total amount of impervious surface on the parcel.

In no case, however, may an Owner's Stormwater Fee be reduced lower than the lowest Stormwater Fee tier established by the Board, unless the Board finds that such parcel is exempt, in which case the Town shall not impose a Stormwater Fee.

SECTION 6: SEVERABILITY.

If any provision this by-law are for any reason declared invalid or unconstitutional by any court, every other provision shall continue in full force and effect.

(Select Board)

ARTICLE 9. To see if the Town will vote to appropriate a sum of money from Free Cash to the Municipal Affordable Housing Trust and to the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Select Board)

ARTICLE 10. To see if the Town will vote to hear and act on the report of the Capital Planning Committee regarding the proposed Capital Plan for FY2021 and place the report on file; or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 11. To see if the Town will vote to appropriate sums of money for the following projects:

1. Elevator and Stage Lift at the Parkhurst School
2. Department of Public Works – New Sidewalk Plow & Blower
3. Department of Public Works –New Swaploader Hook Truck with Packer/Salter/Plow
4. Department of Public Works – New Bobcat for downtown sidewalk snow removal/sweeping
5. Department of Public Works – New Salter Truck
6. Muraco School Classroom Sink/Cabinet Units Replacement
7. Construction of Church Street @ Waterfield Road Traffic Improvements
8. Replacement of Manchester Field Track
9. Department of Public Works Buildings - Removal of underground fuel tanks

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

(Capital Planning Committee)

ARTICLE 12. To see if the Town will vote to appropriate an additional sum of money for the Swanton Street Bridge improvement project (Project 8 of the Aberjona River Flood Mitigation Program), consisting of the replacement of the bridge, including all costs incidental or related thereto; such amount to be expended in addition to the \$2,800,000 previously appropriated under Article 33 of the 2018 Annual Fall Town Meeting; and to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 13. To see if the Town will vote to appropriate a sum of money for the Lake Street Bridge Replacement Project, consisting of the replacement of the bridge, including the costs of design, permitting, engineering, demolition of the existing bridge, new foundations, substructures, superstructure, bridge rails, roadway pavement, sidewalks, and temporary and permanent utility relocation, and all other costs incidental or related thereto; and to determine whether this appropriation shall be raised by borrowing, from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, Free Cash or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 14. To see if the Town will vote to appropriate a sum of money for the Waterfield Road Bridge Rehabilitation and Repair Project, consisting of design, permitting, engineering, spall and crack repairs, removal and replacement of the gravel backfill, concrete repairs, the installation of new waterproofing on top of the arch, site work, landscaping, restoration and/or replacement of railing and new pavement and sidewalks, and all other costs incidental or related thereto; and to determine whether this appropriation shall be raised by borrowing, from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, Free Cash or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 15. To see if the Town will vote to appropriate a sum of money for the engineering, design and permitting of improvements to address deficiencies at the North Reservoir Dam, Gate House and Low Level Outlet, and related facilities, including all other costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action relative thereto.

(Capital Planning Committee)

ARTICLE 16. To see if the Town will vote to appropriate a sum of money for traffic improvements associated with the McCall Middle School Expansion Project; and to determine whether this appropriation shall be from Free Cash, Capital Stabilization Fund, Building Stabilization Fund established under Chapter 69 of the Acts of 2002 or otherwise; or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 17. To see if the Town will vote to appropriate a sum of money from the Parking Meter Fund to the Wedgemere Parking Account #0396912 and the Town Center Parking Account #0396942 to pay for the upgrade or conversion of parking meters, maintenance of the parking lots and other costs associated with the collection and enforcement of parking ticket revenues at the Wedgemere and Downtown parking lots; or take any other action in relation thereto.

(Town Manager)

ARTICLE 18. To see if the Town will vote to appropriate a sum of money from the Transportation Network Receipts Reserved Fund to pay for traffic improvements in the vicinity of the McCall Middle School; or take any other action in relation thereto.

(Select Board)

ARTICLE 19. To see if the Town will vote to appropriate a sum of money from the PEG access and Cable Related Fund to pay for PEG access service programming, monitoring the cable operator's compliance with the franchise agreement and to prepare for renewal of the cable franchise license including any associated expert and legal services; or to take any other action in relation thereto.

(Town Manager)

ARTICLE 20. To see if the Town will vote to transfer funds from the Selectmen's Housing Fund to the Municipal Affordable Housing Trust; or to take any other action in relation thereto.

(Select Board)

ARTICLE 21. To see if the Town will vote to transfer from Free Cash or other available funds, a sum of money to supplement or reduce appropriations previously voted for Fiscal Year 2020 budgets; or take any other action in relation thereto.

(Finance Committee)

ARTICLE 22. To see if the Town will vote to transfer from Free Cash, Water and Sewer Retained Earnings or other available funds, a sum or sums of money to pay bills incurred in prior fiscal years; or take any other action in relation thereto.

(Town Manager)

ARTICLE 23. To see if the Town will vote to increase the FY2020 Water and Sewer Enterprise budget to reflect increased costs and revenues, and to reduce or increase the General Fund subsidy, and reduce or increase the use of retained earnings; or take any other action in relation thereto.

(Finance Committee)

ARTICLE 24. To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to: wages and salaries; working conditions; new or revised rates of wages and salaries; changes, additions, adjustments or revisions of wages and salaries; changes, additions, adjustments or revisions in classifications and definitions; and amending, revising and adding to the Personnel Policy Guide as well as in other matters related thereto; and to appropriate money for any adjustments or revisions of wages and salaries of employees subject and not subject to collective bargaining agreements or in any job classifications, and to provide for salary or wage adjustments not otherwise provided for, said monies to be expended by the departments affected, said appropriation to come from Unallocated Wage Reserve or other available funds; or take any other action in relation thereto.

(Personnel Board)

ARTICLE 25. To see if the Town will vote to accept committee reports, dissolve old committees, authorize new committees; or take any other action in relation thereto.

(Select Board)

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

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

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

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

Select Board
Town of Winchester

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