

COMMONWEALTH OF MASSACHUSETTS

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

GREETINGS:

In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Winchester to meet by means of the audio/video conferencing platform described more particularly below on:

MONDAY, NOVEMBER 1, 2021

at 7:00 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.

Pursuant to Chapter 92 of the Acts of 2020, as amended by Chapter 20 of the Acts of 2021, the Town Meeting shall be held remotely by the means requested by the Moderator as follows:

Town Meeting members will attend and vote by logging onto: (1) the Zoom videoconferencing platform, and (2) the online Voter module provided by our electronic voting vendor, Option Technologies. Option Technologies will also be providing staff to assist the Town in facilitating the conduct of the meeting. Other Town residents who wish to follow the proceedings may do so via WinCam at www.wincam.org/watch/government; Channels 9 Comcast and 37 Verizon. Residents who wish to participate in the Meeting may contact the Town Clerk's Office at melannon@winchester.us.

For more information, please see the Moderator's September 22, 2021 letter to the Select Board attached to this warrant as Appendix A.

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

(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 Bylaws 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 2020 and Spring 2021; or take any other action in relation thereto.

(Committee on Rules)

ARTICLE 3. To see if the Town will vote to hear and act on the report of the Planning Board and place the report on file, or take any other action in relation thereto.

(Planning Board)

ARTICLE 4. To see if the Town will vote to amend Sections 8.1 and 10 of the Winchester Zoning Bylaw (Floodplain Overlay District FPOD) to update the Bylaw in accordance with new National Flood Insurance Program guidelines as follows (deleted text struck through, added text shown in ***bold italics***); or take any other action in relation thereto:

8.1.1 Purpose.

The purposes of the Floodplain Overlay District (FPOD) are to:

1. Ensure public safety through reducing the threats to life and personal injury;
2. Eliminate new hazards to emergency response officials;
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
4. Avoid the loss of utility services ~~that~~ *which* if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5. Eliminate costs associated with the response and cleanup of flooding conditions; and
6. Reduce damage to public and private property resulting from floodwaters.

8.1.2 Floodplain District Boundaries.

The FPOD is herein established as an overlay district. The FPOD includes all special flood hazard areas ~~designated~~ within the Town of Winchester designated as Zone A, AE, AH, AO and A99 on the Middlesex County Flood Insurance Rate Map (FIRM) *dated July 6, 2016* issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP) ~~The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Winchester are panel numbers 25017C0404E, 25017C0407E (Corrected 5/17/2010), 25017C0408E, 25017C0409E, 25017C0416E, 25017C0417E, 25017C0426E (Corrected 5/17/2010) and 25017C0428E, dated June 4, 2010.~~ The exact boundaries of the District ~~may~~ *shall* be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated *July 6, 2016*. ~~June 4, 2010.~~ The FIRM, and Flood Insurance Study (FIS) report are incorporated herein by reference and are on file with the Town Engineer.

8.1.3

Abrogation and Greater Restriction. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local bylaws or regulation.

8.1.4

Disclaimer of Liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

8.1.5

Severability. If any section, provision, or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

8.1.6

Designation of Community Floodplain Administrator. The Town of Winchester hereby designates the position of Town Engineer as the official floodplain administrator for the Town.

8.1.7

Requirement to Submit New Technical Data. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to the FEMA Region I Risk Analysis Branch Chief, and copy of notification to the Massachusetts NFIP State Coordinator.

8.1.8

Variations to Building Code Floodplain Standards. If the State issues variances to the flood-resistant standards as found in the state building code, Winchester will use this text for local adoption:

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

8.1.9

Variances to Local Zoning Bylaws Related to Community Compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

8.1.10

Permits. The Town of Winchester requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving, and any other development that might increase flooding or adversely impact flood risks to other properties.

8.1.11

Assure that all necessary permits are obtained. Winchester's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

8.1.12 Base Flood Elevation and Floodway Data.

1. *Floodway Data.* In Zones AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Where the base flood elevations are not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Commissioner for its reasonable utilization towards meeting the elevation or flood proofing requirements, as appropriate, of the State Building Code.

8.1.13 Floodway.

In the floodway, as shown on the Flood Boundary and Floodway Map, the following provisions shall apply:

1. All encroachments, including fill, new construction, substantial improvements of existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant to demonstrate that such encroachments shall not result in any increase in flood levels greater than the occurrence of the 100-year flood.

2. Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code with the exception of the requirements noted herein.

8.1.14 Floodplain.

In the floodplain designated on the Flood Insurance Rate Map as Zones A or AE, the following provisions shall apply:

1. All new construction and substantial improvements to any structures must comply with the Massachusetts State Building Code, as amended, for construction within a floodplain designated as Zones A or AE on the Flood Insurance Rate Maps.
2. Buildings meeting the requirements of **8.1.13** must comply with the Massachusetts State Building Code, as amended, for construction within a floodplain designated as Zones A or AE on the Flood Insurance Rate Maps or designated as being within a floodway on the Flood Insurance Rate Maps.

8.1.15 Base Flood Elevation Data. Base flood elevation data *for each developable parcel shown on the design plans* is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

8.1.16

Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review, and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, and for prohibiting encroachments in floodways.

8.1.17 Notification of Watercourse Alteration.

The Town Engineer shall notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

1. Adjacent communities, *especially upstream and downstream*
2. NFIP State Coordinator

~~Massachusetts Department of Conservation and Recreation (DCR)
Flood Hazard Management
251 Causeway Street, Suite 700
Boston, MA 02114-2104~~

3. NFIP Program Specialist, *FEMA Region 1*

~~FEMA Region 1
99 High Street, 6th Floor
Boston, MA 02110~~

8.1.18 Use Regulations.

1. *Reference to Existing Regulations.* The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws (known as the Massachusetts Wetlands Protection Act statute), and with the following:

- a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas, (currently 780 CMR 120(G));
- b. Wetlands Protection Act Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00); and
- d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CRM 15, Title 5).

Any variances from the provisions and requirements of the above referenced State regulations may only be granted in accordance with the required variance procedures of these State regulations.

8.1.19 Other Use Regulations.

1. Within Zones A, AE, AO, AH, and A99 on the FIRM, require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

2. Review all subdivision proposals to assure that: (a) such proposals minimize flood damage; (b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and (c) adequate drainage is provided to reduce exposure to flood hazards.
3. Existing contour intervals of site and elevations of existing structures must be included on the plan.
4. There shall be established a “routing procedure” which will circulate or transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, Building Commissioner for comments which will be considered by the appropriate permitting board prior to issuing applicable permits.

8.1.20

Recreational Vehicles. In A1-30, AH and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone’s regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

8.1.21 Permitted Uses.

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.;
2. Forestry and nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, etc.;
4. Conservation of water, plants, wildlife;
5. Wildlife management of areas, foot, bicycle and/or horse paths;
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
7. Buildings lawfully existing prior to the adoption of these provisions;
8. Temporary construction for the repair or placement of pipes, drains, utilities, and like installations, which are currently permitted by the Select Board; and
9. Any work undertaken by or on behalf of the Town of Winchester individually or in conjunction with any other governmental agency, so long as that work is subject to regulation under existing state or federal laws or regulations.

SECTION 10

FLOODPLAIN OVERLAY DISTRICT. Area established as an overlay district as indicated on the Town of Winchester’s Flood Insurance Rate Maps (FIRM) and the flood boundary and flood insurance maps developed by the Federal Emergency Management Agency (FEMA) and Federal Insurance Administration. The following definitions pertain to the Floodplain District:

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, grading, paving, excavation or drilling operations ***or storage of equipment or materials***. The term “development” does not include the resurfacing of existing pavements by the Town of Winchester Public Works Department for maintenance and safety of roadways.

District means Floodplain Overlay District.

Flood Boundary and Floodway Map means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is including on the FIRM.)

Flood Hazard Boundary Map (FHBM) means an official map of a community issued by *the Federal Insurance Administration or FEMA* where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

Flood Insurance Rate Map means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Floodway means the channel of a river, *creek*, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

Functionally dependent use means a use which cannot be performed for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;*
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.*

Lowest Floor means the lower floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of *the first* floodplain management *code*,

regulation, *ordinance or standard* adopted by ~~a community~~ *the authority having jurisdiction, including any subsequent improvements to such structures*. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later. *New construction includes work determined to be a substantial improvement.*

One Hundred Year Flood. See Base Flood.

Recreational Vehicle means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling unit but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway. See Floodway.

Special Flood Hazard Area means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, AE, A99, and AH.

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation, or the placement of a manufactured home on a foundation. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. *Permanent construction does not include land preparation (such as clearing, evacuation, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.*

Structure means, for floodplain management purposes, a walled and roofed building, *including a gas or liquid storage tank*, that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Damage means any damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed.

Substantial Repair of a Foundation means when work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the

foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR

Variance means a grant of relief by the Town from the terms of a flood plain management regulation.

Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Zone A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local or other data.

Zone AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.”

Zone AH and AO means the 100-year floodplain with flood depths of one to three feet.

Zone A99 means areas to be protected from the 100-year flood by federal flood protection system under construction. Base flood elevations have not been determined.

Zones B, C, and X areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

(Planning Board)

ARTICLE 5. To see if the Town will vote to amend the definition of “HALF STORY” in Section 10.0 of the Winchester Zoning Bylaw (Definitions) as follows (deleted text struck through, added text shown in *bold italics*); or take any other action in relation thereto.

SECTION 10.0 DEFINITIONS

STORY, HALF. ~~A story directly under a sloping roof in which the points of intersection of the bottom of the rafters and the interior faces of the walls are less than three feet above the floor level on at least two exterior walls.~~

The space in a building directly under a sloping roof in which

(1) the bottom of the roof rafters intersects the interior faces of at least two exterior walls at not more than three (3') feet above the floor of this space, and

(2) The total floor area that has a clear height of seven (7) feet or more is not more than 65% of the total square footage of the floor area of the story directly beneath.

(Planning Board)

ARTICLE 6. To see if the Town will vote to add a new Section 4.8 to Chapter 2 (Town Meetings) of the Winchester Code of Bylaws in substantially the form below to establish a new Master Plan Implementation Committee (MPIC); or take any other action in relation thereto.

4.8. *Master Plan Implementation Committee (MPIC)-*

4.8.1. *Establishment* - There shall be a Master Plan Implementation Committee (the “MPIC”) having the responsibilities and organized in the manner described below.

4.8.2. *Composition; Term of Office* - The MPIC shall consist of 10 Members, one of whom shall be the Town Planner and the other nine being residents.

Eight resident members shall be appointed for terms of three years each. These eight members will be divided into four groups corresponding with the four themes of the current Master Plan, with two members per theme. The term of no more than one member of each group shall expire each year, and the terms shall be arranged so that no less than two and no more than three shall expire each year.

One resident member, a Youth Representative between the ages of 16 and 20, shall be appointed for one year.

4.8.3. *Appointment of Members* - The resident members of the MPIC shall be appointed as follows:

- The *Youth Representative*: by an appointing committee consisting of the Moderator and the chairs of the Select Board and Planning Board.
- The *Balancing Development with Preservation* Group: by an appointing committee consisting of the chairs of the:
 - Historical Commission;
 - Housing Partnership Board;
 - Planning Board;
 - Disability Access Commission; and
 - Select Board.
- The *Connecting People to Places* Group: by an appointing committee consisting of the chairs of the
 - Traffic and Transportation Advisory Committee;
 - Planning Board;
 - Select Board;
 - Disability Access Committee; and
 - Council on Aging.
- The *Ensuring Sustainability* Group: by an appointing committee consisting of the chairs of the
 - Planning Board;
 - Conservation Committee;
 - Sustainability Director; and
 - Climate Action and Advisory Committee.

- *The Building Community Group*: by an appointing committee consisting of the Moderator as well as the chairs of the:
 - Planning Board;
 - Board of Health;
 - Cultural Council; and
 - School Committee.

4.8.4. *Time for Appointments* - Appointments to the MPIC shall be made within thirty days following the dissolution of the fall town meeting each year.

4.8.5. *Mission*- To ensure the vision, goals and strategies of the *Master Plan Action Plan*, are achieved through advocacy, collaboration, research and communication with the Winchester community.

4.8.6. *Duties* - The *Master Plan Action Plan* outlines a number of strategies to achieve the Master Plan’s goals and visions. Each of those strategies identifies a number of “responsible parties” whose actions and involvement are consequential to successful implementation of the strategy. The MPIC shall work with these parties in a supportive and collaborative role.

To that end, the MPIC will

- assist the parties in understanding how the Master Plan integrates with their existing priorities and responsibilities;
- provide advice and support to enable these parties to advance their own goals while simultaneously advancing the goals of the Master Plan;
- provide information on the scope and progress of Master Plan activities, to ensure that parties are informed so that they may adjust their priorities and actions accordingly and join efforts when appropriate and possible;
- identify topics requiring further study, and create and manage topical working groups to research and report recommendations and priorities.

The MPIC will work with the Planning Board, Planning Department, and Town Manager to:

- Seek funding from governmental and non-governmental sources to support activities by the MPIC and the other parties in pursuit of Master Plan goals.
- Periodically review progress towards Master Plan goals, and adjust strategies to address planning challenges and opportunities. The Master Plan is a “living” document that must evolve with current demands and resources.
- Develop and document metrics to gauge progress towards Master Plan goals;

The MPIC will present reports each Spring and Fall Annual Town Meeting as to the progress the Town is making towards fulfilling the goals of the Master Plan, as well as any obstacles or setbacks. It will provide recommendations to Town Meeting on warrant articles that may impact progress towards Master Plan goals.

The MPIC will provide similar reports to the Planning Board each August and February.

- 4.8.7. *Filling of Vacancies* - Whenever a vacancy occurs on the committee, it shall be filled in the manner set forth in Section 4.8.3 above.

(Planning Board)

ARTICLE 7. To see if the Town will vote to amend Chapter 3 (Elected Officers) of the Town of Winchester Code of Bylaws by revising Section 1 as follows (added text in *bold italics*); or take any other action in relation thereto:

The annual town election to fill elected offices, to elect members of the representative town meeting and to determine any matters which are required to be determined by referendum election shall be held on the last Tuesday of March unless the Select Board votes no later than December 1 of the preceding year to hold such election on the second to last Saturday of March.

(Select Board)

ARTICLE 8. To see if the Town will vote to designate the Conservation Commission as the managing entity of the Town Forest, pursuant to Massachusetts General Laws Chapter 45, Section 21; or take any other action in relation thereto.

(Conservation Commission and Select Board)

ARTICLE 9. To see if the Town will vote to replace and supersede the authorization previously granted to the Select Board under Article 12 of the Fall 2020 Annual Town Meeting and authorize the Select Board to acquire for the purposes of affordable housing by purchase, donation, eminent domain or otherwise, fee, easement, leasehold, or other real property interests in, on, over, across, under and along all or any portion of the three parcels of land being located at 278-292 Washington Street and 12 and 16-20 Swanton Street, Winchester as shown on a plan on file with the Town Engineer and being portions of the premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 74467, Page 278 (the "Property"), on such terms and conditions as the Select Board may determine, provided that the affordable housing provided for on such Property shall either be owned by, or subject to an affordable housing restriction held by, the Winchester Affordable Housing Trust or its designee; to raise and appropriate, transfer from available funds, including federal or state grants or aid, or borrow, the sum of up to \$5,300,000 to pay the costs of acquiring the real property interests including all costs incidental and related thereto; and to further authorize the Select Board to dispose of all or a portion of the Town's interests in said Property, following its acquisition, by sale, lease, or otherwise for the purposes of affordable housing; 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 FY2023 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 a sum of money from unexpended capital accounts associated with complete projects back to the Capital Stabilization Fund or Building Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any other action in relation thereto.

(Capital Planning Committee)

ARTICLE 12. To see if the Town will vote to appropriate sums of money for the following capital projects:

- 1) Main Fire Station HVAC – Engineering/Construction
- 2) Town Hall HVAC – Engineering
- 3) McCall School Façade – Construction Documents
- 4) Westside Fire Station Improvements – Engineering/Construction
- 5) DPW Storage Garage Units – Design/Engineering
- 6) Lincoln School Chiller – SD & Specs
- 7) Lincoln School Site Work – Design Development
- 8) McCall School Control Conversion - Phase 1
- 9) Fire Department – Engine 3 Replacement
- 10) Washington Street Bridge – Engineering/Permitting
- 11) Cross Street Bridge – Engineering/Permitting
- 12) Town Traffic Master Plan Study
- 13) Fire Department – Ambulance Replacement
- 14) DPW Manager Vehicle

And to determine whether said appropriations are to be made from Free Cash, the Building Stabilization Fund or 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 13. To see if the Town will vote to appropriate a sum of money to pay costs of a feasibility study, including related engineering, planning and evaluation work, for the repair, reconstruction and/or improvement of the South Reservoir Dam, and for the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

(Capital Planning Committee)

ARTICLE 14. To see if the Town will vote to appropriate a sum of money for the purposes of (a) remodeling, reconstructing and making extraordinary repairs to the Town’s transfer station facility, (b) remediating and preventing pollution caused by the closed incinerator located at the site of the Town’s transfer station, including the demolition and disposition of the incinerator, and (c) acquiring equipment for the operation of the Town’s transfer station, and for the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing, transferred from Free Cash, or other available funds, or otherwise; or to take any other action in relation thereto.

(Select Board/Capital Planning Committee)

ARTICLE 15. To see if the Town will vote to appropriate a sum of money from the Transportation Network Receipts Reserved Fund to partially fund the Waterfield Road/Church Street Traffic Improvements Project; or take any other action in relation thereto.

(Select Board)

ARTICLE 16. 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 17. 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 2022 budgets; or take any other action in relation thereto.

(Finance Committee)

ARTICLE 18. To see if the Town will vote to transfer from Water and Sewer Retained Earnings or other available funds a sum of money to supplement or reduce appropriations previously voted for the Fiscal Year 2022 budget; or take any other action in relation thereto.

(Finance Committee)

ARTICLE 19. To see if the Town will appropriate a sum of money for the purposes of contributing the Town's share of improvements to the MBTA owned Winchester Commuter Rail Station Improvement Project, said appropriations to be made from Free Cash, 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.

(Select Board)

ARTICLE 20. To see if the Town will vote to transfer from Free Cash, or other available funds, a sum of money to supplement the Eversource account 0397252 for the purpose of engineering and other consulting services regarding the location and construction of Eversource electronic transmission lines in Winchester; or take any other action in relation thereto.

(Select Board)

ARTICLE 21. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the implementation of one or more traffic calming measures to mitigate existing traffic and pedestrian impacts caused by the Eversource 115kv and 345Kv projects as agreed to in memoranda of understanding between Eversource and the Town; or take any other action in relation thereto.

(Select Board)

ARTICLE 22. To see if the Town will vote to transfer from Free Cash, 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 transfer from Free Cash, or other available funds, a sum of money for COVID-19 related expenses including, but not limited, testing services, professional services, overtime and related supplies and materials; or take any other action in relation thereto.

(Board of Health/Town Manager)

ARTICLE 24. To see if the Town will vote to raise and appropriate, or transfer from other available funds, a sum of money for traffic and sewer system improvements and other mitigation measures on River Street and Cross Street, including without limitation those mitigation measures described in the Toole Design Group Memorandum dated January 15, 2020, and those required by the Winchester Zoning Board of Appeals decision, Petition 3892-19-35 River Street and any other mitigation measures associated with the project that is the subject of that decision; or take any other action in relation thereto.

(Select Board)

ARTICLE 25. To see if the Town will approve the \$317,422,620 borrowing authorized by the Northeast Metropolitan Regional Vocational School District Committee, for the purpose of paying costs of designing, engineering, constructing and equipping the New Northeast Metropolitan Regional Vocational School and related athletic facilities located at 100 Hemlock Road in Wakefield, MA 01880, including the payment of all costs incidental or related thereto (the "Project"), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended at the direction of Northeast Metropolitan Regional Vocational School Committee. The Town's estimated share of the District's debt for this purpose, exclusive of interest, and based upon current enrollments, is approximately \$2,725,721, which amount will be reduced to the extent of MSBA grants received by the District, resulting in an estimated net share of principal allocable to the Town, exclusive of interest, of approximately \$1,516,220. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) seventy-six and eighty-four one hundredths percent (76.84%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any other action in relation thereto.

(Select Board)

ARTICLE 26. To see if the Town will vote to appropriate a sum of money for the construction of a Multi- Purpose Sports Court at the Mystic School including engineering services and all other costs incidental and related thereto; to determine whether this appropriation shall be from Recreation Enterprise Fund Retained Earnings, Free Cash or other available funds; or take any other action in relation thereto.

(Select Board)

ARTICLE 27. To see if the Town will vote to appropriate a sum of money for Flood Mitigation Project Maintenance related to vegetation management and dredging of sediment, including wetland and tree/vegetation tagging, investigation of sediment deposition, preparation of an Invasive Plant Species Control Plan, and permitting including engineering services and all other costs incidental and related thereto; to determine whether this appropriation shall be from Free Cash or other available funds; or take any other action in relation thereto.

(Town Manager)

ARTICLE 28. To see if the Town will vote to appropriate \$57,000 from Free Cash or other available funds to fund continued architectural and engineering design services associated with the school district's Central Office relocation study; or take any other action in relation thereto.

(School Committee)

ARTICLE 29. To see if the Town will vote to authorize the Select Board to petition the General Court to enact special legislation substantially in the form below that permits the Town to enact a bylaw charging a building permit surcharge to be used by the Town for the purposes of funding sustainability initiatives in the Town and to establish a special revenue fund to receive the proceeds of that surcharge; or take any other action in relation thereto:

“An act establishing a building permit surcharge and special revenue fund in the Town of Winchester.”

SECTION 1. The Town of Winchester, hereafter referred to as “the Town,” may, by bylaw, require the payment of a sustainability surcharge for any construction that (i) requires a building permit and (ii) exceeds a minimum construction value to be determined by the Select Board of the Town. The bylaw shall specify the amount of said sustainability surcharge, the method by which the surcharge may be increased from time to time, and any types of construction or uses to which sustainability surcharge shall not apply. All fees received pursuant to such a bylaw act shall be deposited in a special revenue fund established pursuant to section 2 of this act.

SECTION 2.

(a) Notwithstanding section 53 of chapter 44 of the General Laws or any other general or special law to the contrary, the Town may establish a special revenue fund to be known as the Sustainability Special Revenue Fund, hereinafter referred to as “the Fund” into which shall be deposited certain receipts comprised of the surcharge authorized by Section 1 of this Act and any additional funds appropriated for placement into said fund by the legislative body.

(b) An appropriation shall be required to spend any monies in the Fund. Appropriations shall be made by a majority vote of Town Meeting and shall be limited to the actual unencumbered balance of the Fund at the time of the appropriation. Anticipated receipts cannot be appropriated. Monies from the Fund may be used, at the direction of the Town Manager, to support the Town’s environmental sustainability efforts, activities, operations and administration, including (i) the procurement or purchase of goods and services to study, analyze, and reduce the Town’s and Town residents’ and businesses’ greenhouse gas emissions, (ii) the purchase or procurement of renewable energy or renewable energy infrastructure, and (iii) the hiring of a town sustainability coordinator and other employees engaged in energy conservation, energy reduction, renewable energy use and other sustainability efforts, including any associated wages and benefits for such employees.

(c) Notwithstanding any general or special law to the contrary, any interest accruing on any amount on deposit in the Fund shall be credited to the general fund of the Town. The Town Treasurer may pool the cash and shall not be required to establish a separate bank account for the Fund.

(d) The Comptroller of the Town shall establish and maintain the Fund as a separate account and record all activity in the Fund as follows: (i) revenues shall be recorded directly into the Fund; (ii) expenditures may be recorded directly to the Fund and transfers out shall be appropriated and accounted for; (iii) the unspent and unencumbered balance of the Fund for an appropriation for a particular sustainability purpose shall be limited to other purposes of the Fund and shall not revert to the general fund; and (iv) the balance in the Fund at the end of a fiscal year shall carry forward to the next fiscal year.

(e) The Comptroller of the Town shall, until such time as the Fund ceases to exist, provide an annual financial report to the Select Board at the close of the fiscal year, by October 1, and to Town Meeting. The annual financial report shall specifically include: (i) the beginning fund balance; (ii) revenues; (iii) expenses; (iv) transfers in/out; (v) the ending fund balance.

(f) The Town may close the Fund by a majority vote of Town Meeting. The vote to close the Fund shall state that: (i) the Fund shall cease to have effect; (ii) all unexpended and uncommitted amounts on deposit in the Fund as of the date of the vote shall immediately be credited to the

general fund of the Town; and (iii) the surcharge that is received annually by the Town under section 1 of this act and credited to the Fund shall be credited to the general fund of the Town.

SECTION 3. This act shall take effect upon its passage.

(Select Board)

ARTICLE 30. 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 31. 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 4th day of October two thousand twenty one.

SUSAN VERDICCHIO, CHAIR
MICHAEL BETTENCOURT
MARIANO GOLUBOFF
RICHARD MUCCI

Select Board
Town of Winchester

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



Town of Winchester

Heather R. von Mering
Town Moderator

September 22, 2021

Dear Select Board Members,

Pursuant to Chapter 92 of the Acts of 2020, the Town Meeting shall be held remotely by the means requested by the Moderator as follows:

In view of the ongoing COVID-19 pandemic, I request approval to conduct Winchester's upcoming Fall Town Meeting, scheduled to commence November 1, 2021 at 7:00 pm, through remote participation. I propose to use a combination of: (1) the Zoom videoconferencing platform, and (2) the online VVoter module provided by our electronic voting vendor, Option Technologies. Option Technologies will additionally be providing staff to assist the Town in facilitating the conduct of the meeting.

I certify that, with and through the assistance of two technicians from Option Technologies, the Town Clerk, MaryEllen Lannon, the Information Technologies Director, Matthew Griffin, the Assistant Town Manager, Mark Twogood, and various other Town staff, I am satisfied that this system will continue to enable our meetings to be conducted in substantially the same manner as if they had occurred in person at a physical location.

I certify that the system (i) allows the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remote meeting, as well as any other individuals who participate in the meeting; (ii) provides the ability to determine whether a quorum is present; (iii) allows participants to request recognition by the moderator; (iv) allows the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, or raise a point of order or personal privilege; (v) enables the moderator to recognize a town meeting member, town official or other individual and enable that person to speak; (vi) provides the ability to conduct a roll call or electronically recorded vote; (vii) allows any interested members of the public to access the meeting remotely through WinCam for purposes of witnessing the deliberations and actions taken at the town meeting; (viii) allows members of the public to participate in debate through the submission of statements for or against a motion; and (ix) provides for the town meeting to be recorded and available for future viewing.

I further confirm that I have consulted with Winchester's Commission on Disability regarding system accessibility.

Thank you for your consideration of this request.

Heather R. von Mering
Town Moderator