

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

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**2021 FALL TOWN MEETING  
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**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**2021 FALL ANNUAL TOWN MEETING MOTIONS  
MAJORITY VOTE REQUIRED  
UNLESS OTHERWISE SPECIFIED**

*Preliminary Motions*

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

1. That, in light of the ongoing COVID-19 pandemic and the federal, state and local advisories to practice social distancing and avoid the congregation of crowds, the 2021 Fall Annual Town Meeting be heard through remote participation using a videoconferencing platform, and electronic voting as proposed by the Moderator in her request to the Select Board dated September 22, 2021.
2. That a Deputy Moderator be appointed to assist the Moderator in the conduct of the Meeting.
3. That unless it be otherwise ordered, all adjourned sessions of this Town Meeting shall be held on successive Thursday and Monday evenings at 7:00 P.M. via the same means above, until the work of this Town Meeting is completed.
4. That cable television coverage shall be permitted at all sessions of this Town Meeting.

*Consent Agenda*

**MOVED AND SECONDED** that the 2021 Fall Town Meeting advance for consideration Articles 2, 11, 15-18 and 20-24 and take action on such Articles without debate on any of such Articles, provided that, upon the request of five voters at this Town Meeting made before the vote is taken on this motion, or otherwise at the Moderator's discretion, an Article shall be removed from the Consent Agenda and shall be acted upon in the ordinary course of business at this Town Meeting.

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 1**

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

(Select Board)

**MOTION:**

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

*Majority Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 2: CONSENT AGENDA**

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 2019 and Spring 2020; or take any other action in relation thereto.

(Committee on Rules)

**MOTION:**

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

*Majority Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**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.

**MOTION:**

**MOVED AND SECONDED** that the Town approve Article 3 as printed in the Warrant.

**BACKGROUND:**

The Planning Board will share its bi-annual report with Town Meeting, highlighting development projects and other initiatives that have occurred over the past 6 months and what the future holds for the next year.

(Planning Board)

*Majority Report Required*

# TOWN OF WINCHESTER



2021 Fall Town Meeting

## 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**

*Variances 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)

**MOTION:**

**MOVED AND SECONDED** that the Town approve Article 4 as printed in the Warrant.

**BACKGROUND:**

Congress created the National Flood Insurance Act of 1968 to offer flood disaster relief in the form of insurance. This insurance is available to residents of communities that adopt and enforce floodplain management ordinances (i.e. bylaws) that meet at least the minimum requirements of the National Flood Insurance Program (NFIP). In Massachusetts, floodplain overlay districts, such as the one in the Winchester Zoning Bylaw, are part of the federal requirement for communities that choose to participate in the NFIP. In 2020, the DCR Flood Hazard Management Program produced a model floodplain bylaw to be adopted by communities across the Commonwealth. The model bylaw contains all NFIP requirements that must be adopted as local regulations in order for communities to remain compliant with FEMA regulations. This article presents an amended Floodplain Overlay District bylaw that meets these minimum requirements; these changes are necessary for Winchester to remain compliant with the NFIP regulations and for residents to continue to receive flood insurance.

*2/3 vote required*

TOWN OF WINCHESTER



2021 Fall Town Meeting

**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)

**MOTION:**

MOVED AND SECONDED that the Town approve Article 5 as printed in the Warrant.

**BACKGROUND:**

**What?**

The Planning Board wishes to amend the current definition of Half Story from:

*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.*

to

*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.*

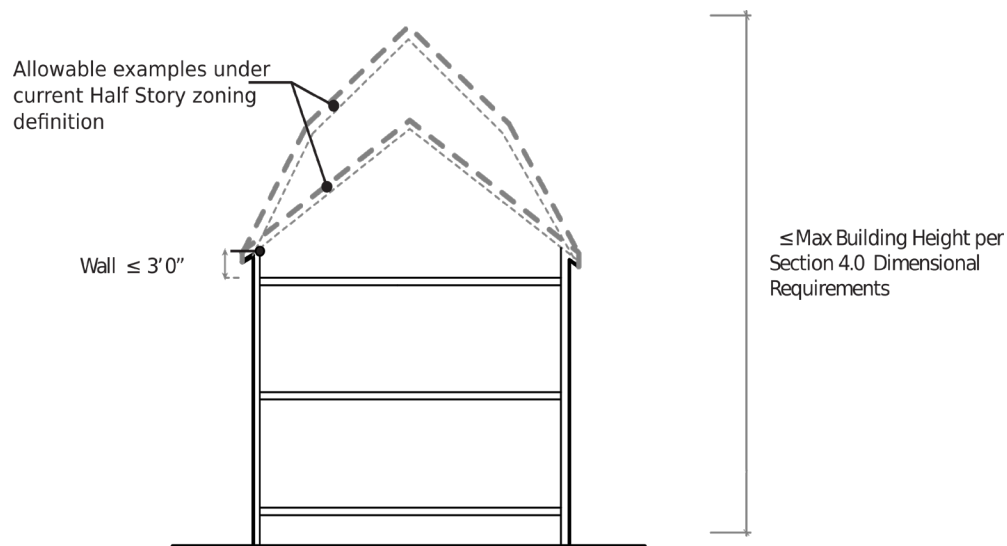
**Why?**

What exactly is a “half-story?” Quantifying that is difficult. It can’t be defined as having half of the square footage of a full story, as that would require the footprint of the half-story to be smaller than that of the floor below, and we’d end up only with houses that look like wedding cakes. The original definition attempts to impose a certain style of roof (“sloping roof”) with the rafters being reasonably close to the

floor (“less than three feet above the floor level”). The intent was to create gabled roofs that did not appear as a full third story. The wording itself, “half-story”, indicates the visual massing that was desired. It does not state “three-quarters story,” but “half-story”. Over the years, however, it has become apparent that the technical specifications of this definition are not strict enough to ensure that a resultant “half-story” is actually a visual “half-story.”

The rewording of the definition came about because of the following observations.

1. The existing definition is confusing. During a number of Special Permit and Site Plan reviews that have come before the Planning Board, the question of how the “interior faces” of the walls relate to the location of the rafters and the “exterior walls” has arisen. The intent is that the “interior faces of the walls” should be interpreted as the “interior faces of the exterior walls,” but it has proven confusing enough that experienced architects have sought guidance as to which walls are associated with which. The new language makes the relationship explicit.
2. Although somewhat lost in time, the intent of the original language was to constrain the shape and size of the half-story so that it actually appears to be a half-story. However, the following illustration shows how one could design a structure which meets the technical specifications of the definition, yet is most definitely *not* a “half-story”:



The illustration shows two roofs, both anchored to the exterior walls at the three foot height, and thus both meeting the “half-story” definition. The taller of the two roofs shows how splitting the roof into multiple segments allows for more vertical roof sides while still keeping the overall height within the statutory limits. The lower roof segments could be made even more vertical, essentially adding a full story to the building, yet still fulfilling the definition of “half-story”.

The new language provides a mechanism for controlling the ultimate “bulk” of the roof by limiting the amount of floor area with a height greater than seven feet. The idea is not to constrain the design or aesthetics of the roof, but to constrain the enclosed volume, and thus the perceived massing. The ratio of 65% between the floor areas of the half-story and the story below it was chosen based on review of similar bylaws from neighboring towns, as well as consideration given to the need to introduce dormers to make use of the space (such as over stairwells).

*2/3 vote required*

# TOWN OF WINCHESTER



2021 Fall Town Meeting

## 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)

**MOTION:**

**MOVED AND SECONDED** that the Town approve Article 6 as printed in the Warrant.

**BACKGROUND:**

1. *What does this article do?*

This article would create a Master Plan Implementation Committee (MPIC) as a standing subcommittee of Town Meeting.

2. *What is the MPIC?*

The MPIC is an advisory committee whose charge is to

1. Track the Town’s progress towards achieving the goals outlined in the *Winchester 2030 Master Plan* by defining and tracking metrics.
2. Provide collaborative support to Town committees and boards to implement those goals.
3. Identify synergies between different Winchester entities, both governmental and non-governmental, which could be leveraged to implement the Master Plan goals.
4. Serve as a central resource for public knowledge and discourse about Winchester’s Master Plan.
5. Maintain and update the Plan as circumstances require.

3. *What is a Master Plan?*

A Master Plan is defined by M.G.L. Chapter 41 §81D as

*[...] a statement, through text, maps, illustrations or other forms of communication, that is designed to provide a basis for decision making regarding the long-term physical development of the municipality.*

Paraphrased from the above reference, such a plan must encompass all of the following (emphasis added):

It is a comprehensive plan created through an interactive public process to determine community values, goals and to identify patterns of development that will be consistent with these goals. It identifies existing and future assets and needs of the community, namely: housing; economic development; natural, cultural, open space, and recreational resources; services and facilities; and traffic and circulation. *It defines and schedules the specific municipal actions necessary to achieve the objectives of each element of the plan.*

From our own *Winchester 2030 Master Plan*,

The Town's Master Plan [...] provides local policy-makers with a rational path to prepare for and shape future development and preservation of the community—paying particular attention to areas experiencing development pressure.

A master plan is a way to respond to change over time. It is a long-term (10 year) visionary plan for the community's physical evolution. Only by first imagining where we want to go, can we figure out how to get there.

*A master plan is only meaningful if it is implemented.* That is why it is vital to develop a realistic plan that is thoroughly vetted and, ultimately, embraced by residents, town officials, and other community members.

4. *Who created the **Winchester 2030 Master Plan**?*

Under M.G.L. Chapter 41 §81D, the Town's Planning Board is required to create a Master Plan. The *Winchester 2030 Master Plan* was the result of a multi-year process involving extensive outreach to the community; the participation of a 19 member Master Plan Steering Committee composed of Town Meeting Members from each precinct, Members of Town Boards and Committees; and consultants, including MAPC and J.M. Goldson & Associates. The effort was funded directly by articles approved by Town Meeting as well as through the Planning Board's budget.

It was adopted by the Planning Board on March 24, 2020. Subsequently, the Spring 2020 Winchester Town Meeting voted to accept and support the vision, goals, and strategies outlined in it.

5. *Who is in charge of implementing the Master Plan?*

No specific entity is called out in M.G.L. Chapter 41 §81D as the responsible party. Indeed, because of the mandated broad vision that the Plan captures, there is no single entity which could possibly implement all of it. Each element of Town government is encouraged to incorporate the vision, goals and strategies of the Plan in its own deliberations and actions.

As noted above, M.G.L. requires that a Master Plan “[define] and [schedule] the specific municipal actions necessary to achieve the objectives of each element of the plan”. This provides a concrete framework within which Town government can advance the goals of the Plan. The *Winchester 2030 Master Plan* includes an extensive action plan, listing not only goals and strategies, but also identifying the parties most responsible for implementing the strategies. Without some coordinating entity, however, there is every likelihood that the Plan will be relegated to a shelf, and the ten year vision that so many of the Town's residents contributed to will remain unfulfilled.

To prevent that, the *Winchester 2030 Master Plan* calls for the creation of such an entity:

To coordinate and oversee these varied actions, the town intends to create a *Master Plan Implementation Committee* that will report to Town Meeting and will be made up of a variety of community representatives including town officials, residents, and members of the former Master Plan Steering Committee.

This new committee will have an important role to ensure that the vision, goals, and strategies of this Master Plan are effectively integrated into the town's priorities, that outcomes are regularly measured and evaluated, and that the plan is updated and adjusted as needed.

6. *Why make the MPIC a standing committee of Town Meeting instead of a committee overseen by the Planning Board or the Select Board?*

The MPIC must draw its authority from an existing body; the three that make sense are the Planning Board, the Select Board, and Town Meeting. While the language in the Town's Plan states that the MPIC should report to the Planning Board, the Planning Board decided that an

independent MPIC, reporting to Town Meeting, would be the most effective means of ensuring that the Master Plan's strategies and policies be successfully implemented.

There are political, practical, and institutional reasons for the MPIC to be overseen by Town Meeting.

- By its nature, the Plan encompasses elements which fall under multiple organizational jurisdictions. Neither the Planning Board nor the Select Board have full oversight over all of these elements. Having the MPIC report to either of those Boards would dilute its impact, as it would then be seen as responding to the concerns of its supervising Board, rather than to the vision of the Master Plan. Having the MPIC report to Town Meeting provides greater transparency and visibility into the Town's efforts and progress, as well as diminishing perceived biases.
- The Select and Planning Boards are each composed of five elected members. Those members come and go (in fact, of the five members of the Planning Board who worked together on the Master Plan, only one is still seated). As the boards change, their knowledge of the contents of the Plan necessarily are diminished. Over time, the dedication of either Board to the implementation of the Master Plan would naturally wane. In comparison, Town Meeting retains a much longer institutional knowledge, and having the MPIC report to it would provide the continuous visibility and feedback required to keep the Plan forefront in the Town's mind and thus implemented.
- The Town Meeting is broadly representative of residents. As the Plan embodies the vision of the residents, it seems apropos that the MPIC reports to the stewards of that vision.

7. *Why this particular makeup?*

There are three categories of members: the Town Planner, a Youth representative, and 8 "core theme" members.

The Town Planner provides an institutional conduit, ensuring that the MPIC has access to the Planning Department's knowledge and experience. The Planner provides continuity as the MPIC members naturally cycle in and out.

The Youth representative provides an important voice for a generation which is often left out of decision making, yet will inherit what older generations leave it.

The "core theme" members reflect the Plan's distillation of the vision expressed by Town residents into the four core themes: *Balancing Development with Preservation; Connecting People to Places; Ensuring Sustainability; Building Community*. The themes suggest a natural division into areas of expertise, or interest. Having members whose primary (but not sole) focus is on a single theme will ensure that the goals and strategies of all of the themes would be pursued. Having each of the themes represented ensures a robust exploration of how the strategies can complement or enhance each other. Having two members per theme ensures that there are sufficient resources and continuity within the committee to support steady progress.

8. *Why such a complicated selection process?*

The selection process is similar in spirit to that of other Town Meeting standing committees, in that the MPIC members are selected by a separate committee composed of representatives from other Town Boards and Committees as well as the Town Moderator.

As the MPIC must represent the interests of *all* of the entities responsible for implementing the Plan, a single selection committee would be large and unwieldy. Instead, it was decided to create smaller selection committees who would select the MPIC members in the "core theme" areas; those smaller committees are made up of representatives from the entities which seemed to best overlap in their responsibilities and interests with the individual themes.

The staggering of terms is designed to minimize disruption in the MPIC's efforts, primarily by ensuring that no more than one of the two seats in each "core theme" would expire each year. Each of the "core theme" members would nominally serve for three years, except in the first several years, where some would serve shorter terms in order to appropriately stagger the end of terms. The three year term is similar to that of existing Town Meeting standing committees.

The Youth representative's term is set to one year in recognition that a longer term might be difficult for them to commit to, given their schedules and opportunities.

9. *How would the MPIC work with other Town Boards and Committees?*

First and foremost, the MPIC is an *advisory* committee. The MPIC's role is to provide context for how decisions can be viewed within the framework of the Master Plan, and to provide resources and support to other Town entities. Those entities retain any and all decision making processes. The vision of the MPIC is that it would provide a cross-disciplinary approach to advancing the goals of the Master Plan. As a committee composed of members with interests and skills in the core themes, the MPIC would serve as a conduit for information and a means to bridge the sometimes disconnected nature of Town government.

The MPIC may suggest priorities for projects or initiatives, based upon their capacity to further the goals and strategies of the Master Plan. The decision as to whether or how those projects or initiatives proceed remains with the existing entities, such as the Capital Planning Committee or the Select Board. These bodies already gather input, either formally or informally, from other bodies, and must already weigh sometimes competing priorities.

Will there be friction between existing Boards and Committees and the MPIC? Undoubtedly. That is the nature of government. Town government, is however, a collaborative affair. The ability of the MPIC to speak plainly and report to Town Meeting ensures its independence, but does not absolve it of the duty to work with the other elements in Town government to further the implementation of the Master Plan's vision.

10. *What is the relationship between the MPIC and the Planning Board?*

The MPIC serves at the behest of Town Meeting. Given the close connection between the Master Plan and the Planning Board, it will have more interactions with the Planning Board than the other boards, primarily concerning the ongoing review of the Plan itself. The Planning Board will provide funding for a recording secretary, the Town Planner will be on the MPIC and will provide institutional support, and the Planning Board will provide the support required through the first years of the MPIC to ensure that it transitions to self-sufficiency.

11. *What about funding?*

As an advisory board, the MPIC may identify funding sources and opportunities which might be of interest to other Town entities. It is conceivable that it might identify studies which might be helpful in its own work; it could then apply to Town Meeting for funds, or seek grants as might any other committee. In either case, it would work with the Town Planner, who would provide institutional oversight.

*Majority Vote Required*

TOWN OF WINCHESTER



2021 Fall Town Meeting

**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)

**MOTION:**

**MOVED AND SECONDED** that the Town approve Article 7 as printed in the Warrant.

**BACKGROUND:**

This bylaw change would create an option for the Town to hold the annual March local election on a non-work, non-school day, permitting flexibility to respond to changing circumstances. The Town's current practice of holding voting at the middle and elementary schools on a weekday when school is normally in session can be disruptive or raise safety or building security concerns. Scheduling a non-teaching, teacher professional day to coincide with the March election is not feasible every year (particularly in years when statewide election(s) also occur). Voter turnout in local elections tends to be lower than in statewide elections. For Town voters, getting to the polls on a workday can be difficult for those with long or unpredictable commutes, working parents with young children, and those working long or inflexible shifts or multiple jobs. A number of nearby or comparable towns hold their annual election on Saturday, including Arlington, Bedford, Burlington, Hingham, Marshfield, Tewksbury, and Wilmington.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **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)

#### **MOTION:**

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

#### **BACKGROUND:**

The purpose of Article 8 is to join the oversight of the 29 acre Town Forest with Winchester's other conservation spaces. This concept was presented to the Select Board on August 2, 2021 and subsequently supported by their unanimous vote. This transition is also supported by the current members of the Town Forest Committee. A "yes" vote for this article will transfer oversight of the Town Forest to the Conservation Commission, unifying it with the six conservation spaces the Conservation Commission now oversees, and providing it with the same active management while also securing its preservation as a Winchester natural resource for the future.

In 1941, by vote of Town Meeting, 29 acres of land was acquired from the Brooks Estate. This became the Brooks Parkhurst Town Forest. By deed, this land was required to remain in its natural state and a place of public enjoyment. The Town Forest Committee was installed by the Select Board in conjunction with the acquisition to oversee the Town Forest. This process occurred many years before conservation commissions came into existence, and, while the Town Forest remains a beautiful space, it is under separate management and oversight processes compared to other open spaces in town.

The Conservation Commission Act of 1957 [Massachusetts General Laws Chapter 40, Section 8C] codified the formation of municipal conservation commissions, charged by the Act with the responsibility of broadly overseeing natural resources, including conservation space, and providing means by which such oversight can be implemented. Winchester's Conservation Commission has actively fulfilled this duty with regard to the six conservation spaces it does oversee. The Town Forest is not yet part of this group. Massachusetts General Laws Chapter 45, Section 21 provides a mechanism to facilitate bringing town forests that pre-date conservation commissions under the oversight of the Conservation Commission, unifying and strengthening the oversight of these spaces. The law requires a vote of Town Meeting to enact this transference. A "yes" vote will enable better management and care for this large open space in Winchester and harmonize Conservation Commission efforts to promote preservation, accessibility and education of our conservation spaces.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### 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)

#### MOTION:

**MOVED AND SECONDED** that the authorization granted to the Select Board pursuant to Article 12 of the Fall 2020 Annual Town Meeting is hereby amended and replaced with this vote; that the Select Board is hereby authorized 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; that an amount not to exceed \$5,300,000 be appropriated to pay the costs of acquiring the real property interests authorized by this vote, including all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow an amount not to exceed \$5,300,000 under Massachusetts General Laws Chapter 44, Section 7(1), or under any other enabling authority, and to issue bonds or notes of the Town therefor; 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 Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that the Select Board be authorized to sell or lease all or a portion of the Property, following its acquisition by the Town for the purposes of placing and constructing affordable housing on such Property to either be owned by, or subject to an affordable housing restriction held by, the Winchester Affordable Housing Trust or its designee on such terms and conditions as the Select Board deems appropriate; provided, however, that the proceeds of sale of all or any portion of the Property shall be applied to pay all or a portion of the indebtedness incurred pursuant to this vote to finance the acquisition of the Property in accordance with the provisions of G.L. c.44, s.63; and provided further that the amount of the borrowing authorized by this vote shall be reduced by the amount



of any federal or state grants or other funds available to the Select Board that the Select Board applies to pay costs of acquiring the Property.

**BACKGROUND:**

Town Meeting previously authorized the Select Board to acquire the subject property for affordable housing purposes in 2020. The Select Board engaged special counsel to negotiate with the owners of the property but were unable to reach an agreement. After a more thorough analysis of the property value, the Select Board seeks additional funds for acquisition for affordable housing purposes consistent with the Town's Housing Production Plan.

Winchester has maintained one of the lowest percentages of affordable housing in Massachusetts since the enactment of the 40B legislation in 1969. M.G.L Chapter 40B (also known as the "Anti-Snob" Zoning Act) incentivizes the construction of affordable housing units in areas with low affordability percentages by allowing developers to circumvent local zoning. The Legislature determined that the lack of affordable housing options in communities directly correlated with the limitations of local zoning. While Winchester is currently in "Safe Harbor" from 40B development this status expires in March 2022. Currently, there are no other approved projects to continue Safe Harbor status after this date and developers can proceed with 40B development.

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**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)

**MOTION:**

**MOVED AND SECONDED** that the Capital Planning committee Report for FY2023 be received and filed.

*Majority Vote Required*

*Capital Planning Report under separate cover*

TOWN OF WINCHESTER



2021 Fall Town Meeting

**ARTICLE 11: CONSENT AGENDA**

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)

**MOTION:**

**MOTION #1:**

**MOVED AND SECONDED** that the Town appropriate a sum of \$8,904.13 from surpluses previously appropriated for specific capital projects to the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 as follows:

<b>Account</b>	<b>Description</b>	<b>Balance</b>
0397322	Library HVAC	\$8,604.25
0397332	Town Hall Generator-Engineering	<u>299.88</u>
<b>Total</b>		<b><u>\$8,904.13</u></b>

**MOTION #2:**

**MOVED AND SECONDED** that the Town appropriate a sum of \$23,011.80 from surpluses previously appropriated for specific capital projects to the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 as follows:

<b>Account</b>	<b>Description</b>	<b>Balance</b>
0397612	Waterfield Road Bridge-Engineering	\$3,896.21
0397642	Public Safety Building Generator	285.02
0398102	MIS Ethernet	5,095.43
0398072	DPW/Public Safety/Town Hall Generator	3,431.91
0398172	DPW Swaploader	500.00
0398222	Manchester Track Repairs	497.23
0398402	Skillings Guard Rail	4,250.00
0398412	DPW Salter Truck	71.00
0398562	DPW Building 4 w/d Truck	<u>4,985.00</u>
<b>Total</b>		<b><u>\$23,011.80</u></b>

*Capital Planning Committee Report under separate cover.*

*2/3 Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**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)

**MOTION:**

**MOTION #1:**

**MOVED AND SECONDED** that the Town vote to appropriate \$750,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Main Fire Station HVAC system, including construction, engineering, and all other costs incidental and related thereto.

**MOTION #2:**

**MOVED AND SECONDED** that the Town vote to appropriate \$154,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Town Hall HVAC system, including engineering, and all other costs incidental and related thereto.

**MOTION #3:**

**MOVED AND SECONDED** that the Town vote to appropriate \$24,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the McCall Middle School Façade Repair and Restoration, including professional architectural and engineering and design services, and all other costs incidental and related thereto.

**MOTION #4:**

**MOVED AND SECONDED** that the Town vote to appropriate \$185,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Westside Fire Station including construction, professional design services, and all other costs incidental and related thereto.

**MOTION #5:**

**MOVED AND SECONDED** that the Town vote to appropriate \$134,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Department of Public Works Storage Garage Units including professional design services, and all other costs incidental and related thereto.

**MOTION #6:**

**MOVED AND SECONDED** that the Town vote to appropriate \$60,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for evaluation and engineering of the Lincoln Elementary School Chiller replacement and accessory HVAC equipment, and all other costs incidental and related thereto.

**MOTION #7:**

**MOVED AND SECONDED** that the Town vote to appropriate \$50,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Lincoln Elementary School Site Work including architectural, engineering and design services, and all other costs incidental and related thereto.

**MOTION #8:**

**MOVED AND SECONDED** that the Town vote to appropriate \$26,000 from the Building Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Phase I of the McCall Middle School Pneumatic Control System Conversion including engineering, construction, and all other costs incidental and related thereto.

**MOTION #9:**

**MOVED AND SECONDED** that the Town vote to appropriate \$725,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the replacement of Fire Department Engine 3 and all other costs incidental and related thereto.

**MOTION #10:**

**MOVED AND SECONDED** that the Town vote to appropriate \$66,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the Washington Street Bridge including engineering and all other costs incidental and related thereto.

**MOTION #11:**

**MOVED AND SECONDED** that the Town vote to appropriate \$55,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the construction of the Cross Street Bridge including engineering and all other costs incidental and related thereto.

**MOTION #12:**

**MOVED AND SECONDED** that the Town vote to appropriate \$165,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for a Town Wide Traffic Plan Study including engineering and all other costs incidental and related thereto.

**MOTION #13:**

**MOVED AND SECONDED** that the Town vote to appropriate \$350,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for the replacement of a Fire Department Ambulance and all other costs incidental and related thereto.

**MOTION #14:**

**MOVED AND SECONDED** that the Town vote to appropriate \$40,000 from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002 for a the replacement of the Department of Public Works Manager Vehicle and all other costs incidental and related thereto.

*Capital Planning Committee Report under separate cover  
2/3 Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### 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)

#### MOTION:

**MOVED AND SECONDED:** that \$72,000 be appropriated 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; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow said amount under Massachusetts General Laws Chapter 44, Section 7(7), or under any other enabling authority, and to issue bonds or notes of the Town therefor; 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 Massachusetts 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 shall be authorized to have oversight of the project; and that in accordance with Section 4-2 of the Town of Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to the project.

*Capital Planning Committee Report under separate cover*

*2/3 Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### 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)

#### MOTION:

**MOVED AND SECONDED** that \$6,500,000 be appropriated to pay costs of the transfer station project, consisting 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; that to meet this appropriation (i) the Treasurer with the approval of the Select Board is authorized to borrow \$5,500,000 under Massachusetts General Laws Chapter 44, Sections 8(20) and/or 8(22), or under any other enabling authority, and to issue bonds or notes of the Town therefor and (ii) \$1,000,000 shall be funded from Free Cash; 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 Massachusetts 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 shall be authorized to have oversight of the transfer station project; and that in accordance with Section 4-2 of the Town of Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to the project.

#### BACKGROUND:

Article 15 of the Spring 2021 Town Meeting appropriated \$201,200, under an article that was sponsored by the Select Board and the Capital Planning Committee, for the development of final plans and specifications for upgrades to the Transfer Station. Previously in the Article 18 of the Fall 2020 Town Meeting funded a request from the Capital Planning Committee for \$100,000 for preliminary plans and permitting. Town Meeting was informed that the next step of the project would be construction funding.

Over the course of the past year the Transfer Station has been evaluated extensively and has been found to have operational and equipment deficiencies as well as layout issues leading to safety concerns for both employees and residents. Critical capital improvements needed for the continued operation of the transfer station have been addressed in the engineering plans.

Some of these components include:

- Improvements to the tipping building and the conveyor belt,
- Upgrades to the electrical system,
- Demolition and abatement of the incinerator building,
- Remediation of the pollution caused by the incinerator building,

- The creation of dedicated employee offices and restrooms
- Improvements to the recycling and food waste areas
- Improvements to the general site layout for improved traffic circulation, increased efficiencies and to meet future DEP requirements

These improvements are long overdue and if construction funding is approved by Town Meeting, the plan is to finalize the permitting this fall and bid the project in the winter for spring of 2022 construction.

The Select Board has discussed at length, at several Board meetings, options for the funding of the debt service for this critical facility upgrade. The Board voted a plan for increasing transfer station fees (residential & commercial) to cover a substantial portion of the estimated debt service. The Select Board's financial plan includes the use of \$170,000 per year from the Stabilization Funds from FY24 through FY32 and the use of \$1,000,000 from Free Cash.

*2/3 Vote Required*



## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **ARTICLE 15: CONSENT AGENDA**

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)

#### **MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$4,141.10 from the Transportation Network Receipts Reserved Fund to partially fund the Waterfield Road/Church Street Traffic Improvements Project.

#### **BACKGROUND**

Pursuant to Chapter 187 of the Acts of 2016, certain transportation network companies must submit an assessment to the Transportation Network Company Division of the Department of Public Utilities. This assessment is based on the number of rides from the previous calendar year that originated in the cities and towns across the state at \$.20 per ride. The assessments are credited to the Commonwealth Transportation Infrastructure Fund (CTIF) and 50% is proportionately distributed to cities and towns to be used to address transportation related matters in compliance with Chapter 187, S 8(c)(i) of the Acts of 2016. The Town received \$4,141.10 from the CTIF, which was deposited into the Transportation Network Receipts Reserved Fund, per the statute, and is subject to appropriation. These funds will supplement the Church Street/Waterfield Road Traffic Improvement project which is expected to commence in spring 2022.

*Majority Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 16: CONSENT AGENDA**

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)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$298,240.94 from the PEG Access and Cable Related Fund, \$224,070.94 of which shall be used 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 service and \$74,170 of which shall be used for capital purposes.

**BACKGROUND:**

WinCAM was established in 2000 to manage facilities and produce programming on the Public, Educational and Government (PEG) access channels of Comcast and Verizon, in addition to any other cable system franchised in the Town of Winchester. WinCAM used to receive funds directly from Comcast and Verizon as part of the license agreement between the cable companies and the Town. Town Meeting voted to create a PEG Access and Cable Related Fund in the 2019 Spring Town Meeting to accept payments as the state determined that, since the license is with the Town, the funds must go to the Town first. This article then allows the Town to disperse the funds to WinCAM.

*Majority Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 17: CONSENT AGENDA**

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)

**MOTIONS:**

**MOTION #1:**

**MOVED AND SECONDED** that the Town vote to increase the FY2022 General Insurance Budget, Account 0194502, appropriated at the Spring 2021 Town Meeting, by \$40,000, which shall be funded from Free Cash.

**MOTION #2:**

**MOVED AND SECONDED** that the Town vote to increase the FY2022 Reserve Fund, Account 0194302, appropriated at the Spring 2021 Town Meeting, by \$158,167, which shall be funded from Free Cash.

**MOTION #3:**

**MOVED AND SECONDED** that the Town vote to increase the FY2022 Principal on Funded Debt, Account 0171102, appropriated at the Spring 2021 Town Meeting, by \$293,000, which shall be raised in the tax levy.

**MOTION #4:**

**MOVED AND SECONDED** that the Town vote to increase the FY2022 Interest on Funded Debt, Account 0171202, appropriated at the Spring 2021 Town Meeting, by \$141,158.50, which shall be raised in the tax levy.

**BACKGROUND:**

**MOTION #1:** The largest component of the General Insurance budget is the policy the Town carries with MIIA. MIIA policies include general liability, property & equipment, auto, cyber liability, public officials' liability, law enforcement liability, school board liability and an umbrella policy. The final rate for FY22 was not available prior to the Spring Town Meeting and we based the budget on preliminary estimates. After Spring Town Meeting and the adoption of the budget, the Town was notified by MIIA that its rate of increase was far more than ever expected (16.25%) and more than it has ever been. This increase was due to a combination of claim activity in the past five years and COVID impacts on the industry in general. The Town estimates it will need an additional \$40,000 to be able to pay any additional MIIA endorsements for new vehicles/equipment purchased during the year and also to pay the remaining policies outside of MIIA's program. These non-MIIA policies include flood insurance, bonding for specific positions that handle money and vacant properties.

**MOTION #2:** Each fiscal year Town Meeting appropriates a Reserve Fund governed by the Finance Committee to provide funding for unanticipated, extraordinary departmental needs. During the year, reserve fund transfers are requested by departments and reviewed by the Finance Committee. In the past few years, the Finance Committee has requested replenishment of this fund so that the balance is sufficient to be able to fund urgent issues throughout the upcoming fiscal year. Any remaining balance in the Reserve Fund reverts back to the General Fund at the end of the fiscal year.

To date, in FY2022 the Finance Committee has approved Reserve Fund Transfers totaling \$158,167 and include the following:

- Town Manager \$ 25,000  
 This funded the independent analyst to review the financials of the Waterfield Lot proposal
- General Insurance \$ 15,000  
 This funded in part the increased insurance rates between end of fiscal year and Fall Town Meeting
- Town Clerk \$ 18,167  
 This funded services provided for the remote Fall Town Meeting
- Eversource Engineering Account \$100,000  
 This funded engineering services for both the 115 kV and 345 kV lines

<b>Total</b>	<b>\$158,167</b>
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**MOTIONS #3 & #4:** The FY22 Debt Budget approved at the Spring 2021 Town Meeting included estimated payments for various projects. Motions 3 & 4 are adjustments to the Funded Debt and Interest on Funded Debt budgets based on the actual costs.

*Majority Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 18: CONSENT AGENDA**

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)

**MOTION:**

**MOVED AND SECONDED** that the Water & Sewer Enterprise Fund Expenses voted at the 2021 Spring Town Meeting be increased by \$40,339, increasing the funding from the Property Tax Levy in accordance with Chapter 110 of the Acts of 1993 by \$37,005 and increasing the funding from Water and Sewer receipts by \$3,334.

**BACKGROUND:**

The original budget was based on estimated MWRA assessments and estimated debt service payments. These estimates were low compared to the final actuals, hence the need to increase the expense budget and adjust the funding sources accordingly.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **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)

#### **MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$315,000 from Free Cash for the purposes of contributing the Town's share of improvements to the Winchester Center Commuter Rail Station.

#### **BACKGROUND:**

Since 2010, the Winchester Select Board, Town staff, and various other municipal boards and committees have worked with the MBTA on the design for the reconstruction of the Winchester Center Commuter Rail Station. Article 14 of the Fall 2020 Town Meeting appropriated \$240,000 to fund several items that were not in the MBTA's original scope of work, but that the Town believed were critical to constructing a project that integrated the station with the historic character of the Town Center. This work included installation of granite cladding on the new pier to be installed in the Quill Rotary and at the bridge abutment on Waterfield Road; installation of salvaged stone to match existing along the outer face of the Laraway Road ramp; repainting of the pedestrian tunnel between the Aberjona and Waterfield Parking Lots; and installation of an irrigation system on Laraway Road for the new plantings along the railroad viaduct.

The MBTA bid the project in summer 2021, and the bid price for the project overall came in substantially higher than the MBTA's original estimate, including the total cost of the items outlined above for which the Town of Winchester was responsible. This article is to appropriate an additional \$315,000 from Free Cash to cover the actual cost of construction for these items, based on the bid received by the MBTA.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **ARTICLE 20: CONSENT AGENDA**

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)

#### **MOTION:**

**MOVED AND SECONDED** that Town vote to appropriate \$70,000 from Free Cash to supplement the Eversource Account #0397252 for the purpose of engineering and other consulting services regarding the location and construction of Eversource 345kV electronic transmission lines in Winchester.

#### **BACKGROUND:**

Eversource has received Energy Facilities Siting Board (EFSB) approval to construct, operate and maintain a new 345-kilovolt electric transmission line to be constructed between Woburn and Wakefield. The work in the Town has begun and is expected to continue through the fall of 2022.

The Town has negotiated a Memorandum of Understanding (MOU) with Eversource, wherein Eversource has agreed to reimburse the Town for the costs associated with the hiring of a Field Engineer to observe construction activity and to act as a liaison between the Town and the contractor on matters related to the Project. The Field Engineer is contracted directly with and works on behalf of the Town of Winchester. This article appropriates the necessary funds to pay for the Field Engineer services, which will be reimbursed.

*Majority Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 21: CONSENT AGENDA**

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)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$10,000 for the implementation of one or more traffic calming measurers to mitigate existing traffic and pedestrian impacts caused by the Eversource 345kV project as agreed to in a memorandum of understanding between Eversource and the Town; and that to meet this appropriation \$10,000 be funded by Miscellaneous Non-Recurring General Fund Revenue received in fiscal year 2022.

**BACKGROUND:**

As noted in the background to Article 20, Eversource has received Energy Facilities Siting Board (EFSB) approval to construct, operate and maintain a new 345-kilovolt electric transmission line to be constructed between Woburn and Wakefield and the Town has negotiated a Memorandum of Understanding (MOU) with Eversource. Eversource has agreed to contribute up to \$200,000 to the Town to offset the costs of the project. The payments to the Town are contingent on the completion of certain milestone tasks by Eversource. To date the Town has received \$10,000 for the completion of the first task. Eversource will continue to make contributions to the Town per the MOU as project milestones are completed. Subsequent Articles will be brought forward to Town Meeting requesting that the amount of those contributions (up to the \$200,000) be appropriated for traffic calming measures.

*Majority Vote Required*



**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 22: CONSENT AGENDA**

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)

**MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$2,370.79 from Free Cash to pay the following expenses incurred in Fiscal Year 2021:

<b><u>Vendor</u></b>	<b><u>Amount</u></b>
Morgan Brown & Joy	\$1,050.00
Morgan Brown & Joy	\$1,050.00
Everbridge	\$ <u>270.79</u>
<b>Total</b>	<b><u>\$2,370.79</u></b>

**BACKGROUND:**

The above bills were not paid or encumbered before the close of FY21. This motion must be approved in order to pay these bills in FY2022.

*4/5<sup>th</sup> Vote Required*

**TOWN OF WINCHESTER**



2021 Fall Town Meeting

**ARTICLE 23: CONSENT AGENDA**

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)

**MOTION:**

**MOVED AND SECONDED** that Article 23 be indefinitely postponed.

**BACKGROUND:**

The Town has received American Rescue Plan Act (ARPA) funds that can be utilized for COVID related services and supplies. These funds will be used instead of an appropriation of funds under this article.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **ARTICLE 24: CONSENT AGENDA**

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)

#### **MOTIONS:**

##### **MOTION #1:**

**MOVED AND SECONDED** that the Town vote to appropriate \$275,000 for traffic 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 that to meet this appropriation \$275,000 be funded by Miscellaneous Non-Recurring General Fund Revenue received in fiscal year 2022.

##### **MOTION #2:**

**MOVED AND SECONDED** that the Town vote to appropriate \$20,965 for sewer system improvements on River Street and Cross Street, including those required by the Winchester Zoning Board of Appeals decision, Petition 3892-19-35 River Street, and any other water & sewer related mitigation measures associated with the project that is the subject of that decision; and that to meet this appropriation \$20,965 be funded by Miscellaneous Water & Sewer Revenue received in fiscal year 2022.

#### **BACKGROUND:**

In March 2020, the Winchester Zoning Board of Appeals (ZBA) approved a comprehensive permit under Massachusetts General Laws Chapter 40B for the construction of 147 apartments at 19 – 35 River Street. The ZBA decision required that the applicant provide two payments to the Town prior to the issuance of a building permit for the project, as follows:

- (1) Pay the Town \$275,000 for traffic improvements and mitigation measures on River Street and Cross Street as described in a memo by the Town's traffic peer review consultant Toole Design. The funds are to be spent only on those traffic mitigation measures. Any funds not obligated within one-year of the issuance of the final certificate of occupancy shall be returned to the applicant without interest.
- (2) Pay the Town \$20,965 for improvements to the Town-owned sewer system to mitigate the project's sewer impacts, as recommended by the Town's peer reviewer Weston & Sampson.

Payments were received by the Town in September 2021. This article appropriates this one-time, unbudgeted miscellaneous revenue received for the purposes outlined in the ZBA decision.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### 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)

#### MOTION:

**MOVED AND SECONDED** that the Town hereby approves 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; that 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; that the Town acknowledges that 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; provided further that any grant that 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; and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

**BACKGROUND:**

Winchester is one of the 12 communities served by this regional vocational/technical high school located in Wakefield. Serving so many communities, NEMT has a large and growing enrollment and long waiting list. The NEMT building dates from 1968, is badly outdated, and in need of total replacement with a modern, larger facility. Following several years of design and cost estimation work during the state MSBA process, the project has reached the point at which all 12 communities are asked to approve funding for the total estimated cost of \$317,422,620. Affirmative votes by 8 communities are needed.

NEMT has been able to secure a special, higher MSBA reimbursement rate of 79.67% for this project. With this state reimbursement, the total cost to the 12 districts is estimated to be \$177,181,880. However, this higher rate is tied to one-time ARPA funding and set to expire at the end of 2021. NEMT is seeking local approvals now to reduce the cost impact on Winchester and the other communities. Should member-community authorization not be obtained by the end of this year, and the standard, lower MSBA reimbursement rate of 62.67% apply, the total cost of the project to the 12 districts would increase by about \$30 million.

Any delays in the member community approval process would also cause a delay in the construction start date. (Please note this debt service is not automatically covered by a debt exclusion unless Winchester holds a local vote.) If this project is approved, the Town will be assessed on an annual basis and it will be funded through the operating budget.

More info on the NEMT building project at <https://northeastbuildingproject.com/>

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **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)

#### **MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$25,000 from Free Cash for engineering services to construct a Multi- Purpose Sports Court at the Mystic School and all other costs incidental and related thereto.

#### **BACKGROUND:**

The asphalt basketball area at the Mystic School/Recreation Department is beyond the point of being repaired and needs to be rebuilt in order to continue being able to be used safely. This space is very heavily used by the Recreation Department Kid Connection Preschool, the WRAP after school child care program, a multitude of other recreational programs and activities, birthday parties and gatherings and also used by the neighborhood children.

Rather than replace the current hot top with another asphalt surface that limits use to a few activities, a redesigned space utilizing a multi-purpose sport court was developed that can be used for increased amount of activities, sports, and games. The creation of a sport court would be an asset that the Recreation Department can use to create new programming that will enhance the department's offerings as well as generate income that will help support a healthy Enterprise Account. It would also enhance a neighborhood park and start the process of revitalizing the Mystic School grounds.

Sport Courts allow for basketball, volleyball, tennis, pickle-ball and street hockey programs and can be used for typical games and activities that the preschool, summer camp and after school staff run with the children.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **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)

#### **MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$52,000 from Free Cash 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.

#### **BACKGROUND**

The Town of Winchester has made significant investments in our Flood Mitigation Program, which is designed to reduce the impacts from flooding along the Aberjona River and its tributaries. The Town began this work in the mid-1990s, and all but two of the Town's proposed flood mitigation projects have been completed. As the Town moves forward with construction of the remaining projects, it is important that we continue to adequately maintain the projects that have been previously completed to ensure that they operate as designed. This article requests funding for the design and permitting of maintenance activities associated with sediment removal at the Cross Street culvert project, and vegetation maintenance associated with the channel widening project along Mystic Valley Parkway.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### 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)

#### **MOTION:**

**MOVED AND SECONDED** that the Town vote to appropriate \$57,000 from Free Cash for continued architectural and engineering consulting services for the Sanborn Carriage House renovation associated with the school district's Central Office Relocation Study, and all other costs incidental and related thereto; that the Educational Facilities Planning and Building Committee (EFPBC) 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 authority to enter into contracts and approve payments with respect to said project.

#### **BACKGROUND:**

In 2013 the Winchester Public Schools' administration (Central Office) was moved from instructional spaces at the Lynch Elementary School (built 1960) to the Parkhurst School, which had previously been used as swing space during the construction of Vinson-Owen. Parkhurst was understood to be only a short-to medium-term home for Central Office given inefficient space utilization (960sf classrooms as offices); poor layout for business use; and expected need for Parkhurst to accommodate students in the future. After last year's ADA elevator/stage lift installation, Pre-K students arrived at Parkhurst this fall and now occupy the lower level.

The district's 10-Year Facilities Master Plan (2017) calls for the relocation of Central Office to the historic Sanborn Carriage House located on the Ambrose campus. Town Meeting previously approved funding for space programming and schematic design for this project, which was completed by Tappé Architects this summer. With the Lynch Elementary Replacement Project now in the early Feasibility Study stage, the School Committee further charged the Tappé team with an evaluation of a potential new Lynch-based option as an alternative. The Lynch project's OPM (Owner's Project Manager, Hill Int'l) additionally provided input on the viability and pros/cons of the Carriage House option. Earlier this fall, the School Committee held a special meeting at which Tappé Architects presented their summary report including:

- 1) development of a functional space program for WPS administrative offices;
- 2) existing condition assessment of the Sanborn Carriage House;
- 3) schematic design for a Carriage House-based Central Office; and
- 4) a comparative analysis of a Lynch-based solution versus Carriage House.

The full presentation, as well as project Q&A and other resources can be found at <https://sites.google.com/winchesterps.org/wps-school-committee/home/news-special-projects>

After presentations and multiple discussions with public input, the School Committee voted this fall to reaffirm a restored and renovated Sanborn Carriage House as the future home of Central Office. The schematic design developed includes a reconstructed north pavilion with ADA-compliant elevator, bathrooms and fire stair which-- along with interior renovations-- makes the project fully ADA accessible. Supplemental parking required for the project will be provided in the area pre-designated by the Sanborn House lease between the Town and Winchester Historical Society (previously approved by Town Meeting).



A final design concept for parking/site circulation will be developed with Society and Ambrose community input during Design Development.

Input from both the Lynch OPM and architectural teams competing for the design contract reinforce the need for swing space (unreimbursable by MSBA) to accommodate Lynch students during construction of the new school. The School Committee, Superintendent Hackett and OPM team see value in moving Central Office out of Parkhurst by 2023 to make the entire 28,000sf school facility available to students. The Carriage House option makes this possible.

To confirm and better define the estimated \$4.2M to \$4.3M construction cost (up to \$5.9M project cost), the School Committee is seeking \$57,000 to take the current work from the Schematic Design stage to the Design Development stage. This work can be completed by late winter/early spring to inform a funding discussion for construction, which can be completed in time for the commencement of Lynch work (expected 2024). A vacated Parkhurst School will better support the design, phasing and construction of the new Lynch Elementary School, currently planned for Fall 2025 opening.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### 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)

**MOTION:**

**MOVED AND SECONDED** that the Town approve Article 29 as printed in the warrant.

**BACKGROUND:**

This motion would authorize the Select Board to petition the General Court to enact special legislation permitting 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.

The Select Board voted unanimously to adopt the objectives of an updated Climate Action Plan as recommended by the Climate Action Advisory Committee in Spring of 2020. The Plan identifies two major priorities: (1) reducing carbon pollution and (2) enhancing community resilience. To meet the demand of this commitment, the Town needs substantial investment in leadership and infrastructure in the near future. To that end, the Select Board increased the building permit fees with the intent of funding the Sustainability Director position for future operating budget cycles. Since the increase has been applied approximately \$45,000 (beginning July 1, 2021) has been generated by this increase in building permit fee.

Approval of Article 29 will allow Town Meeting to control the funds generated from the surcharge and earmark those funds for specific uses related to sustainability and in furtherance of the 2020 Climate Action Plan.

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### **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)

*Materials to be sent under separate cover*

*Majority Vote Required*

## TOWN OF WINCHESTER



2021 Fall Town Meeting

### 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)

#### **MOTION (submitted by Carol Savage, Town Meeting Member):**

**MOVED AND SECONDED** that a Communications Study Committee (CSC) be authorized to meet regularly, and as required until the conclusion of Fall Town Meeting of 2022, to advise and report to Town Meeting regarding opportunities to “establish robust and effective communication between residents and town government -- and within town government -- to increase community participation in town decisions with elevated awareness of town issues and initiatives.” The CSC shall provide an interim verbal and/or written report to the Spring 2022 Town Meeting and a final written and verbal report to the Fall 2022 Town Meeting, regarding findings and recommendations for communications policies and practices, including but not limited to, in particular:

- Review current bylaws regarding internal and external communication related to Town Meeting as well as current tools in use, like the town website. Identify gaps or opportunities regarding current practices.
- Identify best practices/policies by other Massachusetts towns or elsewhere, including the staffing or volunteer requirements associated with each.
- Review communications recommendations made in previous Town studies deemed relevant by the CSC, including but not limited to:
  - The Winchester 2030 Master Plan Action Plan section D1. “Robust Communication” (See strategies D1.1 and D1.2).
  - The Winchester Housing Production Plan (Oct 9, 2018), pp 81-84 “Community Engagement Strategies”
- Solicit input from elected and appointed boards, residents, town staff and WinCam as the committee determines is appropriate.
- Hold one or more public hearing(s), and encourage other input through written submission, survey(s) or interviews as the committee deems appropriate.
- Review the roles and responsibilities of precinct members and precinct chairs regarding communication between Town Meeting members and to and from the residents we represent.
- Consider how Town Meeting Members and residents are made aware of public hearings and other town government meetings and proceedings.

Recommendations may include draft language for proposed articles or motions to be placed before Town Meeting or other Town Boards. The CSC shall:

- Review any proposed changes to policy or procedures with the Rules Committee, Government Regulations Committee, and Town Counsel.
- Include estimated staffing or budgetary impacts of any recommendations.

**And further that the Town Moderator be authorized to form such CSC committee consisting of nine voting members and two ex officio members:**

- Eight members selected by TMM precincts: one Town Meeting member or precinct resident elected by each precinct by a vote of the Town Meeting members in each precinct
- One citizen-at-large to be appointed by the Town Moderator
- The Town Clerk and the Town Manager shall each serve or appoint someone from their staff to serve on their behalf in an ex officio role on this committee.

**BACKGROUND:**

The purpose of this Communications Study Committee is to identify opportunities to update and improve internal and external town government communications and community engagement with residents in light of the dramatic changes that have taken place in the communications environment in the past 25 years. Today's fractured media landscape has significantly changed how residents learn about the work of Town Meeting and the Town's elected and appointed boards. Local newspapers have smaller circulation and provide less coverage of town government activities today than they did in the past, and social media platforms now play an influential role in shaping opinions. Electronic and web-based communication tools offer the opportunity to innovate but also present challenges (e.g., developing and updating content, building staff capacity and skills, funding services and equipment, etc.). Digital communications, meetings or message boards offer innovative benefits, but pose new accessibility and equity issues. The use of electronic mail (email) to distribute information to Town Meeting members facilitates rapid (and sometimes an overload of) communications, while also creating new challenges regarding adherence to state law (such as compliance with the Open Meeting Law). Information overload in this new reality affects internal and external communication and the ability to reach residents and increase their awareness of accurate, timely information regarding the work of town government. Effective town government requires effective communication between elected officials and the residents we represent.

*Majority Vote Required*