

**COMMONWEALTH OF MASSACHUSETTS**

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

GREETINGS:

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

**THURSDAY, NOVEMBER 10, 2022 at 7:00pm**

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

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

(Select Board)

**ARTICLE 2.** To see if the Town, acting under Article 2, Section 2.5 (c) of the Winchester Home Rule Charter, and upon the recommendations of the Committee on Rules pursuant to Chapter 2, Section 4.4.3 of the Code of Bylaws of the Town of Winchester, will vote to declare vacant the seats of certain Town Meeting Members for failure to attend one half or more of the total number of sessions of the Winchester Town Meeting held during the previous 12 month period, Fall 2021 and Spring 2022; or take any other action in relation thereto.

(Committee on Rules)

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

(Planning Board)

**ARTICLE 4.** To see if the town will vote to amend Sections 3.2 and 10 of the Winchester Zoning Bylaw by adding a new Section 3.2.2 and a definition of “Accessory Dwelling Unit” as follows to permit accessory dwelling units, or take any other action in relation thereto.

**3.2.2 Accessory Dwelling Units**

**Purpose**

The purposes of this section of the Bylaw is to allow the creation of Accessory Dwelling Units (ADUs) on lots where single family homes or duplexes exist or are allowed specifically in order to:

- 1) Provide Winchester property owners with an opportunity to age in place by creating an independent living space for individuals over the age of 62;
- 2) Provide a living space for disabled individuals that will allow them to live independently and also qualify for financial assistance that depends on the presence of a separate entrance, a bathroom, and cooking facilities within their residence.

In all districts, ADUs may be constructed or established as a matter of right on a lot where a SINGLE FAMILY or DUPLEX dwelling exists or is allowed, provided that either the primary or accessory unit is established or constructed for the purpose of creating housing options for persons with disabilities, as defined under Massachusetts General Law, or where at least one of the individuals in either unit is aged 62 or older, provided the following conditions are met:

1. There shall be no more than one accessory unit per single family or duplex lot;
2. The owner must reside in either the primary dwelling unit or the accessory dwelling unit. For the purposes of this Section 3.2.2, the “owner” shall be a an individual (or individuals) that owns either a fee simple interest in the dwelling unit or beneficial interest in the dwelling unit, as may be evidenced by a schedule of beneficial interest or other appropriate instrument, and for whom either dwelling is their primary residence;
3. The accessory dwelling unit and primary dwelling units must comply with the Table of Dimensional Requirements in Section 4.2. Otherwise, an applicant may apply for appropriate relief with the Zoning Board of Appeals as set forth in these zoning bylaws.
4. Any exterior changes for an accessory dwelling unit shall be constructed similarly in style to the primary residence.
5. Any new exterior entrance for the ADU shall appear secondary to the primary entrance.
6. For an upper floor accessory dwelling unit created within a primary dwelling unit, a secondary egress shall either be created within the envelope of the structure or be constructed on the exterior to the rear or side of the primary dwelling unit.
7. The ADU must comply with all residential occupancy and building permit regulations;
8. Parking for an accessory dwelling unit shall meet the parking requirements located in Section 5.1.6 and be met off the street with at least one parking space;
9. The owner of the property shall certify annually, or at the time of sale or change in occupancy to the Building Department that the accessory dwelling unit and primary residence are being used in accordance with these provisions. The Use must cease within 90 days if out of compliance. The fee for inspection certification and non-compliance shall be set by the Select Board. The Zoning Enforcement Officer shall be permitted access to the property to verify the certification.

**Section 10.**

**ACCESSORY DWELLING UNIT.** A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities, incorporated within the same structure as a single-family or duplex dwelling or in a detached accessory structure and that: (i) maintains a separate entrance, either directly from the outside or through a common entry hall or corridor shared with the primary dwelling; (ii) shall not be sold separately from the primary dwelling; (iii) is in conformance with Building Code 105 Mass. Reg. 410.400); (iv) may include up to two bedrooms; and (v) is not larger in FLOOR AREA than ½ the FLOOR AREA of the primary dwelling or 900 square feet, whichever is smaller.

(Planning Board, Select Board, Affordable Housing Trust, Housing Partnership Board)

**ARTICLE 5.** To see if the Town will vote to accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action relative thereto.

(Richard Rohan, Citizen’s Petition)

**ARTICLE 6.** To see if the Town will vote to amend the Code of By-Laws by inserting a new Chapter 25 as follows:

## **LEAF BLOWERS**

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

The purpose of this bylaw is to establish reasonable limitations on the use of gas leaf blowers in the town of Winchester (the “Town”) in order to lessen the impact of gas leaf blowers’ adverse effects on the health, welfare and environment of the Town and its inhabitants.

Adverse effects caused by gas leaf blowers include, but are not limited to, one or more of the following:

- (a) Excessive noise
- (b) Release of particulate matter;
- (c) Use of gasoline- and/or oil-based fuels; and
- (d) Carbon emissions.

Such adverse effects negatively impact the quality of life for Town inhabitants and Town visitors. The reduction of such adverse effects is therefore a public purpose.

### **Section 2. DEFINITIONS**

2.1 “Leaf blower” means any motorized device (portable or wheeled) whose primary function is to use forced air to move leaves, grass clippings, dirt, dust, sand, or any type of litter or debris.

2.2 “Electric leaf blower” means any leaf blower powered by electricity, whether corded or battery-operated.

2.3 “Gas leaf blower” means any leaf blower powered in any part by gasoline.

2.4 “Commercial leaf blower operator” means any individual, entity or organization, including a contractor or commercial landscaper that receives compensation for services that include operation of a leaf blower.

2.5 “User” means any individual, entity or organization of any kind, public or private, including town homeowners and residents, commercial leaf blower operators, and municipal departments and their employees and agents.

### **Section 3. REQUIREMENTS**

3.1 Electric leaf blowers may be used year-round, subject to the limitations set forth in Section 4.

3.2 Gas leaf blowers may be used from April 1 through May 15 and October 1 through December 1, subject to the limitations in Section 4.

### **Section 4. LIMITATIONS**

4.1 Electric leaf blowers may be used year-round by all users as follows:

- (a) Mondays through Fridays from 7am to 6pm
- (b) Saturdays and Sundays from 9am to 5pm, subject to state law restrictions on commercial activity on Sundays.

4.2 Gas leaf blowers may be used, subject to the limitations set forth in Section 3, as follows:

- (a) Mondays through Fridays from 9am to 3pm, by all users
- (b) Saturdays and Sundays from 9am to 5pm, only by residents of the property on which the gas leaf blower is used.

#### **Section 5. EXEMPTIONS**

All leaf blowers may be used without limitation where necessary for public safety and emergency situations as determined by the Town's police or fire departments.

#### **Section 6. REGISTRATION REQUIRED**

6.1 No commercial leaf blower operator may operate a leaf blower or permit or authorize an agent or employee to operate a leaf blower in Winchester unless such operator has obtained, no later than March 1, an annual permit from the Town Clerk, who shall provide an online application form and collect a \$25 permitting fee. Such application form shall require disclosure of the name, address, telephone number and Massachusetts Driver's License number of the landscaping business owner and shall require such owner to certify that he or she has read and understands all leaf blower restrictions set forth in this bylaw and has or will inform all employees or agents of same.

The landscaping business owner is liable for any violation of this bylaw whether the leaf blower be operated by the owner or by any employee or agent; no individual acting in his or her capacity as an employee or agent of a landscaping business shall be individually liable under this bylaw.

6.2 The Town Clerk may promulgate rules and regulations to implement this section.

#### **Section 7. PENALTIES AND ENFORCEMENT**

7.1 This bylaw shall be enforceable pursuant to M.G.L. Chapter 40, Section 21D, through noncriminal disposition by any Town police officer.

7.2 Any leaf blower user who violates any provision of Sections 3, 4 and 6 of this bylaw shall be subject to the following penalties:

- (a) A verbal warning for a first offense;
- (b) Written notice of bylaw violation for a second offense;
- (c) A fine of one hundred dollars (\$100) for the third offense;
- (d) A fine of two hundred dollars (\$200) for the fourth offense and each subsequent offense.

7.3 Each day in violation shall constitute a new offense.

#### **Section 8. EFFECTIVE**

This bylaw shall take effect June 1, 2023.

#### **Section 9. SEVERABILITY**

The provisions of this bylaw are severable. If any provision of this bylaw shall be declared invalid, the remainder shall continue in full force and effect.

(Rachel Whitehouse, Citizen's Petition)

**ARTICLE 7.** 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 FY2024 and place the report on file; or take any other action in relation thereto.

(Capital Planning Committee)

**ARTICLE 8.** To see if the Town will vote to appropriate sums of money for the following capital projects:

1. Schematic Package for Roof Design & Replacement - Engineering
2. Town Hall Fire Alarm Replacement – Construction
3. McCall Middle School Masonry Repairs –Construction
4. McCall Middle School Controls Conversion Completion – Construction
5. Sidewalk Plow – Equipment
6. Cross Street Bridge Repairs – Construction
7. Washington Street Bridge Repairs – Construction
8. Ambrose Fire Sprinkler – Construction
9. Highland Avenue Median Islands – Construction
10. RRFB/Curb Extension Leonard Field – Construction
11. Nelson Street/ WHS Drainage Improvements - Construction
12. Winter Pond Water Quality – Construction

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, Water & Sewer Retained Earnings or any other available fund; or take any other action in relation thereto.

(Capital Planning Committee)

**ARTICLE 9.** To see if the Town will vote to amend the vote of the Town passed under Article 13 at the 2019 Fall Town Meeting to increase the amount of the appropriation and borrowing authorization therein for the Lake Street Bridge Replacement Project from \$1,500,000 to \$2,100,000 and to delete language regarding the allocation of premium received upon the sale of bonds or notes that is no longer necessary or consistent with state law, such that said amended vote shall now read as follows: “Voted: that \$2,100,000 be appropriated for the Lake Street Bridge Replacement Project, consisting of the replacement of the bridge, including the costs of design, engineering, demolition of the existing bridge, site work, new foundations, substructures, superstructure, bridge rails, roadway pavement, sidewalks, landscaping, and temporary and permanent utility relocation, and all other costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board be authorized to borrow \$2,100,000 under Massachusetts General Laws Chapter 44 or any other enabling authority; that the Town Manager be authorized to apply for and accept a grant from the state Municipal Small Bridge Program, or any other grants or aid available for this project, provided that the amount authorized to be borrowed under this vote shall be reduced by the amount of any such grant funds received prior to the issuance of bonds or notes hereunder; that the Town Manager be authorized to have oversight of said project; and that in accordance with Section 4-2 of the Winchester Home Rule Charter the Town Manager shall have the authority to enter into contracts and approve payments with respect to said project.”; or to take any other action relative thereto.

(Capital Planning Committee)

**ARTICLE 10.** To see if the Town will vote to appropriate a sum of money to pay costs of purchasing a vacor truck for the Water and Sewer Department, including the payment of all costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

(Capital Planning Committee)

**ARTICLE 11.** To see if the Town will vote to recommend that the Select Board and Town Manager prepare a town communications plan; or take any other action in relation thereto.

(Communications Study Committee)

**ARTICLE 12.** To see if the Town will vote to amend the vote of the Town passed under Article 9 at the 2020 Spring Annual Town Meeting to expand the scope of the purpose of the appropriation and borrowing authorization to include paying costs of planning and designing the new Lynch Elementary School project in addition to paying costs of the feasibility study and to delete language regarding the allocation of premium received upon the sale of bonds or notes that is no longer necessary or consistent with state law, such that said amended vote shall now read as follows: “Voted: that the Town appropriate One Million Five Hundred Thousand Dollars (\$1,500,000) for a feasibility study of the Lynch Elementary School located at 10 Brantwood Road, Winchester, Massachusetts, and to pay costs of planning and designing the project, including all costs incidental and related thereto, for which feasibility study and school project the Town may be eligible for one or more grants from the Massachusetts School Building Authority (the “MSBA”), said amount to be expended under the direction of the Educational Facilities Planning and Building Committee; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$1,500,000 under Massachusetts General Laws Chapters 44 and/or 70B, or under any other enabling authority, and to issue bonds or notes of the Town therefor; 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 costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town; and that the amount of any borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town and the MSBA.”; or to take any other action relative thereto.

(EFPBC and School Committee)

**ARTICLE 13.** To see if the Town will vote to appropriate a sum of money to pay costs of the construction of a new Lynch Elementary School located at 10 Brantwood Road, Winchester, Massachusetts, including the payment of costs related to planning and designing the project, demolishing the existing building, equipping and furnishing the school, making site improvements, constructing alterations and improvements to the Parkhurst School for use as temporary educational swing space to accommodate the development of the project, and all other costs incidental and 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 Town may be eligible for a grant from the Massachusetts School Building Authority (the “MSBA”); to determine whether this appropriation shall be raised by borrowing or otherwise; to determine whether 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 Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town and that any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) thirty six and twenty-one hundredths percent (36.21%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; to determine whether the amount of any borrowing authorized by this vote shall be reduced by any grant amount set forth in and received pursuant to the Project Funding Agreement executed between the Town and the MSBA; or to take any other action relative thereto.

(EFPBC and School Committee)

**ARTICLE 14.** To see if the Town will vote to authorize the Select Board to enter into a Land Disposition Agreement for the sale of land consisting of approximately 1.2 acres, at the intersection of Washington and Swanton Streets, commonly known as 278-292 Washington Street and 16-20 Swanton Street, in Winchester, said agreement being substantially in the form available on the Town’s website.

(Select Board)

**ARTICLE 15.** To see if the Town will vote to raise and appropriate, transfer from available funds, a sum of money to supplement the FY2023 Principal on Funded Debt budget and reduce appropriations previously voted at the Spring 2022 Town Meeting for Fiscal Year 2023 budgets; or take any other action in relation thereto.

(Select Board)

**ARTICLE 16.** To see if the Town will vote to allow the Select Board to amend the terms of a certain lease by and between the Town and the Trustees of the Winchester Museum Trust, for the lease of certain property located on Shore Road, on which the Griffin Museum of Photography is located, said amendment to allow the use of a certain endowed funds for improvements to said museum.

(Select Board)

**ARTICLE 17.** To see if the Town will vote to appropriate a sum of money from the Transportation Network Receipts Reserved Fund to partially fund the Rectangular Rapid-Flashing Beacon (RRFB)/Curb extensions Leonard Field; or take any other action in relation thereto.

(Select Board)

**ARTICLE 18.** To see if the Town will vote to appropriate a sum of money from FY23 Miscellaneous Non-Recurring Revenue to be expended in accordance with the Massachusetts State-Subdivision for Statewide opioid settlement funds; funds to be used to supplement and strengthen resources available to communities and families for substance use disorder prevention, harm reduction, treatment, and recovery or to take any other action relative thereto.

(Select Board)

**ARTICLE 19.** To see if the Town will vote to rescind any borrowing authorizations or portions thereof previously approved by the Town that have not been used and that are no longer needed; or to take any other action relative thereto.

(Select Board)

**ARTICLE 20.** To see if the Town will vote to transfer from Free Cash, or other available funds, to the Healthcare and Health Insurance Stabilization Fund established at the spring 2022 Town Meeting or take any other action in relation thereto.

(Select Board)

**ARTICLE 21.** To see if the Town will vote to transfer from Free Cash, or other available funds, a sum of money to supplement the Eversource account 0397252 for the purpose of engineering and other consulting services regarding the location and construction of Eversource electronic transmission lines in Winchester; or take any other action in relation thereto.

(Select Board)

**ARTICLE 22.** To see if the Town will vote to appropriate a sum of money to pay costs of constructing a water pumping station to increase water pressure and flow for the Arbor Lane and Wendell Street area, including the payment of costs related to design and engineering, original equipment for the pumping station, pipeline connections, and all other 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.

(Select Board)

**ARTICLE 23.** 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 2023 budgets; or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 24.** 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 2023 budget; or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 25.** To see if the Town will vote to transfer from Recreation Retained Earnings or other available funds a sum of money to supplement or reduce appropriations previously voted for the Fiscal Year 2023 budget; or take any other action in relation thereto.

(Finance Committee)

**ARTICLE 26.** To see if the Town will vote to appropriate a sum of money from the PEG access and Cable Related Fund to pay for PEG access service programming, monitoring the cable operator's compliance with the franchise agreement and to prepare for renewal of the cable franchise license including any associated expert and legal services; or to take any other action in relation thereto.

(Town Manager)

**ARTICLE 27.** To see if the Town will vote to transfer from Free Cash, or other available funds, a sum or sums of money to pay bills incurred in prior fiscal years; or take any other action in relation thereto.

(Town Manager)

**ARTICLE 28.** To see if the Town will vote to transfer \$58,000 from Free Cash to the SPED Reserve Fund which was established at the May 2018 Spring Town Meeting in accordance with Massachusetts General Laws Chapter 40, Section 13E; or take any other action in relation thereto.

(School Committee)

**ARTICLE 29.** To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to: wages and salaries; working conditions; new or revised rates of wages and salaries; changes, additions, adjustments or revisions of wages and salaries; changes, additions, adjustments or revisions in classifications and definitions; and amending, revising and adding to the Personnel Policy Guide as well as in other matters related thereto; and to appropriate money for any adjustments or revisions of wages and salaries of employees subject and not subject to collective bargaining agreements or in any job classifications, and to provide for salary or wage adjustments not otherwise provided for, said monies to be expended by the departments affected, said appropriation to come from Unallocated Wage Reserve or other available funds; or take any other action in relation thereto.

(Personnel Board)

**ARTICLE 30.** To see if the Town will vote to accept committee reports, dissolve old committees, authorize new committees; or take any other action in relation thereto.

(Select Board)



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

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

Given under our hands and seals this 24th day of October two thousand twenty one.

RICHARD MUCCI, CHAIR  
ANTHEA BRADY, VICE CHAIR  
MICHAEL BETTENCOURT  
MARIANO GOLUBOFF  
JOHN FALLON

Select Board  
Town of Winchester

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