

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To the Constables of the Town of Winchester,

GREETING:

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

MONDAY, THE TWENTY-EIGHTH DAY OF APRIL, 2008

at thirty minutes after seven o'clock in the evening for the Spring 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 and the Finance Committee, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 2: To see if the Town will amend the Town of Winchester Zoning By-Law Section 9 definitions by changing the definition of "OPEN AREA, PERCENTAGE"

From: "That percentage of the lot area which is not occupied by any structure."

To: "That percentage of the lot area which is not occupied by any structure, of which a maximum of 70% is impervious surface."

Or take any other action in relation thereto.

(Diab Jerius, et al)

ARTICLE 3: To see if the Town will amend the Town of Winchester Zoning By-Law by changing paragraph 7.13 (f) – item (2):

From: "Properties in residential districts, other than the use served by the parking lot, which abut the parking lot shall be protected from headlight glare by either."

To: "Properties in residential districts, other than those served by the parking lot, which abut the parking lot or residential buildings in GBD districts, shall be protected from headlight glare by either."

Or take any other action in relation thereto.

(John Giubilo, et al)

ARTICLE 4. To see if the Town will amend the Town of Winchester Zoning By-Law by revising the Dimensional Requirements (6.42) for Village Overlay Districts:

From: "The dimensional requirements shall be identical to those in the General Business District-2 (GBD-2) with the following exceptions: No minimum front yard setback is required. Maximum front yard setback shall be five feet to encourage pedestrian-oriented uses."

To: "The dimensional requirements shall be identical to those in the underlying district with the following exceptions: No minimum front yard setback is required for commercial or retail buildings."

Maximum front yard setback shall be five feet for retail and commercial buildings to encourage active pedestrian-oriented uses. A minimum 10' front yard setback shall be required for residential buildings. The front yard for residential properties shall be unpaved, except for walkways and stairs leading to the building entrance, and shall be planted with trees and shrubs designed to provide visual privacy and noise buffers from pedestrian traffic and automobiles.”

Or take any other action in relation thereto.

(John Giubilo, et al)

ARTICLE 5. To see if the Town will vote to amend the Zoning By-Law by adding the following:

Item 1. Add the following to Section 4.4, Table of Use Regulations:

20c. Parking area owned or operated by the Town of Winchester.

PRD	RB	RD	RDB	RDC	RG	BL	CBD	GBD1	GBD2	GBD3	IL	SCI	RA
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Item 2. Add the following to Section 4.11:

C. A parking area owned or operated by the Town of Winchester shall be subject to Site Plan Review. The parking area shall be adequately screened from all adjacent residentially used properties.

Or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 6. To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 39, Section 23D which reads as follows:

“Section 23D.

- (a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for one or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member’s absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.
- (b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section.”

Or take any other action in relation thereto.

(Board of Selectmen and Planning Board)

ARTICLE 7. To see if the Town will receive and approve the report of the Town Meeting Wright Locke Farm Master Planning Committee, approve the establishment of the Wright Locke Farm Conservancy, Inc. (“WLC”), a not for profit corporation, approve the transfer of funds from the Conservation Commission, Fund #9312, and from the 2007 raspberry proceeds, Fund #8762, for the maintenance, improvement and

operation of the Wright Locke Farm, and to rename the property now generally known as "Hamilton Farm" as the "Wright Locke Farm," or take any other action in relation thereto.

(Wright Locke Farm Master Planning Committee)

ARTICLE 8. To see if the Town will authorize the Board of Selectmen to grant a permanent twenty (20) foot wide underground Utility Easement to Abbott Development, or other public utility company to benefit the development, for the purpose of installing and maintaining underground utilities as approved by the Town of Winchester behind 78 Ridge Street, Winchester, MA, on a certain parcel of land owned by the Town of Winchester commonly known as the Wright Locke Farm.

Said Utility Easement is described as follows:

A certain parcel of land located off Ridge Street in the Town of Winchester, County of Middlesex, Commonwealth of Massachusetts, and shown on a plan entitled "Easement Plan of Land in Winchester, Massachusetts, (Middlesex County), Prepared for: Abbott Development, Scale: 1" = 50' Date: March 24, 2008, Schofield Brothers of New England, Inc." said parcel is shown as "Proposed 20' Wide Utility Easement" crossing Lot C on said Plan and said parcel being bounded and described as follows:

Commencing at a steel survey marker at the southwesterly corner of Lot C, so-called; thence

N 45° 11' 44" W a distance of 150.75 feet to a steel survey marker; thence

N 32° 50' 23" W a distance of 55.85 feet to a point at the south westerly corner of the herein described easement, said point being the POINT OF BEGINNING; thence

N 32° 50' 23" W a distance of 20.06 feet to a point, bounding westerly on Lot D; thence

N 61° 39' 38" E a distance of 42.81 feet to a point; thence

N 01° 39' 38" E a distance of 344.51 feet to a point; thence

N 20° 50' 22" W a distance of 40.55 feet to a point; thence

N 21° 03' 52" E a distance of 29.95 feet to a point, bounding westerly on Lot D; thence

S 20° 50' 22" E a distance of 66.82 feet to a point; thence

S 01° 39' 38" W a distance of 360.04 feet to a point; thence

S 61° 39' 38" W a distance of 52.78 feet to a point, said point being the POINT OF BEGINNING.

The above described parcel of land contains an area of 9,076 square feet, more or less, according to said plan, or take any action in relation thereto.

(Board of Selectmen)

ARTICLE 9. To see if the Town will accept the report of the Committee on Names and vote to name an area of approximately 750 square feet located between the Winchester Public Library and the Mill Pond as the Dr. Donald E. McLean Bridge Overlook to commemorate Dr. McLean's long time service to the community as a physician and mentor, or take any other action in relation thereto.

(Committee on Names)

ARTICLE 10. To see if the Town will vote to authorize the Treasurer, with the approval of the Town Manager and the Board of Selectmen, to borrow money from time to time in anticipation of revenue for the fiscal year beginning July 1, 2008 in accordance with Massachusetts General Law, Chapter 44, Section 4 as amended and to issue a note or notes therefore, payable within one year, and to renew any note or notes as may be given for a period of less than one year in accordance with the provisions of Massachusetts General Law, Chapter 44, Section 17, or take any other action in relation thereto.

(Town Manager)

ARTICLE 11. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Town for the financial period beginning July 1, 2008 and especially for or relating to all or any of the officers, boards or departments of the Town as provided in Massachusetts General Law, Chapter 41, Section 108 as amended, or take any other action in relation thereto.

(Finance Committee)

ARTICLE 12. To see if the Town will vote to appropriate a sum of money to meet its proportional assessment to the Northeast Metropolitan Regional Vocational School District for the fiscal year beginning July 1, 2008, or take any action in relation thereto.

(Town Manager)

ARTICLE 13. To see if the Town will vote to appropriate a sum of money to the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002, or take any action in relation thereto.

(Town Manager)

ARTICLE 14. To see if the Town will vote to amend the water and sewer rates currently in effect in accordance with Chapter 7, Section 3 of the Code of By-Laws, or take any other action in relation thereto.

(Town Manager)

ARTICLE 15. To see if the Town will raise and appropriate, or transfer from available funds, sums of money to defray the expenses of the Water and Sewer Division of the Department of Public Works for the fiscal year beginning July 1, 2008, and to appropriate and transfer free cash into the Water Sewer Enterprise Account, or take any other action in relation thereto.

(Finance Committee)

ARTICLE 16. To see if the Town will raise and appropriate any sums of money to be used with such sum or sums as may be made available from the State Highway Fund or allotted by the County Commissioners for maintenance, repair, alteration, relocation or other improvements of Town or County ways, together with the acquisition of easements for the payment of damages and expenses in connection therewith, as well as to authorize the transfer and use for said purposes of any unused balances, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 17. To see if the Town will vote to hear and act on the report of the Personnel Board and take any action in connection with recommendations as to wages and salaries, working conditions, new or revised rates of wages and salaries, changes, additions, adjustments or revisions of wages and salaries and in classifications and definitions, and in amending, revising and adding to the Personnel Policy Guide as well as

in other matters thereto related; and to raise and 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; determine in what manner the monies shall be raised by taxation or otherwise, or take any other action in relation thereto.

(Personnel Board)

ARTICLE 18. To see if the Town will accept the provisions of Section 53F½ of Chapter 44 of the Massachusetts General Laws that authorizes the establishment of certain Enterprise Funds, and to authorize the establishment of a Recreation Enterprise Fund in accordance with Section 53F½, or take any other action in relation thereto.

(Town Manager)

ARTICLE 19. To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E½ in order to receive monies, grants or gifts and fees charged for recreation services sponsored by the Recreation Department, and further, to authorize the Recreation Department to administer and expend funds received in FY 2009, or take any other action in relation thereto.

(Town Manager)

ARTICLE 20. To see if the Town will vote to establish a revolving fund for the Archival Center in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive monies, grants, or gifts and fees associated with the sale of reproductions of historical items; that funds derived from the sale of such items be expended by authorization of the Town Manager and that the amount of the fund be limited to \$5,000, or take any other action in relation thereto.

(Town Manager)

ARTICLE 21. To see if the Town will vote to establish a revolving fund in accordance with Massachusetts General Laws Chapter 44 Section 53E½ in order to receive fees associated with the use of energy in school and municipal buildings; that funds derived from the assessment of fees for such use may be expended by authorization of the Town Manager for projects that conserve energy in the operation of the Town's buildings and that the amount of the fund be limited to \$10,000, or take any other action in relation thereto.

(Board of Selectmen and School Committee)

ARTICLE 22. To see if the Town will vote to continue a revolving fund in accordance with Massachusetts General Law, Chapter 44, Section 53E½, in order to receive monies, grants or gifts and fees charged for public health programs, such as clinics, sponsored by the Board of Health, and further, to authorize the Board of Health to administer and expend funds for these and related programs, such as medical services, up to a limit of \$35,000 in FY 2009, or take any other action in relation thereto.

(Board of Health)

ARTICLE 23. To see if the Town will vote to raise and appropriate, or transfer from available funds, \$15,000 for the purpose of hiring a licensed hazardous waste company to conduct one or more household hazardous waste collection days at an appropriate site within the Town, or take any other action in relation thereto.

(Board of Health)

ARTICLE 24. To see if the Town will vote to raise and appropriate, or transfer from available funds, a sum or sums of money to supplement appropriations previously voted for Fiscal Year 2008 Budgets, or take any other action in relation thereto.

(Town Manager)

ARTICLE 25: To see if the Town will vote to appropriate a sum of money for engineering services for the preparation of plans and specifications for Manchester Field; said appropriation shall be made from the Capital Stabilization Fund established under Chapter 69 of the Acts of 2002; or take any action in relation thereto.

(Board of Selectmen)

ARTICLE 26. To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible senior citizens under Massachusetts General Law Chapter 59 Section 5, Clause 41A, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2008, or take any action in relation thereto.

(Board of Selectmen)

ARTICLE 27. To see if the Town will vote to appropriate a sum of money to the Retiree Healthcare Liability Trust Fund established under Chapter 139 of the Acts of 2002 in order to offset the anticipated cost of healthcare for retired employees, and the eligible surviving spouse or dependents of deceased employees, or take any action in relation thereto.

(Town Manager)

ARTICLE 28. To see if the Town will authorize and direct the Board of Assessors to take any sum of money from available funds to reduce the tax levy for the current financial term and/or transfer funds to or from the Stabilization Fund, or take any other action in relation thereto.

(Town Manager)

ARTICLE 29. To see if the Town will vote to take appropriate or necessary actions to comply with the provisions of Massachusetts General Law Chapter 59 Section 21C, a law known as the “2 ½ Tax Limitation” or any State legislative acts or executive orders supplementary or amendatory thereto, or take any other action in relation thereto.

(Finance Committee)

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

(Board of Selectmen)

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.

Here of 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 31st day of March two thousand eight.

JAMES A. JOHNSON, III, CHAIRMAN
ROGER L. BERMAN, VICE CHAIRMAN
THOMAS R. HOWLEY
BRIAN P. O'CONNOR
PETER J. HALEY

Board of Selectmen
Town of Winchester

A true copy:

ATTEST:

Richard S. Kelley, Constable