

**Regulations Governing Section 7.3 Center
Business District (CBD) of the
Town of Winchester, Massachusetts Zoning
Bylaw**



**Winchester Planning Board
May 21, 2018**

Table of Contents

Section 1: Title, Authority and Purpose.....	2
Section 2: General Provisions and Fees.....	3
Section 3: Guidelines for New Construction.....	6
Section 4: Guidelines for Planned Unit Developments.....	21
Section 5: Guidelines for Existing Historically Significant Buildings.....	31
Section 6: Guidelines for Administering Inclusionary Housing	38
Section 7: Forms.....	45
Section 8: Fees.....	65

FOREWORD

Winchester has a compact and successful Town Center that functions as the heart of the community and is consistently identified as one of Winchester's most important assets. However, there are multiple opportunities to enhance the vibrancy and economic health of the Town Center:

- Promote more varied housing alternatives (range of sizes, price-points and options for rental or condo ownership) to accommodate the population needs of the Winchester community and support business activity;
- Require less parking for new residential units, thereby promoting Transit Oriented Development;
- Promote and protect Winchester center's historic resources and small town character;
- Continue to control the risk of flooding through additional stormwater control regulations;
- Generate a development plan for the Town Center to help developers understand what the community wants;
- Improve the aesthetic qualities of the Town Center through design guidelines for new buildings;
- Provide for an expanded mix of allowable land uses where public transportation and public services are in close proximity to housing and retail services; and
- Create a more efficient and effective permitting process for the CBD.

REGULATIONS GOVERNING SECTION 7.3 OF THE WINCHESTER, MASSACHUSETTS ZONING BYLAW

SECTION 1. TITLE, AUTHORITY, AND PURPOSE

1.1 TITLE

These Regulations may be cited as *Section 7.3 Regulations*.

1.2 AUTHORITY

The *Section 7.3 Regulations* are adopted pursuant to the authority granted by MGL c.40A, § 9 and Section 7.3 of the Winchester Zoning Bylaw.

1.3 EFFECTIVE DATE

The *Section 7.3 Regulations* were adopted following a duly constituted public hearing by majority vote of the Board on and are fully effective as of January 10, 2017. Copies of the *Section 7.3 Regulations* certified by the Town Clerk can be found at that office and also in the Town Planner's office.

1.4 PURPOSE

The Winchester Planning Board is authorized under the General Laws of Massachusetts to be a Special Permit Granting Authority and conduct site plan and/or design review for by-right projects. The Board shall exercise its authority with due regard for provision of adequate traffic and pedestrian circulation and access, stormwater drainage, flood control mitigation, and the protection and preservation of existing historic assets, and shall be a proponent of the town character and existing neighborhoods within the CBD. In exercising its Special Permit Granting authority and its Site Plan review authority, the Planning Board shall take account of all the provisions of these *Section 7.3 Regulations*.

SECTION 2. GENERAL PROVISIONS AND FEES

2.1 GENERAL PROVISIONS

- 2.1.1 Submission:** An application for a Special Permit, Site Plan and/or design review shall be accepted as a submittal only when all information necessary for such review, as described in Section 7.3.16 of the Winchester Zoning Bylaw, is fully provided, and all applicable Forms in Section 7 of these Regulations completed and submitted, unless waived in writing by the Board. Incomplete submissions shall be treated as not filed. The Board shall notify the applicant of the incomplete nature of the submission as soon as it is deemed incomplete.

In addition to the requirements in 7.3.16, the Board may require project models, environmental analyses, peer-review consultants, and a materials test wall prior to final approval of the project.

- 2.1.2 Purposes:** The purposes of these requirements are to promote: an attractive, mixed-use and active downtown; public safety, including reasonable precautions against possible natural disasters; traffic safety and convenience; adequate water supply; and storm water management. They are designed with due regard to the right, health, and welfare of Winchester's inhabitants and the future residents and property owners in the CBD. Proposed projects shall be consistent with the guiding principles and development policies set forth in the Winchester Master Plan adopted by the Board and shall adhere to the principles of correct land use, sound planning, and good engineering.

- 2.1.3 Decision:** Three members of the Board present and voting constitute a quorum and the vote of a majority of the Board is required to take action as set forth below in Section 2.1.4.

- 2.1.4 Board Action:** The Board may vote to grant, grant with conditions or deny a **Special Permit**. A decision shall be filed with the Town Clerk and the Building Department no more than 90 days after the public hearing and in accordance with MGL c. 40A §9.

After performing a **Site Plan Review or Design Review**, the Board may vote to grant approval with or without reasonable conditions on the Building Permit. The Board shall file the determination with the Town Clerk and the Building Department no more than 45 days after the public hearing/meeting so that a Building Permit may be issued.

The Applicant shall record all decisions and determinations at the Middlesex South Registry of Deeds or register them in the Land Court and provide copies of the recorded plans to the Building and Planning Departments.

2.2 FEES

- 2.2.1 Application Fees:** All applications shall be accompanied by a non-refundable fee to cover administrative costs, including but not limited to legal notice advertising and abutter notification. Such fees shall be in accordance with the Town of Winchester

Planning Board Fee Schedule, as set forth in Section 8 of these *Regulations*. All fees shall be paid by certified or bank check.

If the applicant fails to pay the required review fee, the application will be deemed incomplete. The costs associated with the recording and filing of plans and documents with the Registry of Deeds are the sole responsibility of the Applicant and are not included in the application fee.

- 2.2.2 Consultant Fees:** All consultant fees shall be paid in accordance with M.G.L. Chapter 44, §53G. The fees shall be held by the Town Comptroller in a special revenue account until the project review has been completed. Upon request of the applicant, a summary of the expenditures shall be provided to the applicant, and any remaining funds within the account shall be returned, with interest, to the applicant.

2.3 MINIMUM STANDARDS

These *Section 7.3 Regulations* represent minimum standards for development in the CBD. An applicant should not consider them a substitute for best engineering practices or for full consideration of the many aspects of a development.

2.4 CONFORMITY

In all cases, construction shall be in full conformity with the SPGA-approved conditions, plans and specifications.

2.5 COMPLIANCE WITH OTHER LAWS, RULES, AND REGULATIONS

Approval and endorsement of a development within the CBD by the Board should not be interpreted to represent compliance with any other Bylaw, law, rule, regulation, or permitting process of any agency other than the Winchester Planning Board. It is the responsibility of the applicant to secure all other applicable permits and approvals.

2.6 WAIVERS

The Board may waive strict compliance with any of these regulations in any particular case where the Board determines that such waiver is in the public interest and not inconsistent with these *Regulations* or Section 7.3 of the Winchester Zoning Bylaw. In approving waivers, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standard(s) or requirement(s) waived.

If an applicant desires certain requirements waived for a plan submitted pursuant to these *Regulations*, the request for a waiver shall be submitted as part of the application. The request shall cite the particular provision of these *Regulations* for which the waiver is requested and give the justification.

- 2.6.1 Waiver of a Submission Requirement:** If an applicant has, in the application, requested a waiver of a submission requirement, and if the Board makes a finding that the waiver would not violate state law or the Zoning Bylaw, and would not impair the ability of the Board or other Town boards or officials to understand the nature and impacts of the proposed plan or to process the application, then the Board may grant the waiver. If such a finding is not made, the Board shall not grant the waiver, and the application may be determined not to be complete and may be denied on that basis.

2.6.2 Waiver of a Development Standard: An applicant may, in the original application or in writing subsequent to the application, request a waiver of a development or design standard contained in these Regulations. The Board may, in its sole discretion, grant the waiver upon a finding that the waiver would be in the public interest and not inconsistent with the intent and purpose of Section 7.3 of the Zoning Bylaw and these *Regulations*. If such a finding is not made, the Board shall not grant the waiver, and the application may be determined not to be proper and may be denied on that basis.

2.10 INTERPRETATION, CONFLICT, AND SEPARABILITY

2.10.1 Minimum Requirements: The provisions of these *Regulations* shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

2.10.2 Severability: If any part or provision of these *Regulations*, or if application of any part or provision of these *Regulations* to any particular circumstances, is adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect or impair the validity of the remainder of these *Regulations* or the application of the remainder of these *Regulations* as a whole to other circumstances.

SECTION 3. GUIDELINES FOR NEW CONSTRUCTION



Winchester Town Center Plan

3.1 PREFACE

The Town Center Plan above and Design Standards were preceded by years of analysis, study and recommendations by community groups, town staff and consultants. In 2009, Winchester undertook two important economic development studies: the Downtown Winchester Market and Opportunity Assessment, which focused on additional retail and restaurant development, and the Downtown Winchester Housing Study, which explored the potential for over 200 new residential apartments in the Town Center. A series of “Community Conversations” reviewed the recommendations and translated them into physical planning ideas with the goal of strengthening the downtown as a center truly worthy of Winchester.

With the assistance of a grant from the Massachusetts Smart Growth Alliance, the town began working with consultants in 2012 to develop urban design studies of key underutilized downtown areas. This work culminated in a better understanding of the downtown’s potential and directly informed the area’s rezoning in 2015, which created four new zoning districts: East Core, Town Common, North Core and Museum.

These detailed studies show the potential of increasing downtown housing, strengthening existing retail, expanding open space, improving access to the river, integrating an updated transit station, and improving pedestrian accessibility and safety, which when implemented would enlarge the downtown tax base and employment opportunities.

Reviewing the Town Center Plan will help development teams and town residents better understand the Design Standards that follow. More specific guidance for the three Planned Unit Development (PUD) districts of the Waterfield Block, Main Street North, and Mill Pond can be found in Section 4 of this document.

3.2 DESIGN PRINCIPLES



Town Center Character: Winchester is defined by a beautiful natural setting on the Aberjona River and graced with a number of fine 19th and early 20th century buildings. Together they create a unique sense of place. They also offer town design clues as to how to reinforce and expand on the qualities that make the Town Center special to its residents, workers and visitors of all ages.

The goal of the Town Center Plan is to create a functionally diverse and animated downtown development, consisting of handsome background buildings that focus on and enrich the public street and open space system. All new structures must be compatible with Winchester's historic architecture and sense of place. The Town seeks new buildings and additions that are timeless, subtle, and elegant structures that will always feel comfortable and inviting to the general public. This will be achieved in part through the design of properly scaled windows, masonry articulation, setbacks, animated silhouettes, and use of materials that are warm, inviting, and supportive of other proposed buildings and the Town Center Plan.



Public/Private Interface: Desirable development breathes life into its surroundings and helps create a true sense of place



Town Common: As the only true public open space in the Town Center, the Common serves many purposes including a successful Farmers' Market. The Town Center Plan is built upon an expanded open space system that enriches all downtown areas and strengthens public connections.



Celebration of Water: A downtown defined by water should more fully celebrate its magical presence. Each PUD integrates a water feature that will bring excitement to all nearby as shown above in the North End of Boston.

Winchester will not support isolated, individual architectural statements that relate only to themselves. Design standards are discussed below.

The town promotes an active setting along its main downtown streets both during and after customary business hours. Additionally, the town supports new residential development throughout the downtown that will maximize hours of activity and improve public security.

Development in the public and private realms should be integrated in as positive, safe and elegant a manner as possible. Any part of the perimeter of new development which fronts on an existing street or public open space should be designed to complement and harmonize with adjacent existing or

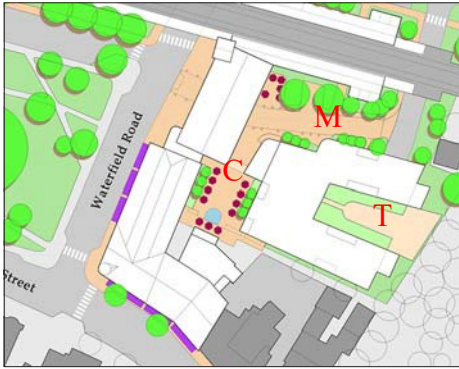
planned land uses with respect to use, scale, density, setback, bulk, height, landscaping, and screening. Finally, each individual project should be carefully conceived and executed to the mutual benefit of its immediate neighbors.

New development will inevitably affect the existing downtown community and adjacent residential neighborhoods. Therefore, new public spaces with attractive and inviting connections to and from adjacent neighborhoods are essential.



Town Center Plan Open Space System:
The extent of potential new buildings, shown in white, is balanced by new, relatively small open spaces at important locations

3.3 INFRASTRUCTURE



A. Waterfield Block: Courtyard, Mews and second-floor Terrace



B. Main Street North: Plaza and second-floor Terrace



C. Mill Pond: Mews, Plaza and second-floor Terrace

A. Open Space

The Zoning Ordinance requires that an integrated system of open spaces be provided downtown. Publicly accessible open space, ranging from a minimum of 10 to 20% of the land, not including required setbacks, shall consist of parks, and pervious landscape areas open to the sky at the ground level as represented in the town design plan.

Private development must incorporate building elevations that reinforce the existing Town Center image and scale along all existing and planned public ways and open spaces. Special attention is required at the ground level.

All development must directly relate to, provide easy access to, and reinforce activity at the existing ground plane. Design must be coordinated to relate well to public open space and public or private passageways that connect with that open space. All retail/restaurant/first floor rental spaces must be at the same level as the adjoining sidewalk or public open space.

Second and third floor residential roof terraces in the form of green roofs - above first floor retail or parking facilities - are encouraged as important private amenities and for on-site rainwater retention.

The town design plan includes new/expanded open space in each of the three PUD districts. Each offers a variety of benefits ranging from: promoting adjacent development, integrating State requirements along river-ways, giving definition and greater value to each district, incorporating greater water retention, and maintaining appropriate space between proposed and existing structures

B. Transit, Roadway and Service Networks

The Town Center Plan builds on the public transit potential of the Town Center and the transformation of public ways into inviting avenues for pedestrians.



Commuter Station Redesign: The present station is isolated and the viaduct separates the center into two. The Town Center Plan includes a future renovated station that is better integrated with its surroundings, softens the 'Great Wall' presence and humanizes the two major under-passes at Waterfield Road and Quill Rotary.



Mews Opportunities: Mews, or Woonerf, a Dutch word meaning Living Street, is a shared pedestrian/5 mph vehicular public right-of-way. This very popular concept makes sense for a number of Town Center low speed streets where pedestrian activity is favored and slow-moving vehicles allowed.

The redesign of the commuter rail station and environs will offer improved entryways serving a broader area of the Town Center. The new station and Quill Rotary upgrade will better integrate the two halves of the Town Center, helping to create an improved environment for residential and expanded retail/restaurant development.

Although no new public roads are planned, modifications due to new private development are expected, including the creation of mews. Existing Town Center roads will expand sidewalk widths at key pedestrian locations, around the main commuter rail station and along Main Street north of Quill Rotary.

Entrances to parking facilities and service areas must be coordinated with and not negatively impact adjacent development. In addition, vehicle entries need to be as far from intersections and public open space corridors as possible and integrated into the building forms to minimize visual impact. Service roads should be coordinated together where several adjacent private developments occur. All service bays must be out of public view.

C. Pedestrian Circulation

All development must include an integrated pedestrian circulation system with particularly strong connections to the public way and between adjacent residential neighborhoods. Existing narrow sidewalks should be increased in width wherever possible to be more safe and inviting and create room for outdoor dining, retailing and celebration.

Building lobbies should be directly located on public streets or within public view. In mixed-use buildings, entrances to different Uses should be clearly separated or demarcated. The Waterfield Block PUD offers an

atypical situation where a rear development opportunity can be realized by placing its lobby entry within view of Waterfield Road by way of the existing MWRA easement.

D. Utilities

The Town will evaluate engineering impacts on infrastructure as part of its review process. Each development is responsible for its own building and land water runoff, which must be handled on site. Architectural related impacts must be gracefully handled to create harmonious conditions along the public domain. The Town design plan strongly suggests utilizing landscaped and pervious material.

3.4 MIX OF LAND USES



Retail Animation: Ample sidewalk width allows retailers to bring their wares outside creating varied focal points, which engage pedestrians and draw them nearer.



Traditional Downtown Residential Block on Main Street: Although this handsome building is one of the few existing Town Center apartment structures, a number of historic office building owners are exploring converting their upper floors to residential use, while maintaining retail at the ground level.

Unless indicated otherwise, each development is expected to include a mixture of uses highlighted below.

A. Retail

In general, retail/restaurant uses shall focus on and enliven existing streets in the Town Center. Retail presence is greatly strengthened by contiguous frontage - ideally not separated by more than 50 feet on both sides of the same street. Ground floors must be designed to easily accommodate such uses, regardless of whether the first floors are actually used for retail/restaurant space in the first years of occupancy or not.

Planned open spaces including plazas, riverfront parks, new courtyards and select widened sidewalks will provide unique opportunities that are expected to encourage outdoor dining and more inviting walking opportunities.

B. Housing

Winchester and State plans envision the development of a significant residential pattern of use throughout the downtown area. The town anticipates that as the area becomes more and more established, housing will be built to help give an 18-hour presence and the depth of interest and vitality that only people living in an area can provide. The three PUD Districts are expected to provide over 250 units of housing with ground floor retail/restaurant use. Other downtown infill, renovation and addition opportunities could generate an additional 50 units.

C. Office

New office development is expected to be limited and secondary to residential construction in large part due to significantly greater office parking needs. Office use requires approximately four times the number of parking spaces as does residential use.

D. Parking

All on-grade and structured parking shall be screened to the satisfaction of the town from public view and adjacent private development. Parking facilities shall be incorporated into development projects in a manner that maximizes opportunities for ground level retail/restaurant activity and to limit inactive, unsecured areas. Minimum open retail depth within a garage structure is 45 feet, ideally 60 feet.

The Town Design Plan (just below) places the four most desirable locations for future parking structures in or immediately abutting each downtown district. While two are on Town-owned parking lots, the other two are at the most logical sites for related private development parking.



Proposed Garage Locations: The Town Center Plan proposes four parking garage facilities, one in each section of the downtown. Two are on town land and are noted as TG; ideal garage locations on private land are coded PG.

E. Open Space^[1]_{SEP}

Publicly accessible open space, with a minimum of 10 or 20 percent of the lot (depending which subzone as defined in Section 7.3.12 of the Winchester Zoning Bylaw) shall consist of parks and pervious landscape areas open to the sky at the ground level as represented in the Town Center Plan. Open space shall be usable and inviting. To be included in any open space calculation, the actual space must measure a minimum of 15 feet in all directions.

3.5 ELEMENTS OF FORM



Relating New to Old Building Height: On a Cambridge street of varied historic architecture, the taller modern building acknowledges the adjacent 19th century wooden structure's lower height by setting back its top floor and creating a desirable balcony. The newer building also uses traditional materials, punched windows and an articulated roof line.



Modern Traditional: The spirit of Arnhem, Netherlands, architecture is successfully conveyed in a modern expression that emphasizes human scale, warm materials, subtle variation and masonry articulation.

The thrust of the development standards is to maximize design quality and integrate all projects into the Town Center's historic buildings and streetscapes. An exception to the standards will be entertained only if that exception will more effectively achieve the overall architectural and town design goals as determined by the Planning Board and Town Planning staff.

A. Height

Height and bulk of buildings should be configured to minimize their visual dominance above downtown's traditional two-to-three stories, the extent of cast shadows, and undesirable alterations of air currents affecting the public street and open space system, bordering neighborhoods, and adjacent new or planned development.

Special planning and architectural attention is required for new development adjacent to or added to historically significant buildings. Every effort should be undertaken to harmonize with, and not overwhelm, historic structures. Mitigate height by incorporating sloped roofs/upper floor setbacks into the newer building.

In general, chimneys, water towers, air conditioning equipment, elevator bulkheads, skylights, ventilators and other necessary features appurtenant to structures which are usually carried over roofs should not extend beyond the maximum building height requirements for each district. However, if a coordinated system of expressive building tops becomes an integral part of the development's design concept, the SPGA may waive the height requirement for such features located on the roof. An expressive building roof line appropriately celebrates the building's union with the sky and is reminiscent of downtown late 19th and turn of the 20th century architecture.

B. Scale/Proportion of Elements

Projects must relate to human dimensions and provide a sense of intimacy in all aspects of design from building concept development to construction details. Of particular importance are the treatment of the ground plane and other parts of the projects which can be seen and experienced directly by the public.

Although each style of architecture has unique characteristics, successful Town Center architecture incorporates a relatively similar scale of building elements: size, rhythm and depth of windows; materials; cornices; dormers; projecting bay windows; expressed structural bays; entry points, signage; etc. It is expected that development teams will design new structures that are harmonious with and enhance Winchester's historic character.

C. Massing

Regardless of any preconceived development configuration for any particular use, new development is expected to reinforce the Town Center's existing and proposed street and open space patterns; break down any building type's typical massing to relate to the historic mass and character of Winchester's Town Center; and prevent a monolithic appearance.

Properties must be designed to maximize hours of sunlight available to public open space and create a harmonious, architecturally integrated building form that enriches the public domain.

All private developments bordering the public domain consisting of streets and open space must build to a common party wall in an architecturally compatible manner. The Town does not encourage the creation of alleyways along property lines visible from any public view.

New projects adjacent to historic structures shall mitigate their building mass by incorporating sloped roofs/upper floor setbacks and sensitively incorporating similar materials and architectural rhythm, bay size and scale of the historic structure into the new structure.

D. Street-Walls and Setbacks

Maintenance of existing or planned street-walls is generally required within the downtown. This may be accomplished by principal front wall plane setbacks and cornice lines, which are consistent with existing buildings on the same block or neighboring blocks unless specified otherwise in a PUD or other Special Permit conditions by the Planning Board.

Permissible street-wall exceptions, subject to design review from the CBDRS and approval from the Board of Selectmen, include bay windows (beginning at the second floor), entrance canopies, at-grade open space amenities, and flood plain pedestrian ramps.



Northmark Bank: Corners celebrate its surroundings and the building itself. It draws attention to the structure and highlights the original use as important.



Silhouette: The beauty of an elegant architectural silhouette has long been treasured by the public. By adding a level of material richness and engaging variety at the roof line, the Brown and Stanton Building celebrates its union with the sky.

E. Details^[L]_[SEP]

Development bordering the public domain must be rich in architectural details, pay special attention to the ground plane and silhouette, and incorporate appropriate imagery, such as historic Town Center aesthetics, the riverfront, and open space imagery. Overall form and individual elevations must be designed to emphasize human scale and presence through the use of properly proportioned features, including but not limited to punched windows, lateral-arm awnings, integral balconies, setbacks, passageways, etc.

Materials: All new buildings should be faced mainly with Winchester traditional downtown materials (the unifying element), which typically consist of brick, limited stonework and wood trim on larger structures, or equivalent approved by the Planning Board as part of the permit process. The highest quality of materials must be used at the pedestrian level of all buildings. New building façades facing and immediately adjacent to low-density residential neighborhoods may incorporate traditional clapboard on secondary façades as long as these particular façades are broken down in scale and character to reflect neighboring homes.

Façade Articulation: In addition, elegant highlights and subtle embellishments are needed to create a desirable community of buildings. Limestone, granite or cast stone stringcourses, lintels, sills and trim will soften, refine and enliven brick façades through their contrasting articulation and cast shadows. A granite base is especially important for all first floor columns meeting the pedestrian level at important public locations. Other key locations for articulation are at building entries, corners, top floors and rooflines.

Silhouette/Top Floor: As buildings increase in height (above two-to-three stories), they should be shaped to be increasingly slender and broken down in scale toward the top. Buildings must provide animated silhouettes that enliven views from the open space system, the historic downtown and nearby neighborhoods, and thoroughfares through and entries to the Town Center.



Character, Richness and Rhythm: This modern laboratory/office building integrates well with a traditional setting. Its articulation and materials humanize its massing. A checkerboard brick pattern and incised logo enhance the projecting entry pavilion. The top executive floor is set back and highlighted in cast stone. The sloped green roof structure elegantly conceals mechanical equipment.



Awnings: Originally used to shade storefront windows and exterior merchandise displays, awnings are also used to create a porch-like definition of space along a relatively busy street. Such dining settings encourage open-window scenarios that dramatically connect pedestrians with interior activity.

This greater articulation should be an integral part and emphasis of the overall building massing and façade concepts. Top floor elements shall include a coordinated design of sloped roofs, gables, dormers, and/or setback balcony with planted pergolas.

Awnings: Where appropriate, awnings should be lateral-arm awnings, color coordinated with adjacent development, at all retail frontages overlooking public open space and streets to encourage protected, outdoor dining. The awnings will assist in offering an active, vital marketplace image, while at the same time creating a means of protection for shoppers, residents and office workers during inclement weather.

Transparency of Ground Floor Spaces: All new buildings should maximize visibility and transparency through ground floor retail, restaurant, office, lobbies or possible future public use space as determined by the Town. Winchester realizes that future additions of storage rooms, toilets and restaurant kitchens will limit transparency, but it is the Town's objective to locate these areas to maximize visibility and transparency where it is desirable. All tenant improvements visible from public open spaces and thoroughfares are subject to the same standard.

Balconies: New buildings should provide human-scaled balconies at appropriate locations projecting no more than 2'-4' from the adjacent face of the building. The balconies must be detailed so that they are inviting, highly usable and relate directly to the building character and, where appropriate, adjoining open space. All balcony railings are to be painted metal and easily incorporate planting boxes for hanging flowering plants.

Penthouses: All mechanical penthouses and other projections should be architecturally integrated within the overall form and individual elevations of the building. The penthouse must be faced with similar building materials as the principal façade and enhance, not detract from, the overall building appearance and balance. Extended sloped roofs are encouraged to shield mechanical equipment.

Color: While historic buildings shall incorporate the appropriate colors from their architectural period, new structures shall use natural materials and saturated colors sympathetic to the historic downtown palette.

Windows: For reasons of public health, aesthetics and future energy concerns, the town desires operable windows



Downtown Color: There is great meaning in a town's color themes. Many traditional materials have an inherent color providing a base of continuity, which helps to define town character. A number of historic wooden structures help knit the downtown to surrounding neighborhoods. Their colors should reflect the range of appropriate paint colors for the architectural period in which the structure was built.



Public Art: Public art should tell a story of the community and integrate well with its building or landscape. This 'Folk Art' piece recalls the local industrial history in glass-making and quality furniture.

to be used throughout downtown buildings. Strip windows are not acceptable. Traditional masonry openings and articulated fenestrations are expected. No solid panes of glass are encouraged, except at first floor retail/restaurant storefronts.

Artistic Elements: The town encourages ornamentation on architectural elements of the building and artistic elements within the open space.

Signs: All signage is subject to design review. In general, signs should be designed to fit well on the buildings, to be legible but not overpowering, and to complement other elements applied to buildings, such as awnings, canopies, or artwork. Additionally, Chapter 9 of the Code of Bylaws governs signage within the Town. Signage that is prohibited is outlined in Section 2.7 of Chapter 9 and includes but is not limited to neon or other types of fluorescent installations which can be seen from a public way.

Sustainability: All new structures within a Final Development Plan shall be planned, designed and constructed to be eligible to achieve at least the Silver level using the applicable LEED Rating System of the United States Green Building Council in effect on January 1, 2009. An applicant shall provide to the Planning Board a completed LEED scorecard, with supporting documentation, demonstrating that the new building will meet the requirements of this section.

Site-specific Standards: An individual project may have particular site requirements not specifically covered in the Town Center Design Standards. Therefore, upon developer interest and review of the surrounding environment, the Planning Board may add site-specific guidance to the development team prior to the design development phase.

SECTION 4. GUIDELINES FOR PLANNED UNIT DEVELOPMENT OVERLAY DISTRICTS

4.1 PLANNED UNIT DEVELOPMENTS (PUDs)

A Planned Unit Development is designed to permit flexibility in building siting, mixtures of housing types and land uses, private and public open spaces, and the preservation and enhancement of significant natural features. Following the guidance of the standards, a development team may gain additional height and density if their proposal meets the intended town design quality set by the Design Standards.

The 2015 rezoning of the downtown established base zones with three Planned Unit Development overlay districts. A basic level of development is allowed as-of-right. Changes to base zone criteria may be obtained through two forms of Planning Board Special Permits. (1) The Planning Board may approve a Planned Unit Development Special Permit in a PUD overlay district for additional project height and density as guided by specific town design plans beginning in this Section 4. (2) An applicant may also pursue zoning relief from the Board with a Dimensional or Use Special Permit.

Town Center PUD Areas: There three PUD districts in downtown Winchester. Each offers different opportunities to maximize development potential and create an improved, more coherent public domain. District 1 is the Waterfield Block. The largest district is number 2, Main Street North, District 3 is aptly named Mill Pond. Note: Existing buildings are coded dark grey in color.



However, it must be understood that additional building area and height (beyond the as-of-right level up to the maximum allowable through a Planned Unit Development Permit or zoning relief through a Special Permit) must fully embrace the Town Center Design Standards and project impact findings.



Project Model: Physical model of proposed project for a neighborhood center. Note new structures in lighter tone and defined open spaces.



Project Analysis: Computer model shows cast shadows of proposed buildings at noon, December 22.



Atypical Project: Exceptions require extra attention and time to be approved and implemented. This Norwood project invested design talent, love of historic storefronts and detailed painting skill to convert a 1940's concrete block, almost windowless building into a town-loved landmark and paint store.

A. Project Models: The development team must provide an accurate project model at 1:20 scale for presentation and design purposes including adjacent built or planned buildings with sufficient detail to accurately portray the architectural character, height, mass, and bulk of the proposed development and environs. The purposes of this physical model and related computer analysis are to ensure the harmony of the individual project within the town design context and to illustrate the extent of shadows cast on the open space system and adjoining private development. Developers are encouraged to work together in creating a coordinated model.

B. Environmental Analysis: Each development project is required to do appropriate studies, present the findings, and suggest solutions to problem areas prior to the design approval at the design development stage. In addition, the development team and contractor must show how they will limit negative side effects caused by their project on nearby residential and commercial properties. Impacts to be analyzed include, but are not limited to, flooding, noise, air quality, traffic, and street maintenance.

Each project submitted for review must be accompanied by a traffic study if applicable as decided by the SPGA, including benefits offered by the MBTA commuter station, which show project impacts on the area's circulation system, particularly with regard to the effect on abutting residential neighborhoods. A capacity analysis must be made at the site's access/egress points as well as at all major street intersections, using area development projections in the expected year of the project opening.

C. Consultation: Section 7.3.15.2 number 4 in the Zoning Bylaw states, "The SPGA (Planning) Board may consult with any other boards, commissions and departments to ensure complete site plan and design review. The SPGA

may utilize MGL c. 44 §53G peer review consultants.” Any costs will be the responsibility of the development team. The fees will depend on the project size and complexity and the degree to which the design standards are incorporated into the proposed project.

D. Materials Test Wall: Prior to Planning Board final approval of proposed building materials, the development team will build a test wall of materials, which reflect selected design conditions for town review and approval. A design sketch of conditions and submitted building materials must be approved for completeness before test wall construction can begin.

E. Project Related Public Improvements: The town requires developers of any Special Permit project to provide project-related, public-oriented improvements. These include on-site water retention, brick- trimmed concrete sidewalks, roadwork, open space, street lighting, and landscaping as per the Town Center Plan depicted in Section 3.

F. Specific Design Standards: In addition to the previously discussed design standards, more specific standards in the PUD overlay districts have been developed, including Street-walls and Setbacks, Corners, and Transitional Zones.

Street-walls and Setbacks: Specific areas immediately bordering the commuter rail at Waterfield Road, along Main Street north of Quill Rotary, and along Mill Pond frontage/Mt. Vernon Street require street-walls and setbacks as noted within this Section 4.

Corners: Key architectural corners, especially those located at building gateways to important town open spaces - Town Common, along the riverfront and planned along Main Street north of Quill Rotary - are unique character building opportunities highlighted for special architectural expression. This includes projecting bay windows, curved corners, turrets and towers. Each PUD district has such architectural opportunities that need to be realized.

Transitional Zones: New downtown development will include areas immediately bordering lower density residential zones and open space. The integrity of existing housing must be respected. Such transitional zones include PUD 1’s southern edge overlooking Rangeley Park residences, the eastern edge of PUD 2 (Elmwood Avenue and Vine Street), and proposed Mill Pond Park in PUD 3. Sites that border lower density residential zones must reflect the smaller scaled neighborhood that it abuts in reduced height, setbacks, and architectural character.

4.2 THE WATERFIELD BLOCK (PUD 1)



Aerial Photo of PUD 1: The district is adjacent to: the railroad viaduct and station; the Common on the north and private wooded grounds on the south.

A: First Floor/ B: Roof Plan Code:

1. Outbound station stairs, elevators and waiting
2. Inbound station stairs, elevators and cafe
3. Restaurant/retail space
4. Parking garage, 2 levels
5. Public pedestrian garage entry
6. Housing lobby and amenities
7. Two live/work duplexes screening garage
8. Apartments
9. Adjacent property housing above retail

a. widened sidewalk	d. mews
b. gateway	e. fountain/courtyard
c. garage access	f. housing terrace

The Waterfield Block is an important strategic location but largely underused, as it is currently a town-owned parking lot. Winchester plans to develop the block in the near future.

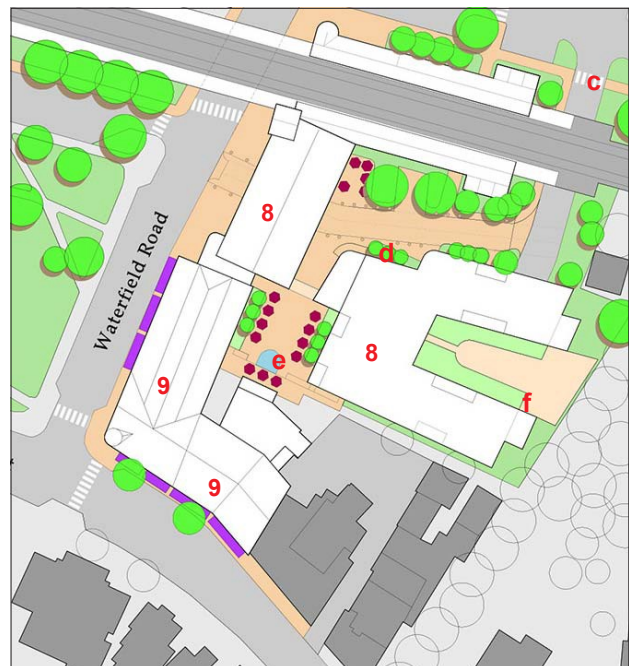
Planned uses include retail, restaurant on first floor with residential and/or limited office above along Waterfield Road and Church Street. Internally, a proposed two-level parking facility will be largely screened by a residential lobby and first floor rental space serving three floors of housing above. A new Waterfield Road 'Gateway' building will complete the existing block and incorporate the main access to the renovated MBTA Commuter Rail Station located behind.

PUD 1 Notes:

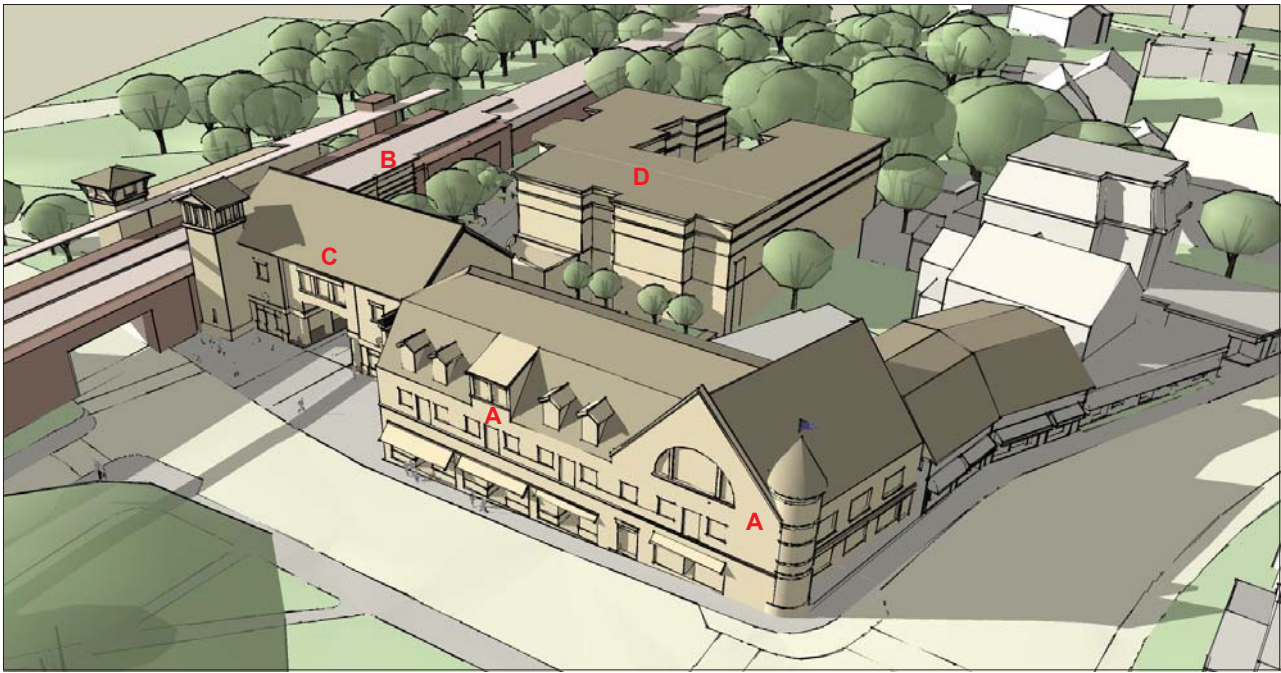
- Gateway building 20' setback from Waterfield Rd. property-line
- Mews (shared pedestrian-vehicular access) along an MWRA 20' easement and adjoining courtyard offers outdoor restaurant opportunities
- Proposed new construction shown in white totals 65 apartments, 3,500 square feet retail and 76 garage/10 valet spaces



A



B



Overview: Existing buildings (A) are expanded with housing units above. A renovated railroad station (B) better serves the town. A new infill structure (C) helps create a true station presence, continues retail along Waterfield and better defines the Common. An interior court apartment building (D) largely shields the public garage beneath it.



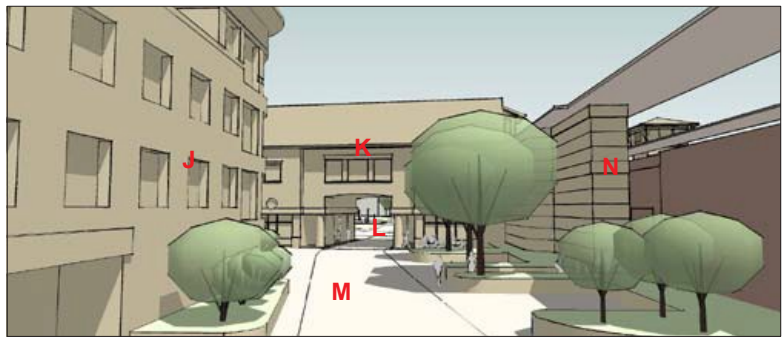
A.



B.



C.



D.

A and B. Waterfield Road: The existing dominance of on-grade parking in the study area (E) and along Laraway Road (F) is evident. The new 'station' building has first floor restaurant/retail (G) and a service/pedestrian gateway (H) with train waiting rooms above (I).

C and D. Interior Block: Almost 1-acre of asphalt will be replaced by a new residential building (J) with parking below (entry at lower left), and a Waterfield Road infill building (K) with its gateway open to the Common (L) will embellish new open space (M) and train station (N).

4.3 MAIN STREET NORTH (PUD 2)



Main Street north of Quill Rotary offers the largest opportunity for redevelopment on sites that are largely one-story buildings, parking lots and auto service.

Proposed uses include retail, restaurant on first floor with residential and/or limited office above from Quill Rotary to just north of Vine Street on both sides of Main; residential only between Horn Pond Brook to just north of Vine; and a central parking facility is shielded from public view by a housing block with retail/ restaurant uses at the first floor.

Main Street Plaza: The public space focus for the PUD is an 80' by 130' plaza that ends Main Street retail and incorporates mews access to parking.

Roof Plan Code:

- 1. Apartments above retail/restaurant
 - 2. Office addition above retail
 - 3. Apartments without retail
 - 4. Parking garage screened from plaza
- | | |
|---------------------|----------------------------|
| a. widened sidewalk | e. parking access on-grade |
| b. plaza | f. parking |
| c. mews | g. parking/service egress |
| d. housing terrace | |

PUD 2 Notes:

- Main Street façades 5' setback from property-line
- Plaza integrates 5 MPH lanes, directly opposite Vine Street and Elmwood Avenue, leading to a parking garage
- Proposed new construction shown in white totals 121 apartments, 29,800 sf. retail/restaurant, 163 garage spaces and 99 on-grade spaces
- Elmwood Avenue façades 8' setback from property-line (3' addition to the existing 5' sidewalk making the finished sidewalk 8' wide, and 5' planted buffer)
- Elmwood Avenue 10' plus planted side yard setback
- No on-grade parking lots along Elmwood Avenue
- Minimum 3-story development on Elmwood Avenue



Main Street North Roof Plan



Overview: New buildings are light beige in color; existing to remain are light grey. New construction will define Main Street and widen sidewalk via a 5' setback. Coordinated service/parking access and egress points are determined.

Five Foot Setback: Existing Main Street sidewalks are too narrow to promote the desired active retail and restaurant use. The required front setback will provide a more ample public domain for trees, walking, benches and outdoor dining as represented in this image.



A.



B.

Existing Area Character:

A The immediately adjacent Vine Street consists of well-maintained homes, whose character and scale must be respected.

B. Winchester Savings Building is very near the northern edge of the proposed public plaza. **C.** A large condominium development fronts on both Main and Wedge Pond. **D.** 612-626 Main Street is the only historic mixed-use building in the PUD.



C.



D.

4.4 MILL POND (PUD 3)



River and Pond Access: Views and places to rest along the riverfront are very limited and overgrown.

A and B. First Floor and Roof Plan Code:

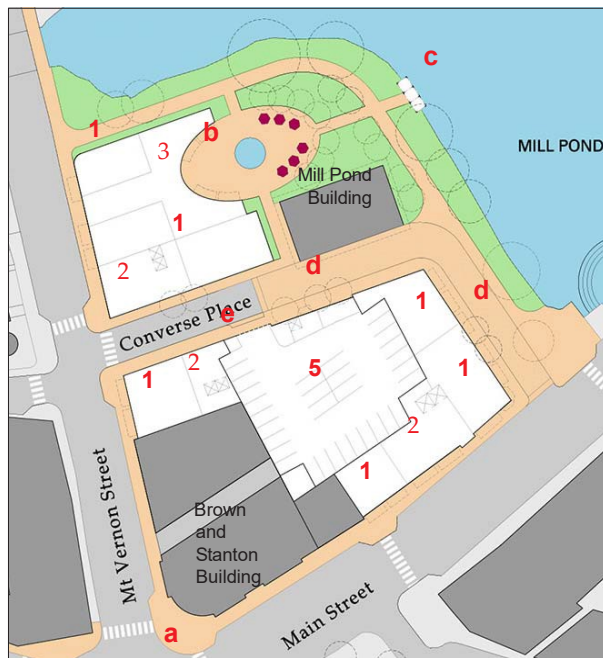
1. Restaurant/retail space
2. Housing lobby and amenities
3. Restaurant
4. Apartments
5. Private garage, 2 levels
6. Additions on top of historic buildings
- a. Widened sidewalks
- b. Oval park
- c. Water pavilion
- d. Mews
- e. Garage Access
- f. Housing Terrace

As the name implies, Mill Pond is located on the riverfront between key downtown streets. The site mostly includes numerous one-story structures, an on-grade parking lot and an empty site. This PUD also incorporates Converse Place, a low-volume service road, and an existing pedestrian/bicycle path along the riverfront.

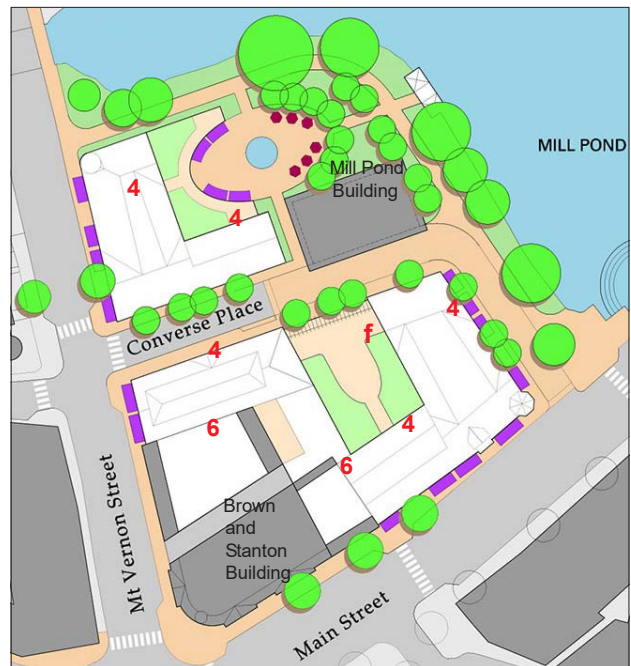
Proposed uses include retail, restaurant on first floor with residential, hotel and/or limited office above; and an integrated two-level parking facility largely hidden from public view by surrounding buildings that it serves.

PUD 3 Notes:

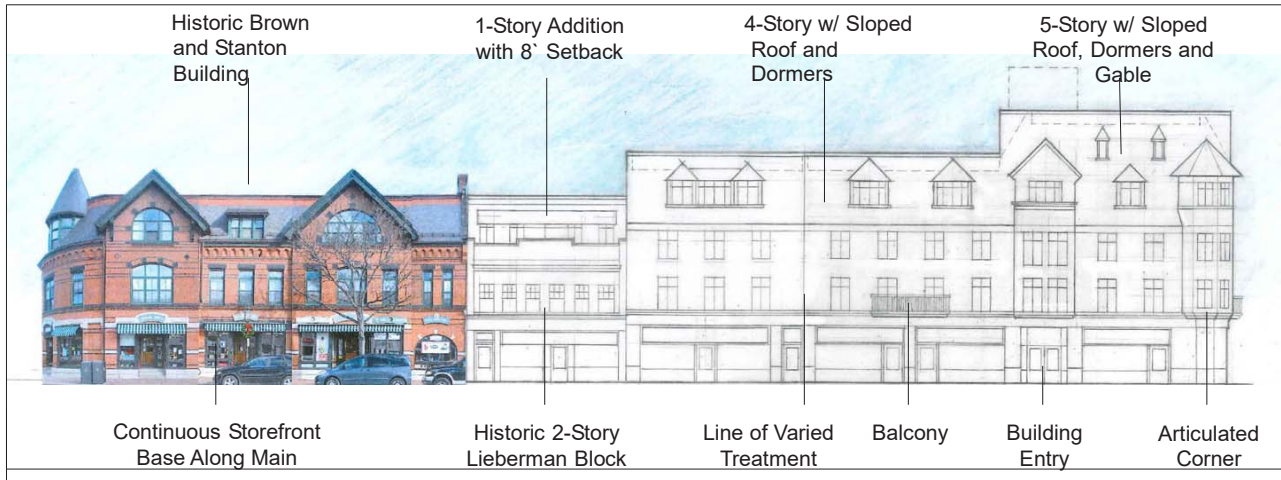
- Riverfront façades should be 5' from property line
- Oval park and water pavilion integrates existing river path
- Remainder of Converse Place garage access becomes mews
- Proposed new construction shown in white totals 65 apartments, 20,350 square feet retail/restaurant and 85 garage spaces



A. Mill Pond First Floor Plan



B. Mill Pond Roof Plan



C

C. Main Street Façade Study: New buildings and floors added to the block between Mt. Vernon Street and Converse Place should reinforce and build upon the character of downtown buildings' rhythm, materials, scale, articulation and silhouette.

D. Converse Place at Main Street: The existing corner of Converse and Main consists of one-story buildings overlooking the handsome riverfront.



D

E Roof Plan Code:

- 1. Public garage, 4 levels
- 2. Town Office expansion
- a. Continuous widened sidewalk
- b. Mews
- c. Garage access



E. Mill Pond and Adjoining Museum District Roof Plan

SECTION 5. GUIDELINES FOR EXISTING HISTORICALLY SIGNIFICANT BUILDINGS

Pertaining to Section 7.3.17 of the Winchester Zoning Bylaw

These Guidelines are intended to guide property owners in planning the rehabilitation of buildings and to assist the Center Business District Review Subcommittee (CBDRS), the Planning Board, Historical Commission and the Design Review Committee in determining those architectural changes that are appropriate for the district. The Guidelines are not retroactive and apply only to changes proposed after the 2015 rezoning of the CBD.

Winchester Center was listed on the National Register of Historic Places in 1985. The National Register District is characterized by urban density and serves a thriving town. It should be understood that the boundaries of the National Register District for Winchester Center and the CBD overlap, but the districts are not entirely the same. Some buildings in the CBD that are identified as Historically Significant Structures in the Zoning Bylaw were not listed on the National Register in 1985, yet they are deemed worthy of preservation. At the time of the nomination to the National Register, twenty-seven contributing buildings were listed within the boundaries of the CBD. As of 2016, six contributing buildings in the National Register District have been demolished, with all of those demolished located in the CBD. The greater center comprises commercial buildings as well as institutional and civic buildings, including three public schools, four churches and a synagogue, Town Hall, the Public Safety Building, and the Post Office.

The Guidelines may not have anticipated every possible change that may be proposed. For any property located within the boundaries of the district, listed as contributing on the Historic Resources List or designated in red on the CBD Historic Resources Map (located in Section 7.3.17 of the Winchester Zoning Bylaw), the CBDRS must review all exterior alterations with the exception of those specific exemptions cited within 7.3.15.1 of the Winchester Zoning Bylaw. Reviews may be submitted to the Planning Board by any of the following: CBDRS, Historical Commission, outside consultants, and the Design Review Committee. The reviewing entities (listed above) may take three possible courses of action based upon the guidelines herein:

1. To issue a recommendation of appropriateness in cases where the proposed alteration meets the guidelines,
2. To issue a recommendation for appropriateness with added conditions, or
3. To issue a recommendation for inappropriateness regarding either the project as a whole or elements of the project.

Property owners contemplating exterior changes to their buildings shall contact the Town Planner and the Historical Commission to discuss the application for design review. The CBDRS will meet as needed. It is generally recommended that deteriorated architectural elements be repaired with new material which duplicates the old as closely as possible. Previous changes to a

building have often acquired significance in their own right and may warrant retention and preservation.

5.1 PURPOSE

The intent of these guidelines is to preserve the significant historical and architectural elements of Winchester Center, a cohesive district comprising 19th-century through early-20th-century commercial, residential and institutional structures and landscapes. An important architectural feature of the Town Center is the mixed-use commercial block. The Town Center is punctuated with buildings of extraordinary architectural form, primarily institutional structures such as churches, schools, and Town Hall, as well as outstanding commercial buildings. The Town Center also includes houses from the 19th century that are valued as records of the town's historic village.

5.2 CHARACTER

The standards and criteria are intended to guide the inevitable changes to the exteriors of buildings and physical features within the district to make those changes sensitive to the architectural character of the district, to prevent the loss of character-defining historic building fabric, and to prevent unsympathetic additions. Under these guidelines, no work is required unless initiated by the owner of the property.

5.3 FAÇADES

The most important feature of buildings are the façades that face the streets and public ways (including all elements of that façade), the portions of roofs that are visible from public ways, and public open spaces.

5.4 PREFERENCES

All proposed changes or alterations to the elements mentioned in Section 6 of these Regulations will be reviewed unless specifically exempted; preference will be given to alterations that maintain, preserve, or restore according to the standards and criteria for elements identified within this Section 5.

5.5 MULTIPLE OWNERSHIP

When changes to a condominium or other buildings having multiple owners are proposed, the entire building should be considered and treated uniformly.

5.6 ENTRANCES

5.6.1 Steps, Stairs: Exterior steps, stairs and stoops are not a common feature in the Town Center. However original steps, if existing, including stringer, riser, treads, sidewalls, and any decorative element or railing, should be retained and repaired. If such stairs or steps have deteriorated to the degree that they have been removed or require removal, the replacement should appear like the original in massing and must not change location. Granite and masonry components may be replaced with material of similar texture and color such as concrete. Metal or wood stairs should be replaced with the original material if possible.

5.6.2 Railings, Balustrades and Decorative Balconies: Existing metal or wood stair railings, balustrades, crest railings, roof snow guards and decorative balconies should be retained. If they are badly deteriorated or non-existent, replacement elements should be of a size and massiveness consistent with the remaining original elements of the design or consistent with the size, massing, profile and complexity of remaining examples of ironwork or wood railings on nearby buildings. Simplified adaptations may be allowed if they meet the above criteria. All ironwork should be black in color. There is no paint color restriction on wood building components.

5.6.3 Entryways: All entryways (including decorative hoods, canopies, surrounds and moldings) should be retained. If entryways are missing or are badly deteriorated, replacement of elements shall approximate the original design, material, proportion and arrangement.

5.6.4 Entry Doors and Vestibules: All original entry doors and visible elements of vestibules should be retained and repaired. Replacement doors, if required, should match the original in material and in design including proportion, number of leaves (i.e., single or double doors), placement within the doorframe and general arrangement of panels and lights. Transoms, sidelights, and other features should be retained and repaired and not be removed or filled in to fit smaller doors and frames.

5.7 EXTERIOR WALLS

5.7.1 Masonry and Concrete:

- a. Existing walls should be retained and repaired.
- b. Replacement brick and mortar joints, when required, should match original existing brick as closely as possible with regard to size, color, texture and finish.
- c. Covering masonry in another material is strongly discouraged.
- d. New openings in the wall are discouraged but may be approved on a case-by-case basis.
- e. Original brick chimneys (and chimney caps and pots) should be retained.

5.7.2 Wood:

- a. Retention and repair of existing walls is preferred.
- b. The use of vinyl siding is strongly discouraged and will generally result in a recommendation for unfavorable action from the Permit Granting Authority, the Planning Board.
- c. New openings in wooden façades are discouraged, but may be allowed on a case-by-case basis.
- d. Painting of wood trim and wood structures is exempt from review.

5.8 WINDOWS, WINDOW OPENINGS, AND TRIM

Windows are a major character-defining feature in all buildings. The original window design and arrangement of window openings on all façades should be retained. Changing window openings to accommodate larger or smaller sash and frame is strongly discouraged. Restoring window openings to the original size where original elements are

still visible is encouraged. New openings are strongly discouraged. The removal or blockage of window openings is strongly discouraged.

5.8.1 Repair vs. Replacement: The Town maintains that original or historically appropriate wood windows should be repaired rather than replaced. The Town views original or early windows as an integral part of the design of historic buildings, and therefore of the district as a whole. In most cases, original or early windows can be repaired, and at a more economical rate than full window replacement. Additionally, the repair of the original windows can be done much more easily than the repair of a new replacement window. Original wood windows, combined with the use of storm window installation, produces comparable energy savings to insulated replacement windows. Window preservation also offsets the material and energy costs required to produce new windows. The Town or staff should be contacted about repairing original wood windows before any replacement window application is submitted. If it has been shown that the original windows, or older wood windows with historic proportions, must be replaced, they shall be replaced with wood windows that match existing conditions. Some buildings within the district have already lost their original wood windows. The Town strongly encourages the replacement of these units with wood windows that meet the standards for window replacement. However, since the original resource has already been lost, the Town will consider the installation of replacement window units that meet the Standards and Criteria for window replacement.

5.8.2 Policies for Window Replacement: The following policy statement is intended to provide guidance to applicants; all proposals for window replacement will be reviewed on a case-by-case basis.

a. Wood replacement windows are recommended. Both single glazed and thermally insulated windows will be considered, based on their exact dimensions as they will appear installed. The Town will review replacement window specifications with consideration to their approximation of original window dimensions.

b. Only structural (true) muntins or exterior applied muntins which are integral with the sash frame will be considered appropriate. Simulated muntins inserted between the panes of glass or interior snap-in muntins are not recommended. The configuration of lights (panes) should replicate the original light pattern, based on documentary evidence.

c. The recommendation of appropriate aluminum windows (see Section 5.8.1 above) is based on the framing dimensions matching that of wood and the use of a non-reflective metal. The Town will recommend the use of jamb liners and the use of anodized spacer bars between thermal panes tinted to match the sash color. Finish shall be of anodized or enameled paint in a color that matches the sash.

d. Installation of vinyl or vinyl-clad windows is strongly discouraged.

5.8.3 Sills and Lintels: Window sills and lintels should be retained and repaired. If severely deteriorated, replacements should be of a material, arrangement, color and proportion similar to the original in appearance.

5.9 BAYS, ORIELS AND PROTRUSIONS FROM WALL

Bays, oriels, and other similar protrusions from the exterior wall should not be removed. Original finishes and details should be retained and repaired or replaced in-kind.

5.10 ROOFS (including rooflines, cornices and dormers, skylights, greenhouses, arbors, penthouses, roof fences and decks, mechanical penthouses, solar panels, and devices, and the like)

The original roof configuration and cornice line should be retained. Wood, masonry, and metal cornice elements should be retained and repaired or restored. Original slate should be retained or repaired. If the visible portion of the roof requires replacement, slate or a non-reflective material similar in color and texture to slate may be recommended. Additional floors visible from the public streets and ways may be recommended in special circumstances provided the addition does not alter original parapets or cornice details. Raising or lowering the existing roofline will be recommended only for the purpose of restoring the roof to its original profile. Alterations or new construction such as greenhouses, penthouses, arbors or trellises, solar panels and devices, mechanical and electrical equipment, if visible from a public street or way, will be recommended only on a case-by-case basis. Approval criteria shall be:

- a. placement to minimize visibility,
- b. minimizing visible mass,
- c. non-reflective dark appearance, and
- d. no impact on existing building fabric such as cornices and parapets.

5.10.1 Flat Roofs: The addition of stories to flat-roofed buildings will be reviewed on a case-by-case basis. See Section 7.3.18.2 of the Zoning Bylaw for incentives to restore additional floors that once existed on a historic structure. Additional stories should be designed to minimize visual impact on the proportions and massing of the original structure. The most common approach to meeting this guideline is to step additions back from the façade or side building plane. Additions resulting in the damage or removal of significant architectural details such as:

- a. façades,
- b. cornices,
- c. parapets,
- d. windows,
- e. or other openings will result in a recommendation of unfavorable action by the Planning Board in the issuance of a building permit.

5.10.2 Dormers: Original dormers on roofs should be retained and repaired or restored. Expansion of existing dormers or the addition of new dormers may be recommended on a case-by-case basis provided designs are based on historic models.

5.10.3 Reflectivity: Gutters, downspouts, flashing, whether new or replacement, should be of a dark, non-reflective material and non-obtrusive in appearance; unfinished metal (other than copper) will not be approved.

5.11 DEMOLITION

Because the purposes of the CBD include the promotion and protection of Winchester center's historic resources and small town character, the demolition of any building identified as historically significant shall be considered detrimental to the CBD.

The Board is the Special Permit Granting Authority in the CBD Zoning Bylaw, Section 7.3.5. To effectuate the bylaw provisions, the Board will consider Special Permit applications in the CBD as follows when dealing with demolitions:

If, after the effective date of this Section 5.11, a historically significant building has been demolished within five years before the filing of an application for a special permit for the same site, the Board will presume that any new construction would impair neighborhood character, including historic resources, and would have adverse effects that outweigh its beneficial impacts to the neighborhood. The Board therefore will look unfavorably on granting a Special Permit or Variance for the site. That presumption is rebuttable by clear and convincing evidence to the contrary. Each of the following may, by itself or in combination with other factors, be sufficient to rebut that presumption in the Board's judgment:

(a) If before the demolition, the SPGA had obtained, at the development team's expense, a written opinion from an historic preservation professional who had been approved by the Historical Commission and selected by the, stating that the historically significant building had no reasonable potential for preservation and reuse; and

(b) If the proposed replacement of a historical resource has substantial beneficial impacts for the community, has been designed by a registered architect, achieves compatibility with the historical context of the CBD and will outweigh the loss of the historical resource as determined by the SPGA, the SPGA may grant the permit in accordance with the Town of Winchester Zoning Bylaw and these Rules and Regulations.

If a historically significant building was demolished before the effective date of this Section 5.11 or more than five years before the filing of an application for a special permit for the same site, the Board will consider the factors set out above and any other relevant factors in making its determination under Section 9.4.2 of the Zoning Bylaw, but without the presumption described above.

When an applicant seeks a demolition permit, it shall be provided a copy of this Section 5.11. However, any failure to provide such a copy shall not affect the implementation of this Section 5.11.

5.12 COMMERCIAL FRONTS

5.12.1 General: Any façade changes intended to increase the amount of visibility of commercial space will be subject to review and recommendation by the Town. The essential character of the building as originally designed should be preserved in all changes, including retention of doorways and major architectural features including the configuration of shopfront window walls and splayed entrance reveals. Façade changes for commercial use above the main floor of the building are not recommended.

5.12.2 Materials: The maximum amount of original material possible should be retained in new façade designs. The intent of the design should be an appeal to pedestrians. New materials should be sympathetic to those of the existing building.

5.12.3 Design: Proposed façade changes should be designed to complement the design of the existing building. Façade changes may be clearly contemporary and detailed to match the quality of the original building. Additionally, Chapter 9 of the Code of Bylaws governs signage within the Town. Signage that is prohibited under Section 2.7 of Chapter 9 includes but is not limited to neon or other types of fluorescent installations which can be seen from a public way.

5.13 Additions

Architectural changes that increase the height above existing contextual rooflines, or that substantially alter the profile of the building, will be considered on a case-by-case basis. Consideration will be given to the impact of a design on the existing building's fabric, as well as the impact on its silhouette, proportions and massing.

5.14 Exemptions

The following items cannot be used to recommend unfavorable action by a review authority:

- a) Anything inside the building,
- b) Ordinary maintenance, repair or replacement in like and kind (exact replacement),
- c) Building color,
- d) Replacement of roofing materials, gutters, downspouts,
- e) Storm doors, storm windows/screens,
- f) A/C window units,
- g) Lighting fixtures,
- h) Temporary structures, and
- i) Mailboxes or signs (that are otherwise allowed by law).

SECTION 6. GUIDELINES FOR ADMINISTERING INCLUSIONARY HOUSING Pertaining to Section 7.3.19 of the Winchester Zoning Bylaw

The inclusionary housing provisions contained within the Central Business District (CBD) Zoning Bylaw, Section 7.3.19, are designed to promote varied housing alternatives in terms of providing a range of sizes, price-points, and options for rental or condominium ownership in order to accommodate the population needs of the Winchester community and support business activity. The specific purpose of the provisions contained in this section is to foster the creation of housing that is affordable to moderate and middle income households and is located near mass transit, schools, parks and other municipal improvements.

6.1 GENERAL

- 6.1.1 Applicable Regulations and Guidelines:** Inclusionary housing units will be developed according to the regulations defined in this Section 6 and to the Guidelines for the Local Initiative Program (LIP) and the Subsidized Housing Inventory of the Massachusetts Department of Housing and Community Development (DHCD) promulgated under MGL c. 40B, Comprehensive Permit Projects, 760 CMR 56, as amended. Housing units having an income eligibility of 80 percent or less of the Boston Area Median Income (AMI) will be designed, developed, and marketed so as to be acceptable for inclusion on the Subsidized Housing Inventory. Housing units serving an income range between 80 and 120 percent of the Boston Area Median Income will be designed, developed, and marketed in an identical manner but are not eligible for inclusion on the Subsidized Housing Inventory.
- 6.1.2 Boston Area Median Income (AMI):** Boston area median household income as defined by the U.S. Department of Housing and Urban Development pursuant to Section 3 of 42 U.S.C. 1437 (the Housing Act of 1937), as amended, adjusted for household size.
- 6.1.3 Project Applicability:** The inclusionary housing provisions are applicable to any new or modified building containing the addition of six (6) or more dwelling units intended for people to live in and having complete living facilities as part of the unit. The dwelling units may be on one or more adjoining parcels in common ownership or common control at the time of application, or were in common ownership or common control at any time within four years prior to the date of such application.
- 6.1.4 Phased or Segmented Project:** A project on one lot, or two or more adjacent lots in common ownership or common control for which approvals or permits are sought within a period of three years from the first date of application for any approval or permit for the project. For a phased project, inclusionary housing units shall be proportionately

distributed, in terms of location, unit size/type, and availability over time consistent with the anticipated phase sizing and Section 6.2.1 of these regulations.

6.1.5 Eligible Household: For both ownership and rental units, a household whose total income does not exceed the specified percentage of the household size adjusted median income for the Boston metropolitan area, either 80 or 120 percent depending on the type of applicable inclusionary housing unit.

For ownership units, income eligibility is determined at the time of application. For rental units, income eligibility is determined at the time of application and annually thereafter. If, after initial acceptance, the income of a tenant of an inclusionary rental unit increases and exceeds 140 percent of the maximum allowable income at the time of initial determination, then at the expiration of the tenant's lease, the rental restrictions no longer will apply to the unit and the next available unit will be rented to an income eligible household.

6.1.6 Calculation of Sales Price and Rent: Calculation of the allowable sales or purchase price for an ownership housing unit and rental price for a rental housing unit will utilize the procedures and guidelines provided for the Local Initiative Program contained in DHCD's Subsidized Housing Inventory Guidelines. These procedures are based on a household size adjusted median income that will result in a cost that will be affordable for a household with a size equal to the number of bedrooms plus one.

For inclusionary housing units to be included on the Subsidized Housing Inventory, the sales prices and rental rates will be developed by DHCD. For inclusionary housing units that are not eligible for the Subsidized Housing Inventory, the sales prices and rental rates will be developed by the Winchester Housing Partnership Board working in cooperation with the Town Planner.

6.1.7 Allowable Household Costs: Sales prices and rents are determined so that an eligible household will not expend more than 30 percent of their annual income on housing costs. For an ownership or condominium unit, housing costs include principal, mortgage (based on an assumed 5 percent down payment), insurance, real estate tax, condominium fee, and an allowance for condominium special assessments. For rental units, allowable housing costs include the monthly rental and, if applicable, an allowance for utility costs.

6.2 INCLUSIONARY HOUSING UNITS

6.2.1 Number of Inclusionary Units: For projects containing between six and twenty-four dwelling units, the requirement is that 10 percent of the units will be affordable according to 760 CMR 56 to households earning no more than 80 percent of the Boston A.M.I. For projects containing twenty-five or more dwelling units, 10 percent of the units will be affordable to households earning no more than 80 percent of the Boston A.M.I. and an additional 5 percent will be affordable to households earning between 80 and 120 percent of the Boston A.M.I.¹ In both cases, if the number of inclusionary units contains a

¹ Projects containing twenty-five or more dwelling units that also provide fifteen (15) percent or more of the units that are affordable to households earning no more than eighty (80) percent of the Boston A.M.I.

decimal between 0.5 and 0.99, the number of units is rounded up to the next highest whole number.

If more than the required number of inclusionary housing units are provided, the applicant may request permission from the SPGA to reduce the number of parking spaces by up to 0.25 spaces/unit and/or increase the FAR by up to 0.5 as long as the FAR does not exceed the allowed Special Permit maximum for the subzone in which the project is located. Application of these incentives, though, is not automatic and will be negotiated based on the additional number of inclusionary housing units to be provided and the degree to which the project fulfills the purposes of the CBD zoning as defined in Section 7.3.1 of the Zoning Bylaw.

- 6.2.2 Location and Size of Units:** Inclusionary housing units are to be located on-site unless otherwise approved under the provisions of Section 6.4.5 of these regulations. The units should be proportionally distributed throughout a project in terms of location, unit size, and unit type.
- 6.2.3 Exterior Appearance:** The exterior appearance of inclusionary housing units shall be indistinguishable from market rate units.
- 6.2.4 Interior Finishings:** The interior finishings and amenities of inclusionary housing units should be comparable to those of market rate units, but are not required to be equivalent. Units shall contain complete living facilities, including a stove, kitchen cabinets, refrigerator, microwave, bathroom facilities, and access to laundry facilities.
- 6.2.5 Parking:** Parking accommodations provided for the inclusionary units should be equal to those provided for market rate units, with any fees imposed prorated based on the ratio of the inclusionary price or rent to the corresponding unit market rate price or rent.
- 6.2.6 Accessibility Provisions:** The inclusionary units should include reasonable accommodations to enable residents to age in place and accommodate persons having mobility or other disabilities. Units may have limited accessibility provisions, including adaptive features, or be fully accessible. Examples include wider hallways and doorways, walls reinforced to allow installation of grab bars, the ability to live on a single floor, and the ability to install ramps.
- 6.2.7 Housing Plan:** As part of the CBD Zoning Bylaw's Section 7.3.16.14 Housing Plan, the applicant shall submit for review and approval information showing the location, square footage, unit types, number and types of rooms, and location of all units (designating the inclusionary units). Also to be included are elevations, floor plans, outline specifications for the market-rate and the inclusionary units (demonstrating comparability between the units), provisions for accessibility by persons having one or more disabilities, and other related materials that may be requested.

will be viewed as satisfying the requirement for an additional five (5) percent beyond the ten (10) percent base of the units to be affordable to households earning between eighty (80) and one hundred twenty (120) percent of the Boston A.M.I.

6.3 TENANT SELECTION

- 6.3.1 Marketing:** An Affirmative Fair Housing Marketing Plan will be cooperatively developed by the applicant and the town that satisfies applicable DHCD requirements and guidelines, specifies the outreach and advertising activities that will be undertaken, and the actions to communicate the availability of the inclusionary housing units to minority populations. The Affirmative Fair Housing Marketing Plan is subject to review and approval by the Massachusetts DHCD.
- 6.3.2 Local Preference:** It is the practice of the Town of Winchester to seek the maximum 70 percent local preference allowed by the Massachusetts DHCD. A local preference, with no durational requirements, is desired for current residents, municipal employees, and employees of local businesses. The applicant will work cooperatively with the town in assembling the data and application supporting the justification of a local preference. The same level of local preference will be used for the two income levels covered by the inclusionary housing zoning provisions. If a local preference is approved by the Massachusetts DHCD, the existence of this local preference will not be advertised as part of the Affirmative Fair Housing Marketing Plan activities so as to not discourage potential non-local applicants from applying.
- 6.3.3 Lottery:** For both inclusionary unit income levels, households for both ownership and rental units will be selected utilizing a lottery process conducted in conformance with applicable Massachusetts DHCD Local Initiative Program guidelines. Applicants will be screened to verify eligibility. The lottery will prioritize households based on their utilization of the number of available bedrooms, with priority given to those applicants eligible for a local preference until the allowed local preference is fully utilized. Households not awarded a housing unit via the lottery process will be retained on a waiting list.

6.4 PAYMENT IN LIEU OF ON-SITE INCLUSIONARY HOUSING UNITS

- 6.4.1 Applicability:** A payment in lieu of providing on-site inclusionary housing units may be considered if the Board determines both that it would be in the best interest of the Town and that the provision of on-site inclusionary units would render the project economically infeasible. It is expected, though, that the normal practice in nearly all cases will be to provide the inclusionary housing units on-site as an integral part of the proposed project.
- 6.4.2 Financial Pro Forma:** The request from an applicant to consider a payment in lieu of providing on-site inclusionary housing units must be supported by submission of a financial pro forma that corresponds in detail and assumptions to that required by the Massachusetts DHCD Guidelines for a MGL c. 40B Comprehensive Permit Project.
- 6.4.3 Financial Contribution:** For a condominium home ownership development, the financial contribution for each inclusionary unit, if approved, will be equal to the difference between the fair market value of a similar unit and the approved price of the inclusionary unit. For a rental development, the financial contribution for each inclusionary unit, if approved, will be calculated using the same procedure as for a

condominium home ownership unit, assuming the value of the unit if it was sold rather than rented.

6.4.4 Payment: The agreed upon payment shall be made into the Winchester Affordable Housing Fund administered by the Board of Selectmen. For both a condominium home ownership project and a rental development, the payment shall be made in full prior to issuance of a building permit.

6.4.5 Off-Site Inclusionary Housing Units: As an alternative to a payment of cash in lieu of providing on-site inclusionary housing units, a proposal to provide off-site housing units may be considered. The number of off-site units shall be 50 percent greater than the number of on-site units required under the provisions of Section 7.3.19 of the CBD Zoning Bylaw and be located within the Central Business District. The choice of location is to be mutually agreed upon by the applicant and the town, working in consultation with the Winchester Housing Partnership Board. The off-site housing units shall consist of the same mix of eligible income levels and be roughly equivalent in terms of floor area size, number of bedrooms, interior finishings, quality, and parking.

To ensure the town is receiving appropriate value, the SPGA shall hire a professional real estate appraiser to determine the value of all proposed off-site dwelling units. The SPGA shall hire said appraiser within seven days of the applicant's submission, in writing, of a residential property intended to meet the requirements of this 6.4.5 section. If the applicant disagrees with the appraisal provided by the town, the applicant shall have the right to provide its own professionally prepared appraisal. If said appraisals differ by more than 10 percent, a third appraisal undertaken by a mutually acceptable professional appraiser shall be undertaken. The cost of the third appraisal, if necessary, shall be shared by the town and the applicant. The third appraisal shall be binding on both parties. However, if the first and second appraisals do not differ by more than 10 percent, the value shall be considered as the average value of the two appraisals.

Each off-site location shall include a home inspection, the cost of which will be paid for by the applicant. It is expected that no significant repair or improvement costs will be required before the off-site units can be either sold to an eligible First Time Home Buyer or rented to an eligible tenant. If it is mutually agreed that repairs or improvements are needed and the costs of such will exceed 10 percent of the purchase price of the unit, the coverage of such costs between the applicant and the town shall be negotiated and agreed upon.

The off-site units shall be available in proportion to the availability of housing units within the project, and in no case later than issuance of the final occupancy permit for the project itself. The sale or rental of such units shall utilize the same procedures as applicable for on-site units, including legal restrictions, approval and implementation of an Affirmative Fair Housing Marketing Plan, and a lottery process.

For condominium homeownership units, ownership of these would be transferred by the applicant to selected eligible First Time Home Buyers. For rental units, ownership of the units would be transferred to the town.

If for any reason it is not possible to purchase mutually acceptable off-site units, the applicant shall make a cash payment in accordance with Sections 6.4.3 and 6.4.4 of these regulations.

6.5 LEGAL AND OTHER DOCUMENTS

- 6.5.1 Duration:** Legal documents should be put in place to ensure a duration in perpetuity of all provisions associated with the sale, rental, and occupancy of inclusionary units to the extent this is legally possible.
- 6.5.2 Condominium Fees and Assessments:** Regular condominium fees and periodic condominium assessments should be based on the ratio of the purchase price of the inclusionary unit to the market rate purchase price of a comparable unit.
- 6.5.3 Condominium Voting Rights:** For condominium ownership units, the inclusionary units shall retain an equivalent voting share in the condominium association relative to market rate units.
- 6.5.4 Resales, Resale Prices, Re-Rentals, Rental Increases:** Resales and re-rentals for inclusionary units should follow the procedures described in the Massachusetts DHCD Guidelines for Local Initiative Program housing units, including the use of an Affirmative Fair Housing Marketing Plan and a lottery process. A “ready” list of potential buyers and renters is encouraged. Resale prices and rent increases of inclusionary housing units are subject to limitations and will be determined using Massachusetts DHCD procedures for Local Initiative Program housing units.
- 6.5.5 Document Review:** The deed rider, regulatory and monitoring services agreements, rental restrictions and condominium documents shall be subject to legal review and approval of legal counsel to the town. This review and approval is to occur prior to submission of an application for approval to the Massachusetts DHCD and prior to the issuance of a certificate of occupancy for the first residential unit in the project. At a minimum, the condominium documents shall specify that the deed rider and monitoring services agreement shall govern the condominium or homeowners’ association, and that there shall be no amendments to the inclusionary housing provisions without approval by the SPGA.

6.6 ADMINISTRATION AND RESPONSIBILITIES

- 6.6.1 Administration:** The SPGA, working in cooperation with the Housing Partnership Board and with the assistance of the Town Manager’s Office, is responsible for administration of Section 7.3.19 of the Zoning Bylaw, including these *Section 7 Regulations*. This includes the monitoring of long-term affordability.
- 6.6.2 Pre-Application Meeting:** The inclusionary housing provisions of the Center Business District, including these *Regulations*, will be made available to the applicant during the pre-application meeting with the Town Planner as describe in Section 7.3.6 of the Zoning Bylaw. As a part of this meeting, arrangements will be discussed for a meeting with

representatives of the Housing Partnership Board, to be held prior to initiation of either a Site Plan or Design Review.

- 6.6.3 Responsibilities:** The Housing Plan as described in Section 6.2.7 of these *Regulations* submitted by the applicant will include a complete description of the manner in which the CBD inclusionary housing provisions will be satisfied.

Following approval of the Housing Plan, the applicant and the town will work cooperatively in preparing the documentation to be submitted to the Massachusetts DHCD necessary to obtain approval for inclusion on the Subsidized Housing Inventory of those inclusionary housing units subject to an 80 percent Boston Area Median Income limitation. Except when otherwise approved, the town will have lead responsibility for communicating and working with staff of the Massachusetts DHCD. Similarly, the town and applicant will work cooperatively in implementing the approved Affirmative Fair Housing Marketing Plan and conducting the lottery process. While under applicable Massachusetts DHCD Guidelines, the town is responsible for annual monitoring, the town intends to designate these monitoring responsibilities for rental projects, wherever possible, to the applicant developer.

- 6.6.4 Occupancy:** Occupancy permits may be issued for market rate units prior to the end of construction of the entire project provided that occupancy permits for the approved inclusionary units are issued simultaneously on a pro-rata basis according to the distribution developed in Section 6.2.1 of these *Regulations* and approved as part of Section 6.2.7 of these *Regulations*.

- 6.6.5 Consistency:** To the extent these regulations are inconsistent with the LIP Guidelines of the Massachusetts DHCD, the more stringent requirement shall prevail. To the extent that it is not clear whether the requirements of LIP or these regulations are more stringent, the LIP requirements shall prevail.

- 6.6.6 Reimbursement of Town Costs:** Costs to review application documents such as a Housing Plan, the documents subject to legal review, or otherwise administer these inclusionary housing provisions, shall upon request by the town be paid by the applicant. The Town may establish an escrow account pursuant to MGL c. 44, §. 53A or § 53G for this purpose.

SECTION 7. FORMS

Form A: By-Right Project Proposal Application

Form B: Special Permit Application: (Pre-existing Nonconforming)

Form C: Special Permit Application: (Use Special Permit)

Form D: Special Permit Application: (Dimensional Special Permit)

Form E: Variance Proposal Application

Once any Form is submitted to the Town, all members of the SPGA, the CBDRS, or any other members of Boards or Commissions involved in the review of the Application shall refrain from contact or communication with the Applicant (or their representatives) outside the context of a public meeting or hearing. All communication between the Board and the Applicants or their representatives shall be conducted through Town staff; provided, however, that Applicants or their representatives may communicate with the Chairperson as to procedural or administrative matters.

Form A		
Winchester, MA Center Business District (7.3)		
By-Right Project Proposal Application: (filled out by Applicant)		
Application Date:		
Property Address:	Subzone:	
	East Core..... <input type="checkbox"/>	
	Town Common..... <input type="checkbox"/>	
Lot size:	North Core..... <input type="checkbox"/>	
Current Use:	Museum..... <input type="checkbox"/>	
Property Owner(s) Name and Address	Property Owner(s) Signature	
Assigned Application #:BR-		
Date of Pre-Application Meeting with Town Planner:		
Historic Structure according to Map 7.3.4? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes: What was the date of the meeting with the Historical Commission? _____ Provide the Inventory Form and a copy of the file from the Archives Dept.		
Zoning Compliance		
Requirement	Current	Proposed
Height:		
Open Space %:		
Front Setback:		
Rear Setback:		

Side Setback:				
Floor-Area-Ratio:				
Gross Floor Area:				
Frontage:				

TITLE REFERENCE

(Unregistered land) Middlesex County Registry of Deeds; Book _____,
Page _____

(Registered land) Land Court Certificate of Title No. _____ Book _____,
Page _____

Date of Recording: _____

Project narrative

****Attach existing conditions photographs, architectural/landscape/site plans, elevations, and any other exterior details and materials plans deemed necessary by Town Planner**

Form B

Winchester, MA Center Business District (7.3)

Special Permit Application: (Pre-existing Nonconforming) (filled out by Applicant)

Application Date:		
Property Address:	Subzone:	
	East Core..... <input type="checkbox"/>	
	Town Common..... <input type="checkbox"/>	
Lot size:	North Core..... <input type="checkbox"/>	
Current Use:	Museum..... <input type="checkbox"/>	
Property Owner(s) Name and Address	Property Owner(s) Signature	
Assigned Application #:CBD-		
Date of Pre-Application Meeting with Town Planner:		
Historic Structure according to Map 7.3.4? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes: What was the date of the meeting with the Historical Commission? _____ Provide the Inventory Form and a copy of the file from the Archives Dept.		
Zoning Compliance		
Requirement	Current	Proposed
Height:		
Open Space %:		
Front Setback:		
Rear Setback:		

3. The proposed change, extension or alteration of the structure will be equally or more appropriate to the neighborhood than the existing non-conforming structure because:

4. The proposed project will not adversely affect:
 - (a) Ingress and egress to the property and structures, because:

 - (b) Off-street parking and loading areas, because:

 - (c) Refuse collection or disposal, because:

 - (d) Screening or buffering of neighboring properties, because:

 - (e) Required yards and other open space, because:

 - (f) General compatibility of the structure with adjacent properties and other properties in the district, because:

NOTE: It is anticipated that many of the above questions may be answered by the submission of plans.

The rights authorized by a special permit expire two years from the date the decision is filed with the Town Clerk unless exercised or extended in accordance with the terms of Massachusetts General Laws, Chapter 40A, Section 9.

Project narrative

**Attach existing conditions photographs, architectural/landscape/site plans, elevations, and any other exterior details and materials plans deemed necessary by Town Planner (Use additional space on next sheet if necessary)

Signed as a statement of fact under the pains and penalties of perjury, this
_____ day of
_____, 20____.

SIGNATURE _____

(Petitioner/Agent)

Address _____

Tel No. _____

Form C

Winchester, MA Center Business District (7.3)

Special Permit Application: (Use Special Permit) (filled out by Applicant)

Application Date:		
Property Address:	Subzone:	
	East Core..... <input type="checkbox"/>	
	Town Common..... <input type="checkbox"/>	
Lot size:	North Core..... <input type="checkbox"/>	
Current Use:	Museum..... <input type="checkbox"/>	
Property Owner(s) Name and Address		Property Owner(s) Signature
Assigned Application #:CBD-		
Date of Pre-Application Meeting with Town Planner:		
Historic Structure according to Map 7.3.4? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes: What was the date of the meeting with the Historical Commission? _____ Provide the Inventory Form and a copy of the file from the Archives Dept.		
Zoning Compliance		
Requirement	Current	Proposed
Height:		
Open Space %:		
Front Setback:		
Rear Setback:		

Revised Jan 2017
 Form C page 1/5

Side Setback:				
Floor-Area-Ratio:				
Gross Floor Area:				
Frontage:				
<p>TITLE REFERENCE</p> <p>(Unregistered land) Middlesex County Registry of Deeds; Book _____, Page _____</p> <p>(Registered land) Land Court Certificate of Title No. _____ Book _____, Page _____</p> <p>Date of Recording: _____</p>				

Revised Jan 2017
Form C page 2/5

Petitioner _____ seeks a Special Permit under Section 7.3 of the Winchester Zoning By-Law for the property located at _____ and asks that the Planning Board make the following findings of fact in accordance with the Winchester Zoning By-Law and Massachusetts General Laws, Chapter 40A, Section 9.

1. The use to which the Petitioner seeks to put this property is allowable by Special Permit pursuant to Section 7.3 of the Winchester Zoning By-Law and the “Table of Uses” thereunder as follows:

2. The proposal makes satisfactory provision and arrangement for ingress and egress to the property and proposed structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or catastrophe, as follows:

3. The proposal makes satisfactory provision and arrangement for off-street parking and loading areas, with particular attention to the economic, noise, glare or odor effects of the Special Permit on adjoining properties and properties generally in the zoning district, as follows:

4. The proposal makes satisfactory provision and arrangement for refuse collection or disposal and service areas, as follows:

Project narrative

**Attach existing conditions photographs, architectural/landscape/site plans, elevations, and any other exterior details and materials plans deemed necessary by Town Planner (Use additional space on next sheet if necessary)

Signed as a statement of fact under the pains and penalties of perjury, this
_____ day of
_____, 20_____.

SIGNATURE _____
(Petitioner/Agent)
Address _____

Tel No. _____

Form D

Winchester, MA Center Business District (7.3)

Special Permit Application: (Dimensional Special Permit) (filled out by Applicant)

Application Date:

Property Address:

Subzone:

East Core.....

Town Common.....

Lot size:

North Core.....

Current Use:

Museum.....

Property Owner(s) Name and Address

Property Owner(s) Signature

Assigned Application #:CBD-

Date of Pre-Application Meeting with Town Planner:

Historic Structure according to Map 7.3.4?

Yes

No

If yes:

What was the date of the meeting with the Historical Commission? _____

Provide the Inventory Form and a copy of the file from the Archives Dept.

Zoning Compliance

Requirement	Current	Proposed
Height:		
Open Space %:		
Front Setback:		
Rear Setback:		

Revised Jan 2017 Form D page 1/5

Side Setback:				
Floor-Area-Ratio:				
Gross Floor Area:				
Frontage:				
<p>TITLE REFERENCE</p> <p>(Unregistered land) Middlesex County Registry of Deeds; Book _____, Page _____</p> <p>(Registered land) Land Court Certificate of Title No. _____ Book _____, Page _____</p> <p>Date of Recording: _____</p>				

Petitioner _____ seeks a Special Permit under Section 7.3 of the Winchester Zoning By-Law for the property located at _____ and asks that the Planning Board make the following findings of fact in accordance with the Winchester Zoning By-Law and Massachusetts General Laws, Chapter 40A, Section 9.

1. The use to which the Petitioner seeks to put this property is allowable by Special Permit pursuant to Section 7.3 of the Winchester Zoning By-Law and the “Table of Uses” thereunder as follows:

2. The proposal makes satisfactory provision and arrangement for ingress and egress to the property and proposed structures, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or catastrophe, as follows:

3. The proposal makes satisfactory provision and arrangement for off-street parking and loading areas, with particular attention to the economic, noise, glare or odor effects of the Special Permit on adjoining properties and properties generally in the zoning district, as follows:

4. The proposal makes satisfactory provision and arrangement for refuse collection or disposal and service areas, as follows:

Project narrative

**Attach existing conditions photographs, architectural/landscape/site plans, elevations, and any other exterior details and materials plans deemed necessary by Town Planner (Use additional space on next sheet if necessary)

Signed as a statement of fact under the pains and penalties of perjury, this
_____ day of
_____, 20_____.

SIGNATURE _____

(Petitioner/Agent)

Address _____

Tel No. _____

Form E

Winchester, MA Center Business District (7.3)

Variance Proposal Application: (filled out by the Applicant)

Application Date:		
Property Address:	Subzone:	
	East Core..... <input type="checkbox"/>	
	Town Common..... <input type="checkbox"/>	
Lot size:	North Core..... <input type="checkbox"/>	
Current Use:	Museum..... <input type="checkbox"/>	
Property Owner(s) Name and Address		Property Owner(s) Signature
Assigned Application #:CBD-		
Date of Pre-Application Meeting with Town Planner:		
Historic Structure according to Map 7.3.4? Yes <input type="checkbox"/> No <input type="checkbox"/>		
If yes:		
What was the date of the meeting with the Historical Commission? _____		
Provide the Inventory Form and a copy of the file from the Archives Dept.		
Zoning Compliance		
Requirement	Current	Proposed
Height:		
Open Space %:		
Front Setback:		
Rear Setback:		

3. The conditions described, the topography, shape of the parcel, or soil conditions, specifically affect this property and do not generally the zoning district in which it is located because:

4. The strict application of the above zoning provisions create a substantial hardship, financial or otherwise, because:

5. The requested relief from the above zoning provisions will be desirable and will not present a substantial detriment to the public good because:

6. The requested relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance because:

NOTE: It is anticipated that many of the above questions may be answered by the submission of plans.

The rights authorized by a variance expire one year from the date the decision is filed with the Town Clerk, unless exercised or extended in accordance with the terms of Massachusetts General Laws, Chapter 40A, Section 10 and the rules of the Board of Appeal.

Date: _____

SIGNATURE _____
(Petitioner/Agent)

Address _____

Tel No. _____

SECTION 8. FEES

By-right Project Review.....	\$50
Site Plan/Design Review.....	\$50
Special Permit (Housing or Mixed Use).....	\$1,000 plus \$100 per dwelling unit
Special Permit (Non Housing).....	\$150

Cost of advertising will be borne by the applicant and billed directly by the newspaper