



WINCHESTER MASTER PLAN 2030

PHASE I EXISTING CONDITIONS

REPORT

This report prepared for the Master Plan Steering Committee (MPSC) details the findings of Phase I of the Winchester Master Plan 2030 Existing Conditions analysis for the Town of Winchester, Massachusetts.

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Chapter 1: Land Use

Introduction

Land use is a term to describe the way land within a municipality is used to serve a variety of purposes. Those may include housing people, civic and institutional services, jobs and economic activity, education, recreation, natural resource protection, or roads, utilities, and infrastructure. When people talk about land use, they may refer to specific neighborhoods, businesses, or areas of town and the accompanying development pattern. People may refer to gridded tree-lined streets, winding roads and cul-de-sacs; large or small lot sizes; deep or shallow setbacks; or single-story or multi-story buildings. The way land is used can shape people's perceptions of a place, its desirability, and its economic value.

Land use and the built environment are heavily influenced by a community's zoning rules and regulations. Zoning provides the regulatory framework to develop or preserve land. These regulations guide allowable uses, building placement, building height, parking and access, and more. This chapter will discuss Winchester's land use patterns and the zoning regulations that shape the community.

Trends and Challenges

- Winchester's town center is the historic, cultural, and commercial hub for the town. Balancing new development opportunities while maintaining the character of the area is an ongoing challenge.
- The North Main Street corridor offers a great opportunity for the Town to look at redevelopment options that could include a mix of retail, offices, and residential uses.
- Winchester's desirability and extremely high home values have created a market for tear down-rebuilds which threaten the scale and aesthetics of many established neighborhoods. This redevelopment pattern also takes lower-cost starter homes off the market in favor of much larger—and far more expensive—housing.
- Winchester is far below the state's mandated 10 percent affordable housing requirement which opens the door to potential 40B housing developments that may or may not fit with the character of the area in which they are proposed.
- Winchester's industrial areas house a mix of industrial, commercial, office, and recreation-based businesses. The original intent of these districts was to attract industrial users to the area, but changes in the market have led to other users occupying these spaces.

Inventory of Existing Conditions

LAND USE PATTERNS

Winchester's earliest settlements grew out from several north/south transportation routes that connect Winchester to Woburn in the north and to Medford in the south. In the 1700s, the roadways of Cambridge Street/Route 3, Washington Street, and Main Street provided key connections to nearby settlements and helped establish some of Winchester's earliest neighborhoods. Industry flourished along the Aberjona River in small mills and tanneries, bolstered by the opening of the Middlesex Canal (1803) and later, the Boston and Lowell Railroad (1835). These developments provided quick and easy access to markets in

Boston.³ While the railroad boosted industrial production, Winchester's population began to fracture economically and geographically as wealthy Boston residents—attracted by the easy commute and eager to escape city life—began moving into town. Workers settled near the mills and factories.

From the 1870s onward, new suburban-style neighborhoods were constructed to support the residential growth in Winchester. People were attracted to the architecture of these new homes as they grew outward from the historic town center. By the early 1900s, Winchester's industrial peak had passed—paving the way for residential development to now dominate the landscape. Over time, residential development pushed westward past Route 3. Neighborhoods with gridded streets were replaced by curvilinear streets and large lot subdivisions.

Although change has occurred with land use patterns over time, Winchester still maintains several commercial corridors and areas. Winchester's Town Center thrives as the cultural, historic, and commercial hub of the town drawing residents and visitors alike. The town center benefits from the confluence of several major roadways that cut through Winchester, as well as the Winchester Center MBTA Commuter Rail station.

The Town's decision to locate a number of civic and institutional buildings in the town center generates activity every day of the week and strengthens the economic vitality of the town center.

The Main Street and Washington Street corridors radiate out from Winchester's town center and continue to serve as commercial and residential spines that connect to Woburn to the north. The area between Main Street and the MBTA Commuter Rail line is home to much of the Town's remaining commercial and industrial activity outside of the town center.

Land Use Change

The change in Winchester's land use composition between 1971-1999 was one that many communities in Eastern Massachusetts experienced. The continued build-out of our region's suburban cities and towns converted agricultural lands, open spaces, and forests into residential and commercial land uses. As shown in table X below, over this twenty-eight-year period, Winchester saw a 20 percent decline in open space and a 29 percent decline in forested land as the expansion of lower density residential development spread outward. Over the same twenty-eight-year period, Winchester's low-density residential land uses increased by 62 percent or an additional 153 acres of land.⁴ Land was also converted to support high-density residential development (including multi-family).

Current Land Use Composition

To understand Winchester's current land use composition, it is most effective to use recent land use classification information from the Town's property assessment database. Due to changes in the way the state classifies land, it is difficult to compare 1999 data to 2005 data. Land use data from the state is not available for municipalities after 2005. Current land use composition data was sourced from the state's parcel layer for Winchester with assessment information dating from 2011. Table X shows how land is currently classified in Winchester by total acreage and the percent of total. Current land use compositions

³ Winchester Historical Society, http://www.winchesterhistoricalsociety.org/winchester_history

⁴ MassGIS defines high-density residential as multi-family housing and residential parcels less than ¼ acre in size. Medium-density residential are parcels between ¼ acre and ½ acre. Low-density residential are parcels more than ½ acre in size.

are similar to the 1999 state land use data. Much of Winchester's land is still used for single-family housing, protected open space, and institutional uses. It is important to note that the total acreage numbers from 1999 data differ from the 2011 data because roads and rights-of-way are not classified in the 2011 data.

Table X: Land Use Change: 1971 - 1999⁵

Land Use Category	Land Use Change 1971-1999						
	1971		1985		1999		% Change 1971-1999
	Acres	Percent	Acres	Percent	Acres	Percent	
Agricultural	40	1.0%	40	1.0%	40	1.0%	0.0%
Open Space	306	7.5%	265	6.5%	244	6.0%	-20.2%
Forest	944	23.2%	758	18.6%	666	16.4%	-29.4%
Recreation	147	3.6%	174	4.3%	174	4.3%	18.1%
Non-Forested Wetland	29	0.7%	29	0.7%	29	0.7%	0.0%
Commercial	77	1.9%	87	2.1%	87	2.1%	13.2%
Industrial/Transportation/Mining	82	2.0%	86	2.1%	86	2.1%	4.3%
High Density Residential	327	8.0%	359	8.8%	401	9.8%	22.6%
Medium Density Residential	1,684	41.3%	1,735	42.6%	1,757	43.1%	4.3%
Low Density Residential	246	6.0%	350	8.6%	399	9.8%	62.0%
Water	193	4.7%	193	4.7%	193	4.7%	0.0%
Total	4,075	100%	4,075	100%	4,075	100%	

Table X: Current Land Use Composition⁶

Land Use Category	Acreage	Percent
Agricultural / Horticultural	14	0.4%
Commercial	72	2.0%
Condominium	179	5.0%
Exempt Property - Other	34	1.0%
Exempt Property – Private	46	1.3%
Industrial	23	0.7%
Institutional	421	11.9%
Mixed Use (Residential)	2	0.1%
Mixed Use (Commercial)	4	0.1%
Multi-Family	6	0.2%
Multiple Houses on One Parcel	1	0.0%
Non-Transient Group Quarters	24	0.7%
Permanently Protected Open Space	516	14.6%
Recreational	124	3.5%
Single-Family	1,877	53.0%
Two-Family or Three-Family	79	2.2%
Vacant Land	4	0.1%
Vacant Land in a Residential Zone	84	2.4%
Right of Way	31	0.9%
Total	3,541	100%
*Acreage does not include roads and assessor data entries that are not coded.		

⁵ MassGIS 1971-1999 Historical Land Use Data

⁶ MassGIS, 2011 Parcel Data. *Acreage does not include roads and assessor data entries that are not coded.

Winchester Master Plan

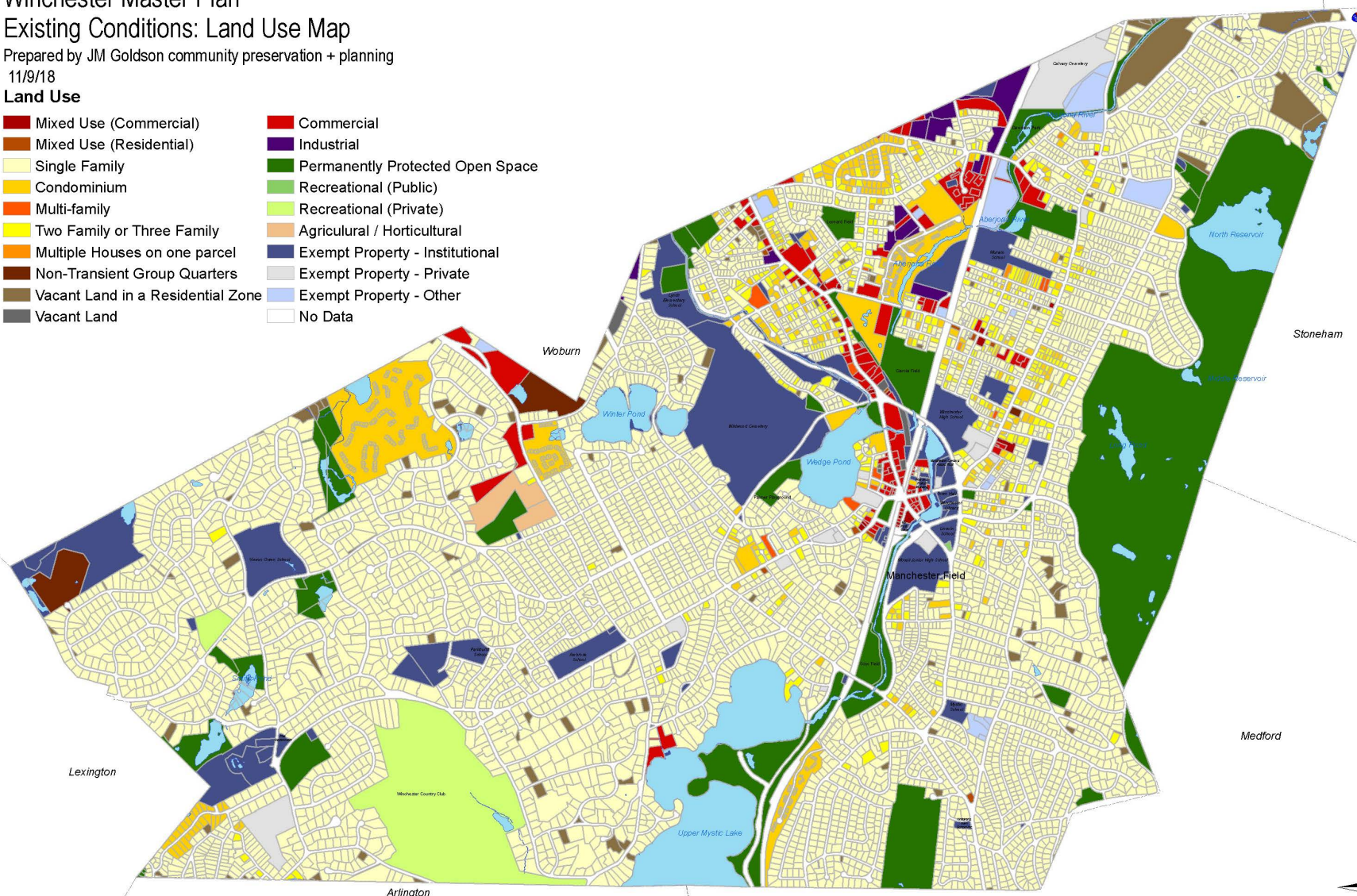
Existing Conditions: Land Use Map

Prepared by JM Goldson community preservation + planning

11/9/18

Land Use

- | | |
|--|---|
| Mixed Use (Commercial) | Commercial |
| Mixed Use (Residential) | Industrial |
| Single Family | Permanently Protected Open Space |
| Condominium | Recreational (Public) |
| Multi-family | Recreational (Private) |
| Two Family or Three Family | Agricultural / Horticultural |
| Multiple Houses on one parcel | Exempt Property - Institutional |
| Non-Transient Group Quarters | Exempt Property - Private |
| Vacant Land in a Residential Zone | Exempt Property - Other |
| Vacant Land | No Data |



Source:
GIS data from MassGIS Parcel Information and Town of Winchester Engineering Department
Data Limitation: Town database has missing parcel information
Agricultural land is not included in this map. Agricultural parcels are included in Chapter 51B.

ZONING REGULATIONS

Zoning is the regulatory side of land use planning. The Town's Zoning Bylaw describes the regulations that are applied to parcels of land and directs property owners on what can and cannot be done with their land. Zoning regulates which uses are permitted on the parcel, where a structure can be placed on a parcel, how tall a structure can be, how much parking is required, how much open space or landscaping must be provided, and the number and size of signage. These regulations shape the built environment and the mixture of uses across the community.

As the Master Plan sets the future direction for the Town and how it may evolve over time, zoning is one of the key regulatory frameworks that can be changed to align with the vision for the community. As such, it can be a significant implementation mechanism. Zoning can help influence—or be influenced by—changes in transportation, housing, the natural environment, economic development initiatives, new public facilities, and more. It is a common thread that links many of the elements of the Master Plan together.

The Town of Winchester adopted its first Zoning Bylaw in 1924. Since then, many changes from the Planning Board have been adopted by Town Meeting. The Zoning Bylaw includes eleven base zoning districts and nine overlay districts. The following provides a description of each zoning district and discusses its general purpose and allowable uses.

Residential Districts

Winchester's Zoning Bylaw includes six residential zoning districts. Two of the districts, RA-120 (Multiple Family Residential) and RB-20 (Apartment House Residential), allow multi-family dwellings in townhouse or apartment style developments. The other four residential districts (Residence A, B, C, and General Residence) regulate single-family housing development at different densities. Duplexes are permitted in the General Residence (RG) district, but not in the other districts.

Single-Family Residential Districts

Minimum lot size is the primary difference between the four single-family residential districts—Residence A, B, C, and General Residence. Residence A (RDA) has a minimum lot size of 20,000 square feet, Residence B (RDB) has a minimum of 10,000 square feet, Residence C (RDC) has a minimum of 15,000 square feet, and General Residence (RG) has a minimum of 6,500. The minimum lot size requirements in each of the districts tracks closely with the Town's outward development over time. The smallest lot sizes in the RG district are clustered in the area north of Winchester Center up to the Woburn line on either side of the railroad tracks. Moving west from the RG district, lot sizes increase to the 15,000 square foot minimum east of Route 3 and 20,000 square feet west of Route 3 to the Lexington town line.

These residential minimum lot sizes tend to follow the historical development pattern of Winchester. In districts with larger minimum lot sizes, the front, side, and rear yard setbacks tend to be larger as well pushing the house further from the street and from neighboring property lines. Heights of structures in all four single-family residential districts is limited to 2.5 stories and forty-feet.

Multi-Family Residential Districts

Winchester has two residential districts that allow multi-family housing development by Special Permit—RA-120 and RB-20. The RA-120 district is the lower density multi-family district which allows for three dwelling units per acre with a minimum lot size of 120,000 square feet. Under this district's dimensional regulations, 75 percent of the parcel must be open area—meaning this percentage of the lot must not be

taken up by a structure. Buildings are limited to three stories or forty feet in height. Development in this zoning district is limited to large single parcels located in and around the RG district to the north of Winchester Center on either side of the railroad tracks.

The RB-20 district, while more flexible than the RA-120, appears to be limited to just a handful of parcels in Winchester. The largest group includes the Wedgewood Place apartment development along the west side of Main Street in Winchester Center. The RB-20 district allows garden apartments, townhouses, and apartment houses by Special Permit up to a density of twenty units per acre. The maximum height for a structure in this district is five stories or 45 feet. The setbacks, lot width dimensions, and lot coverage regulations are less restrictive than in all the other residential districts.

A provision in Winchester's zoning (Section 7.1) applying to the RA-120 and RB-20 districts allows for density bonuses, if the applicant provides income-restricted affordable housing units within the development. In the RB-20 district, the Board of Appeals could grant a density bonus of up to fifty units per acre, if the applicant provides at least 30 percent of the units as affordable in compliance with state and federal housing laws. In the RA-120 district, the Board of Appeals can grant a density bonus of up to eight units per acre if the applicant designates 15 percent of the units as affordable.

Business Districts

There are four different business districts in Winchester—General Business District 1, 2, 3 and the Center Business District. The three General Business Districts cover properties along North Main Street and scattered sites along Swanton Street east of the railroad tracks. The fourth commercial district is the recently reworked Center Business District (CBD) that covers Winchester Center.

General Business District 1 (GBD-1) allows a wide range of commercial businesses including retail, restaurants, offices, medical offices, and auto-related uses such as gas stations, repair shops and parking lots. This district is limited to some of the older commercial properties along the north and south sides of Swanton Street, and a large parcel along the east side of Route 3 just south of the Woburn city line. The dimensional regulations within this commercial district promote development on small parcels by not having a minimum lot size, requiring only twenty feet of lot frontage, and not having front or side yard setback requirements. The maximum building height in this district is three stories or forty-five feet.

General Business District 2 (GBD-2) and General Business District 3 (GBD-3) are both located along the east and west sides of North Main Street. GBD-2 covers parcels from Lake Street north to Swanton Street and allows a mix of commercial and residential uses, including single-family homes by-right and garden apartments and town homes by Special Permit. The district also allows a combination of residential and commercial uses in the same structure (mixed-use) with up to four units of residential development included. Commercial uses closely mirror those within GBD-1—except for auto-related uses. GBD-2 does not have a minimum lot size, but it does include a ten-foot minimum and fifteen-foot maximum front yard setback that must be landscaped or hardscaped as a plaza or gathering space. The maximum height of a structure in this district is limited to three stories or forty-five feet.

General Business District 3 (GBD-3) covers parcels along both sides of North Main Street from Swanton Street north to Woburn city line except for a small pocket of residential development off Russell Road. The use regulations in this district are structured to encourage professional offices, medical offices, and banks—moving away from the more retail and restaurant-oriented use mix of the GBD-1 and 2. Property owners are still able to do mixed-use development in this district by Special Permit. The dimensional

regulations in this district are identical to those in GBD-2 with the exception of a fifteen-foot front yard setback minimum and no maximum setback.

Center Business District

The Center Business District (CBD) covers most of the area known as Winchester Town Center. This district was substantially revised and updated by Town Meeting in 2015. The purpose of this district is to:

1. Ensure the economic vitality and vibrancy of Winchester's Town Center;
2. Enhance the commercial and residential tax base within the CBD;
3. Improve and reinforce the livability and aesthetic qualities of the town center;
4. Promote and protect Winchester Center's historic resources and small-town character while encouraging selective development to promote "smart growth;"
5. Promote more diverse housing alternatives to accommodate the various population needs of the Winchester community and to support business activity;
6. Provide for an expanded mix of allowable land uses where public transportation and public services are in close proximity to housing and retail services;
7. Create a more efficient and effective permitting process for the CBD.

The Planning Board is the Special Permit Granting Authority, as well as the Site Plan Review Authority, and conducts design review for development identified in the Zoning Bylaw as requiring those reviews. In 2017, the Planning Board adopted *The Regulations Governing Section 7.3 Center Business District of the Town of Winchester*. These regulations include provisions related to the application and review process. It also includes guidelines for: new construction; Planned Unit Developments (PUD) in the CBD; historically significant buildings; and inclusionary housing. Information regarding forms and fees is detailed within the regulations as well.

These changes and new CBD regulations are intended to create, improve, and enhance the quality and vitality of the town center by allowing for and encouraging mixed uses, diverse housing, and an expanded commercial tax base.

The CBD was divided into four core areas –East Core, Town Common, North Core, and Museum, allowing each core area to adopt various zoning regulations that reflect the core's existing characteristics. The four core areas also have varying dimensional standards for development in those areas. For example, height limits can range from 38 feet to 45 feet, depending on the core area.

Three subareas of the CBD were zoned as Planned Unit Development Districts (PUDs), designed to encourage mixed use developments. Specific project plans and designs are carefully reviewed—creating development flexibility—rather than each project adhering to a standardized set of regulations. The CBD bylaw also includes guidelines for design principles; open space and circulation design; pedestrian circulation; and service facilities. Protection of historic resources and the provision of affordable housing through an inclusionary housing requirement are part of this district. Specific parking requirements for different uses, including bicycle parking, are also outlined in the bylaw.

Industrial Districts

Winchester's zoning includes one industrial zoning district—Limited Light Industrial District (IL). This district allows industrial businesses including storage, distribution, and manufacturing facilities; lumber yards and contractor yards; printing, packaging and processing plants; and laboratory space. This district

covers parcels off Holton Street, Cross Street, and Swanton Street in Winchester's existing industrial park areas. It is worth noting that the portion of Cross Street east of the railroad tracks is zoned industrial but largely comprised of commercial uses.

In addition to industrial uses, this district also allows personal-service establishments, professional offices, banks, and medical labs. Due to the existing smaller lot sizes in Winchester's industrial areas, the minimum lot size in the IL district is 20,000 square feet and requires the building to be setback from the road only twenty feet. Many traditional industrial park districts have deep setback requirements to keep industrial buildings farther from the streets. Building heights in the IL are limited to three stories or forty-five feet.

Overlay Districts

In addition to these eleven base zoning districts, Winchester also has several overlay districts that regulate the use of land in town. Four of nine overlay districts are fairly common, regulating floodplain areas, adult-uses, ground-mounted solar, and wireless communication structures.

The Independent Elderly Housing Overlay District (IEHOD) provides an alternative for nursing homes and assisted-living facilities by allowing multi-family structures and a mix of retail and personal services, recreation, and dining options. The minimum lot size for this overlay district is five acres with 65 percent of the land set aside as open space. The district limits structure heights to three stories or forty feet with setbacks of 100 feet from any lot line.

The Planned Residential Development District (PRD) is an overlay that can be used to encourage flexibility when developing multi-family residential units on parcels greater than twenty acres within the RDA-20 district, or over ten acres in the RDB-10 district. To utilize this overlay district, the applicant needs a Special Permit from the Board of Appeals and approval for a rezoning by Town Meeting. The PRD provides flexibility for the Board of Appeals to work closely with an applicant to create a site plan that includes more than one building on the parcel; multiple residential uses, if desired, such as single-family homes, town homes, garden apartments; and a comprehensive review of landscaping, circulation, open space, parking, and design.

The Attached Residential Cluster Development Overlay District (ARCDOD) is intended to promote the siting of residential structures in a way that offers an alternative to traditional subdivision site plans and layouts. The ARCDOD encourages the preservation of land by allowing residential units to be constructed closer to each other in a cluster. This preserves more open space and protects sensitive natural areas from the impact of development. The subject property must be at least ten acres to utilize this overlay district. Allowable uses include attached and detached residential development with no more than four units in a single building—and no more than twelve units in structures with an age restriction. Forty-percent of the land must be designated as open space under this overlay district, and the applicant must submit detailed landscaping, traffic and circulation, historic preservation, utilities, stormwater, and fiscal impact plans to the Board for approval.

The Health Services Overlay District (HSOD) was put in place to enable the construction of the Winchester Hospital Outpatient Facility on Washington Street supporting ancillary medical uses. The development is regulated by building size (240,000 square feet) and height at five stories or eighty feet and must be setback from the road at least twenty feet. The overlay district has specific submission requirements including site and phasing plans; visual illustrations; studies for traffic and parking, open space, utilities, storm water, landscaping, and historic preservation; and fiscal impact analysis.



Official Zoning Map Town of Winchester, MA

Incorporated and made part of the Zoning By-Law adopted
April 27, 2009, approved by the Attorney General on
September 8, 2009, as altered by all amendments through
Fall 2015 Town Meeting.

LEGEND

Residential Districts

- Multiple Family Residential District A (RA-120)
- Apartment House Residential District B (RB-20)
- Residential District A (RDA-20)
- Residential District B (RDB-10)
- Residential District C (RDC-15)
- General Residence District (RG-6.5)

Business Districts

- General Business District (GBD-1)
- General Business District (GBD-2)
- General Business District (GBD-3)
- Center Business District (CBD)

Industrial Districts

- Limited Light Industrial District (LL)

Special Districts

- Conservancy-Institutional District (SCI)
- Planned Residential District (PRD)

Overlay Districts

- Independent Elderly Housing Overlay District (IEHOD)
- Adult Use District (AUOD)
- Village Center Overlay District (VCOD)
- Attached Residential Cluster Development Overlay District (ARCOD)
- Health Services Overlay District (HSOD)
- Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District (SCI-1)

Wireless Communication Facilities Overlay District (WCFO)

The WCFO is an overlay district to the RB-20, IL-1.0, GBD-1.0, 2.0, and 3.0, SCI-0.50, and CBD-2.0.

Floodplain Overlay District (FPOD): The FPOD includes all special flood hazard areas designated on the Middlesex County Flood Insurance Rate Map (FIRM) issued by FEMA for the administration of the NFIP dated June 4, 2010, as Zone A, AE, AH, AO, and A99. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) dated June 4, 2010.

Waterbody

Adult Use Overlay District (AUOD)



WINCHESTER PLANNING BOARD:

Elizabeth Cregger, Chair
Maureen Meister
Drew Boffaro
Charles Tseckares
Jacqueline Welch

DATA SOURCES:

DATE: This data layer was developed by the Town's GIS consultant, CDM, based on the Town's current data, including any extension, and historical records of the Town's zoning boundaries. This layer is updated periodically by the Winchester Engineering Department.

LANGUAGE: This data layer was developed by the Town's GIS consultant, CDM, based on an aerial photo completed in Spring 2011 by James Sewell Company.

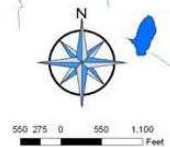
PURPOSE: This data layer was developed by the Town's GIS consultant, CDM, based on the Town's zoning records, subdivision plans, and plans not requiring approval under the subdivision control law. This layer is updated periodically by the Winchester Engineering Department.



Revised December 2015



Village Center Overlay Districts (VCOD)



Conclusions

FUTURE DEVELOPMENT AREAS

The North Main Street corridor and the industrial districts in the Holton Street and Cross Street area are two potential redevelopment locations to improve the economic value of the land. North Main Street currently includes a number of different zoning districts, including different business districts. It is an older commercial corridor that requires some attention from a zoning perspective. The key questions for residents of Winchester are: *What type(s) of uses do they want to see along this corridor? What incentives could be put in place to encourage positive changes?*

The industrial areas in Winchester are currently a mix of commercial, recreational, and industrial users. Questions have arisen with regard to the current uses—particularly, is this the best way to utilize Winchester’s very limited industrial land. In addition to the dimensional regulations and requirements that dictate site planning and building size, zoning can target certain areas and encourage specific uses to locate in the industrial areas. The Town should consider what type of industrial uses would be most beneficial while understanding the relative market position of these industrial areas and their attractiveness to businesses.

CENTRAL BUSINESS DISTRICT

Although changes to the Center Business District (CBD) are still relatively recent, questions continue to arise with regard to how well the changes are working and whether they are encouraging the type of development envisioned. The changes to the CBD were intended to create opportunities for mixed-use development—specifically encouraging commercial and residential uses in the same structure—that would fit within the context of the town center. This led to limited building heights, design controls, and parking requirements that match the surrounding buildings. If residents do want to encourage additional commercial and mixed-use development in the town center, this zoning district should be reviewed to determine its current effectiveness and whether additional adjustments are needed.

UPDATING THE CURRENT ZONING BYLAW

Winchester’s Zoning Bylaw is in relatively good shape with logical organization that includes key sections to explain the regulations across zoning districts. There are some sections of the Bylaw that are missing or could use updating—specifically adding purpose sections to most of the base-use districts. Purpose sections are used to state the purpose and expectation of development and district uses. It is important for a town to understand whether the use-regulations and dimensional regulations conform with the purpose of each individual district. Without purpose statements, there could be a disconnect between the goals of the district and the regulations. The overlay districts and the Center Business Districts do have purpose statements.

The *Sign Bylaw* is not included in the Town’s Zoning Bylaw, but rather is Chapter Nine of the Town Code of Bylaws. A review of that document indicated there are some potentially problematic sections, some with regard to recent U.S. Supreme Court rulings in the *Reed v. Town of Gilbert* decision. Examples of potentially problematic sections include the following:

- **Section 2.2. Illuminated Signs** – This section allows the Board of Appeals to approve illuminated signs between the hours of 10 p.m. and 6 a.m. However, there are no criteria or standards

provided as to the basis in which the Board would make such a determination. The inclusion of criteria would strengthen the decision-making process for the Board.

- **Section 2.6. Sign Exemptions** – Section 2.6 (h) allows for temporary signs for four separate purposes, all commercial in nature. There does not appear to be any provision in the Sign Code that allows for temporary political signs (campaign signs) or for “free speech” signs. Note that this would require a simple “temporary sign” provision with restrictions but one that does not identify specific uses.
- **Section 3.2. Signs Allowed in Residential Districts** – This section allows identifies signs by their content which is problematic.
- **Section 3.3 (a) and (b) Signs Allowed in Conservancy-Institutional Districts** – These sections reference churches and synagogues, schools etc. The Supreme Court case restricted communities from regulating noncommercial speech signs by identification of specific uses. (if you have to read the sign in order to know what sign category it falls into, then that violates the 1st amendment for noncommercial speech signs. This could be remedied simply by deleting the references to the particular uses but retaining the remain language in those sentences.
- **Section 4. Business and Industrial District Signs** – There should be a section added that provides that a commercial business or industrial sign can be changed to a non-commercial sign without approval by the town as long as the size, height, location etc.

Further detailed analysis of the current *Sign Bylaw* is warranted to identify other issues and to recommend potential new language.

Chapter References

MassGIS Land Use Data, 1971-1999.
MassGIS Parcel and Assessment Data, 2011.
Winchester Zoning Bylaw, Spring 2018.
Land Use Focus Group, October 4, 2018.