

TOWN OF WINCHESTER ZONING BYLAWS
SECTION 8.12 – MAIN STREET MIXED-USE DISTRICT [MSMD]
 VOTED AND APPROVED NOVEMBER 7, 2024

8.12 MAIN STREET MIXED-USE DISTRICT (MSMD)

8.12.1 PURPOSE

The purpose of this bylaw is to establish the Main Street Mixed-Use District (MSMD) as a vibrant, welcoming gateway to the Town of Winchester, enhancing the northern corridor of Main Street. The district is designed to promote a walkable, livable, and climate resilient environment, serving as both an entry point to Winchester and a seamless transition into the Center Business District (CBD). By integrating commercial, residential, and community spaces, the MSMD fosters a dynamic, pedestrian- and bicycle-friendly neighborhood that complements the surrounding residential areas and allows for the intensification of mixed-use development as it approaches the CBD.

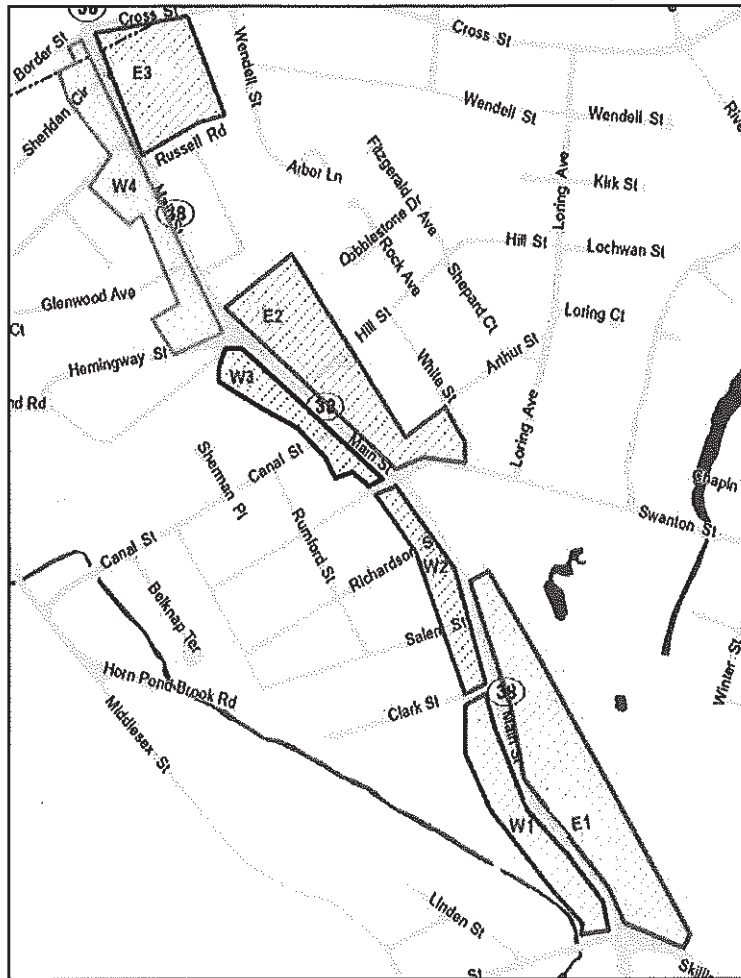
This bylaw establishes regulations to guide the development and redevelopment of the MSMD in a manner that encourages thoughtful planning, balancing residential, commercial, and recreational uses in a cohesive and sustainable way. The goals of this bylaw include, but are not limited to, the following:

1. **Promote Mixed-Use Development** with active ground-floor commercial uses to enhance the streetscape and support a vibrant, community-centered environment.
2. **Create a Safe and Desirable Streetscape** that enhances pedestrian, cyclist, and vehicular safety while contributing to the aesthetic appeal and accessibility of the district.
3. **Encourage Sustainable and Durable Development** that supports climate change resilience goals and enhances the long-term livability and sustainability of the community.
4. **Increase Housing and Commercial Opportunities** to meet diverse community needs while maintaining a scale and design that harmonizes with the surrounding neighborhoods.
5. **Support Adaptive Reuse and Historical Preservation** to maintain the district's unique character and promote the revitalization of existing structures in a way that enhances the corridor.

8.12.2 BOUNDARIES AND CHARACTERISTICS

- a) **Boundary.** The boundaries of the MSMD are delineated in 8.12.2, *Map I*. Only parcels located within this boundary will be subject to the provisions of this bylaw.

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8.12.2, Map I

b) **Subdistricts.** The MSMD is divided into seven (7) subdistricts as shown on 8.12.2, Map I. The purpose in defining the areas is to allow variation in zoning regulation across the district that accommodates a range of future uses and developments that are compatible with existing uses and buildings in each area, including abutting properties in adjacent zoning districts. The current character and intended future character of each area are as follows:

East 1 (E1). Given its proximity to the CBD and the MBTA Station, E1 is intended to promote higher density, mixed-use development that incorporates active ground floor commercial uses that foster a vibrant pedestrian streetscape environment.

East 2 (E2). Centrally located along the North Main Street corridor, E2 includes lots that front key intersections and open spaces. Medium- to high-density mixed-use development is encouraged, reinforcing the definition of pedestrian streetscapes and ensuring that the scale is appropriate for its visually prominent location.

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East 3 (E3). A "gateway" location, given its proximity to the Town line. While medium to high density mixed-use development is encouraged, the siting, scale, and architectural qualities of new buildings should reflect a sensitivity to abutting residential properties while, at the same time, creating an active North Main Street frontage.

West 1 (W1). Given its proximity to the CBD and the MBTA Station, W1 is intended to promote higher density, mixed-use development that incorporates active ground floor commercial uses that foster a vibrant pedestrian streetscape environment.

West 2 (W2). W2 consists of a series of shallow lots that are essential to maintaining the continuity of the commercial and mixed-use character of the North Main Street corridor. Medium-density mixed-use development is encouraged, with new buildings designed to complement the North Main Street frontage while being sensitive to the residential properties bordering the neighborhood to the west.

West 3 (W3). W3 consists of a series of relatively shallow lots that are important for maintaining the visual continuity of the North Main Street corridor, while also serving as a buffer for the adjacent residential neighborhoods to the west. Consequently, low- to medium-density residential development is encouraged, with ground-level commercial mixed-use, especially at key intersections where active streetscapes are desirable. Adhering to architectural and site planning guidelines will be essential to ensuring an appropriate transition to the surrounding neighborhood.

West 4 (W4). Holding a unique position along North Main Street in that it is in a "gateway" location adjacent to the Town line but also serves as a buffer for the residential neighborhood to the west of the corridor. Low to medium density mixed-use is encouraged, including some ground floor commercial uses, with building siting essential to reinforcing the continuity of the streetscape definition along Main Street. Adhering to architectural and site planning guidelines will be critical to ensuring an appropriate transition to the surrounding neighborhood.

8.12.3 PROVISIONS

- a) **Applicability.** Any development, redevelopment, or alteration to land, buildings, or structures within the MSMD, as determined by the Winchester Zoning Map, shall be regulated as described in this bylaw. No building, structure, or land within this district shall be used or occupied, nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, or structurally altered unless in full conformity with the regulations of this bylaw. In cases where the regulations established under this

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bylaw differ from those prescribed by any other statute, section(s) of the Zoning Bylaw, or any other regulation, the MSMD bylaw shall govern.

b) Administration.

- i) **Planning Board.** The Planning Board, designated as the Special Permit Granting Authority (SPGA) for the MSMD, shall be solely responsible for the granting of a permit for any exterior work, site plan review, and special permit for any use, building, structure, signage, off-street parking or loading, dimensional or architectural standard, screening, landscaping, or other activity within the MSMD as determined by the Winchester Zoning Map. Unless otherwise specified, the SPGA is also responsible for site plan review of all project applications in the MSMD.
- ii) **Enforcement, Violations, and Penalties.** The Building Commissioner is responsible for the interpretation and enforcement of this bylaw and is authorized by the Planning Board to inspect where a violation may exist, issue a Notice of Violation, and penalize for inaction of such notice by a property owner.

c) **Rules and Regulations.** The Planning Board shall adopt and amend, by simple majority, regulations relative to this bylaw including, but not limited to, architectural design standards, building standards, development standards, allowable uses, development review criteria, submission requirements, inclusionary housing, and fees. These regulations shall have the same legal force as this Section 8.12.

d) **Text and Graphics.** Figures and photos included within are for illustrative purposes only and are meant to help clarify the intent and requirements of the desired district characteristics and bylaw text. In the event of a conflict between the text and any figures or photos, the text shall govern.

e) **Severability.** The invalidity of any section or provision in this bylaw does not invalidate any other section or provision of it.

8.12.4 USE REGULATIONS

a) **General Provisions.** No land within the MSMD shall be used, and no building or other structure shall be erected, altered, or modified, except as expressly permitted in *Section 8.12.4, Table I*, where such use is designated with the word "Yes" or the letters "SP" (Special Permit), except for accessory uses permitted under Section 4.4 of the Zoning Bylaw, and nonconforming uses as outlined in Section 3.5 of the Zoning Bylaw. Uses designated as "(C)" are primary or accessory uses which are prohibited from the ground floor but are allowed on any other floor. Uses designated as "No" are prohibited in all cases.

8.12.4, Table I - Use Regulations in Main Street Mixed-Use District (MSMD)

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	E1	E2	E3	W1	W2	W3	W4
Residential Uses							
1. Dwelling, single-family (<i>detached dwelling occupied by one family only</i>)	SP	SP	SP	SP	SP	SP	SP
2. Dwelling, duplex (<i>two (2) integrated dwelling units into a single coherent, unified massing</i>)	SP	SP	SP	SP	SP	SP	SP
3. Garden apartment house (<i>multiple-family dwelling, not over three stories in height, and containing not less than 4 dwelling units</i>)	SP	SP	SP	SP	SP	SP	SP
4. Town house (<i>row of not less than three (3) nor more than ten (10) attached dwelling units</i>)	SP	SP	SP	SP	SP	SP	SP
5. Dwelling, multiple family (<i>occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided</i>)	SP	SP	SP	SP	SP	SP	SP
6. Apartment house (<i>multiple-family dwelling over three stories in height</i>)	SP	SP	SP	SP	SP	SP	SP
7. Nursing/assisted living (<i>multi-family for individuals at least 62 years of age</i>)	SP	SP	SP	SP	SP	SP	SP
8. Mixed-use development (<i>combination of residential, commercial, or other uses in one structure, residential must be included</i>)	Y	Y	Y	Y	Y	Y	Y
Educational, Institutional, Recreational and Agricultural Uses							
9. Indoor community center or recreational facility (<i>not including private clubs</i>)	Y	Y	Y	Y	Y	Y	Y
10. Childcare (<i>commercial care for four (4) or more children</i>)	Y	Y	Y	Y	Y	Y	Y
11. Public Park or playground (<i>any public area used for recreation or conservation</i>)	Y	Y	Y	Y	Y	Y	Y
12. Outdoor recreational facility (<i>outdoor, recreation-oriented space</i>)	SP	SP	SP	SP	SP	SP	SP
13. Educational purposes, including arts, STEM related, makerspaces (<i>land, buildings, or structures for providing learning in a general range of subjects</i>)	Y	Y	Y	Y	Y	Y	Y
14. Religious purposes (<i>land, buildings, or structures for public worship</i>)	SP	SP	SP	SP	SP	SP	SP
15. Non-profit library or museum (<i>a facility providing information resources and areas for study and research</i>)	Y	Y	Y	Y	Y	Y	Y
Government and Public Service Uses							
16. Essential Services (<i>services provided by a public service corporation or by governmental agencies</i>)	Y	Y	Y	Y	Y	Y	Y
Commercial Uses							
17. General service establishment (<i>repair shop for household appliances and similar equipment</i>)	Y	Y	Y	Y	Y	Y	Y
18. Personal services establishment (<i>barber shop, beauty shop, laundry or dry-cleaning shop, shoe repair shop, or any similar service establishment</i>)	Y	Y	Y	Y	Y	Y	Y
19. Professional services (<i>not including the receipt, sale, storage, or processing of merchandise</i>)	Y	Y	Y	Y	Y	Y	Y
20. Retail store (<i>sale of merchandise conducted within the building</i>)	Y	Y	Y	Y	Y	Y	Y
21. Business or professional office (<i>office of a doctor, lawyer, accountant, or similar profession</i>)	(C)	(C)	(C)	(C)	(C)	Y	Y
22. Bank (<i>financial institution that accepts deposits, offers loans, and provides related services</i>)	Y	Y	Y	Y	Y	Y	Y
23. Co-working (<i>shared office space for collaboration or independent work</i>)	(C)	(C)	(C)	(C)	(C)	(C)	(C)

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24. Art gallery or studio (<i>for display, retail sale, lease, or rental of artwork or hand-made crafts</i>)	Y	Y	Y	Y	Y	Y	Y
25. Bar or tavern (<i>serves alcoholic beverages for on-site consumption</i>)	Y	Y	Y	Y	Y	Y	Y
26. Bed & Breakfast (<i>resident owned or managed lodging units in which breakfast is served</i>)	SP	SP	SP	SP	SP	SP	SP
27. Boutique Hotel (<i>fewer than 25 rooms</i>)	SP	SP	SP	SP	SP	SP	SP
28. Coffee shop, bakery, cafe (<i>coffee, baked goods, and light meals for on-site or take-out consumption</i>)	Y	Y	Y	Y	Y	Y	Y
29. Convenience store (<i>small-scale retail store for large volumes of stop-and-go traffic</i>)	Y	Y	Y	Y	Y	Y	Y
30. Grocery store (<i>large-scale retail store for the sale of food and household products</i>)	Y	N	N	Y	N	N	N
31. Restaurant, <5,000 sq. ft. (<i>prepares and serves meals for on-site dining</i>)	Y	Y	Y	Y	Y	Y	Y
32. Restaurant, >5,000 sq. ft. (<i>prepares and serves meals for on-site dining</i>)	SP	SP	SP	SP	SP	SP	SP
33. Restuarant, Fast food (<i>drive-thru</i>)	SP	SP	SP	SP	SP	SP	SP
34. Medical, dental care (<i>excluding laboratory uses</i>)	(C)	Y	Y	(C)	Y	Y	Y
35. Undertaker or funeral establishment (<i>arranges and conducts funeral services, including the preparation and burial or cremation of the deceased</i>)	SP	SP	SP	SP	SP	SP	SP
36. Gyms, fitness center (<i>facility equipped for physical exercise, offering equipment, classes, and space for workouts and training</i>)	Y	Y	Y	Y	Y	Y	Y
37. Animal grooming salons (<i>excluding boarding and outdoor uses</i>)	Y	Y	Y	Y	Y	Y	Y
38. Veterinarian office (<i>excluding overnight care, boarding, and outdoor uses</i>)	Y	Y	Y	Y	Y	Y	Y
39. Motor vehicle repair, sales, rental (<i>retail or professional services related to automotive uses</i>)	SP	SP	SP	SP	SP	SP	SP
40. Commercial parking lot or garage (<i>privately operated facility that provides space for the parking of vehicles</i>)	SP	SP	SP	SP	SP	SP	SP
41. Vehicle refueling/recharging station (<i>fuel or charging services for vehicles</i>)	SP	SP	SP	SP	SP	SP	SP
Industrial Uses							
42. Wireless communications facility (<i>see Section 8.4</i>)	SP	SP	SP	SP	SP	SP	SP

8.12.5 STANDARDS

- a) **Development and Architectural Design Standards.** All developments within the MSMD are subject to the Regulations Governing the Development and Architectural Design of Section 8.12 of the Winchester Zoning Bylaw.
- b) **Dimensional Standards.** No building or other structure shall be erected, altered, or modified, except as expressly permitted in *Section 8.12.5, Table I*, or except as alterations or modifications of structures existing of the effective date of this bylaw may be permitted pursuant under Section 3.5 of these bylaws.

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NOTE: MU= Mixed-use development, Res = Residential only development, Other = all other developments. If not specified, dimensions apply to all developments.

8.12.5, Table 1 - Dimensional Standards in Main Street Mixed-Use District (MSMD)								
Dimension		E1	E2	E3	W1	W2	W3	W4
Height	Max. Flat Roof	MU: 67' Res: 42' Other: 48'	MU: 56' Res: 42' Other: 48'	MU: 56' Res: 42' Other: 48'	MU: 67' Res: 42' Other: 48'	MU: 48' Res: 42' Other: 48'	MU: 48' Res: 42' Other: 48'	MU: 48' Res: 42' Other: 48'
	Max. Pitched Roof	MU: 71' Res: 46' Other: 51'	MU: 60' Res: 46' Other: 51'	MU: 60' Res: 46' Other: 51'	MU: 71' Res: 46' Other: 51'	MU: 52' Res: 46' Other: 51'	MU: 52' Res: 46' Other: 51'	MU: 52' Res: 46' Other: 51'
	Min. Height	24'	24'	24'	24'	24'	24'	24'
	Max. Stories	MU: 4.5 Res: 3 Other: 2.5	MU: 3.5 Res: 2.5 Other: 2.5	MU: 3.5 Res: 2.5 Other: 2.5	MU: 4.5 Res: 3 Other: 2.5	MU: 3 Res: 2.5 Other: 2.5	MU: 3 Res: 2.5 Other: 2.5	MU: 3 Res: 2.5 Other: 2.5
	Min. Stories	2	2	2	2	2	2	2
	Max. Ground Floor	MU: 14' Res: 12' Other: 14'	MU: 14' Res: 12' Other: 14'	MU: 14' Res: 12' Other: 14'	MU: 14' Res: 12' Other: 14'	MU: 14' Res: 12' Other: 14'	MU: 14' Res: 12' Other: 14'	MU: 14' Res: 12' Other: 14'
Max. Building Footprint		20,000	20,000	20,000	20,000	20,000	20,000	20,000
Min. Building Separation (buildings on same lot)		25'	15'	15'	25'	15'	15'	15'
Max. Uninterrupted facade		80'	80'	80'	80'	80'	80'	80'
Primary Street Activation (min. ground floor active use)		MU: 66% Res: N/A Other: 66%	MU: 66% Res: N/A Other: 66%	MU: 66% Res: N/A Other: 66%	MU: 66% Res: N/A Other: 66%	MU: 66% Res: N/A Other: 66%	MU: 66% Res: N/A Other: 66%	MU: 66% Res: N/A Other: 66%
Secondary Street Activation (min. ground floor active use)		MU: 33% Res: N/A Other: 33%	MU: 33% Res: N/A Other: 33%	MU: 33% Res: N/A Other: 33%	MU: 33% Res: N/A Other: 33%	MU: 33% Res: N/A Other: 33%	MU: 33% Res: N/A Other: 33%	MU: 33% Res: N/A Other: 33%
Primary Street Articulation (min. ground floor transparency)		70%	70%	70%	70%	70%	70%	70%
Secondary Street Articulation (min. ground floor transparency)		MU: 50% Res: 30% Other: 50%	MU: 50% Res: 30% Other: 50%	MU: 50% Res: 30% Other: 50%	MU: 50% Res: 30% Other: 50%	MU: 50% Res: 30% Other: 50%	MU: 50% Res: 30% Other: 50%	MU: 50% Res: 30% Other: 50%
Frontage	Length	50'	50'	50'	50'	50'	50'	50'

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	Build-out	Primary front: 75% Secondary front lot line: 50%							
		Lots with <80' Primary frontage: Up to 20' can be unbuilt.							
		Can add façade lengths of multiple buildings and may include usable open area for up to 25% of length of that frontage.							
Open Area		MU: 50% Res: 60% Other 50%	MU: 50% Res: 60% Other 50%	MU: 50% Res: 60% Other 50%	MU: 50% Res: 60% Other 50%	MU: 50% Res: 60% Other 50%	MU: 50% Res: 60% Other 50%	MU: 50% Res: 60% Other 50%	
	>30,000 sq foot lot must include 500 sq ft public open area.								
Setbacks	Max. Front	MU: 10' Res: 15' Other: 15'	MU: 10' Res: 15' Other: 15'	MU: 10' Res: 15' Other: 15'	MU: 10' Res: 15' Other: 15'	MU: 10' Res: 15' Other: 15'	MU: 10' Res: 15' Other: 15'	MU: 10' Res: 15' Other: 15'	
	Min. Front	MU: 0' Res: 5' Other: 5'	MU: 0' Res: 5' Other: 5'	MU: 0' Res: 5' Other: 5'	MU: 0' Res: 5' Other: 5'	MU: 0' Res: 5' Other: 5'	MU: 0' Res: 5' Other: 5'	MU: 0' Res: 5' Other: 5'	
	Rear	5'	20'	20'	20'	20'	20'	20'	
	Min. Side	MU: 0' Res: 10' Other: 10'	MU: 0' Res: 10' Other: 10'	MU: 0' Res: 10' Other: 10'	MU: 0' Res: 10' Other: 10'	MU: 0' Res: 10' Other: 10'	MU: 0' Res: 10' Other: 10'	MU: 0' Res: 10' Other: 10'	
	Abutting Res	20'	20'	20'	20'	20'	20'	20'	
	Abutting SCI	5'	20'	20'	20'	20'	20'	20'	
	Parking Front	15'	15'	15'	15'	15'	15'	15'	
	Parking Side	5'	5'	5'	5'	5'	5'	5'	
	Parking Rear	5'	5'	5'	5'	5'	5'	5'	
	Parking Abutting Res	10'	10'	10'	10'	10'	10'	10'	
	Parking Location	Must be located behind the plane of the front façade.							

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	>4 story structure	Min. 10' Max 20'	-	-	Min. 10' Max 20'	-	-	-
Sidewalk Width		12'	12'	12'	12'	12'	12'	12'

c) **Parking Standards.** All developments within the MSMD are subject to the provisions of Section 5.1 and Section 5.2 of the Winchester Zoning Bylaw. In the event of any conflict between the provisions of this Section 8.12 and Sections 5.1, 5.2, or any other section of the Winchester Zoning Bylaw, the provisions of this Section 8.12 shall take precedence. Parking minimums for the subdistricts within the MSMD are specified in *Section 8.12.5, Table II*.

<i>8.12.5, Table II - Parking <u>Minimums</u> in Main Street Mixed-Use District (MSMD)</i>							
Use	E1	E2	E3	W1	W2	W3	W4
Residential	0.75 / unit	1 / unit	1 / unit	0.75 / unit	0.75 / unit	1 / unit	1 / unit
Commercial	0.75 / 1,000 square feet	1 / 1,000 square feet	1 / 1,000 square feet	0.75 / 1,000 square feet	0.75 / 1,000 square feet	1 / 1,000 square feet	1 / 1,000 square feet

- i. **Electric Vehicles.** At least twenty percent (20%) of all parking spaces, including existing spaces, must be pre-wired for electric vehicle (EV) charging stations, with an additional twenty percent (20%) equipped with active EV charging stations. A minimum of one pre-wired space and one active charging station must be provided on the premises, except when fewer than five parking spaces are available, in which case no charging station is required.
- ii. **Shared Parking.** Shared parking may be utilized in mixed-use developments where uses have different peak parking demands. Acceptable methods for calculating shared parking reductions include the Urban Land Institute Shared Parking Report or the ITE Shared Parking Guidelines. A shared parking agreement must be executed by all parties, recorded at the Registry of Deeds, and approved by the Planning Board during the Site Plan Review process.
- iii. **Parking Relief.** The SPGA may grant relief from the required number of parking spaces if it determines that compliance is impractical due to specific site conditions, the nature of the proposed use, or if such relief serves the public interest by mitigating safety or environmental impacts. Relief from parking requirements may also be considered during the Site Plan Review process for developments that incorporate accommodations for alternative modes of transportation. Under no circumstances shall relief be granted from front parking setback requirements.

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- iv. **Bicycle Parking.** A minimum of one (1) bicycle parking space per two (2) residential units and one (1) space per 1,000 square feet of non-residential uses shall be provided. Bicycle parking requirements may be reduced through the Site Plan Review process if deemed excessive for the intended use. For multi-family residential and mixed-use developments with twenty-five (25) or more units, a covered and secure bicycle parking area must be integrated into the building structure.

8.12.6 DEVELOPMENT REVIEW

- a) **General.** All developments located within the boundaries of the MSMD, as determined by the Winchester Zoning Map, shall require the approval of a development application by the Planning Department and an issuance of a building permit by the Building Department.
- b) **By-right Project.** The SPGA may impose reasonable conditions on a project as part of a by-right building permit.
- c) **Special Permit.** Projects requiring a special permit within the MSMD shall be subject to the review process outlined in Section 9.4 of the Winchester Zoning Bylaw. The Special Permit Granting Authority, as defined in Section 8.12.3(b)(i), is responsible for conducting the Special Permit Review within the MSMD.
- d) **Site Plan Review.** Site plan review shall be required for all projects which affect an historical resource (*see 8.12.6, Table I*), are new construction, change the use of an existing building, expand the floor area of an existing building by more than 25%, or increase the impervious area of a property by 500 square feet or more. Unless otherwise specified, the SPGA is responsible for site plan review.
 - i. **Applications.** An application for site plan approval, provided by the Planning Department, shall be accompanied by a full digital set and three (3) printed sets of plans to the Planning Board (via the Engineering Office) prepared and submitted in accordance with the procedures outlined herein.
 - ii. **Review Procedure.**
 - 1. **Letter of Intent.** The applicant shall submit to the Town Planner a Letter of Intent (LOI) outlining the preliminary intent, purpose, and goals of the project.
 - 2. **Pre-application Meeting.** The applicant shall meet with the Town Planner to discuss the project. The Town Planner will coordinate, if appropriate, a pre-application meeting with the SPGA or a joint administrative meeting with representatives of other Town boards, commissions, and departments.

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3. **Neighborhood Meeting.** The applicant shall provide the public with an opportunity to review and discuss a conceptual or schematic design proposal. The applicant shall be responsible for the coordination of the neighborhood meeting.
4. **Development Application.** The applicant shall submit a development application in accordance with the required submission materials in Section 8.12.6(d)(iii). Notice of the acceptance of a completed development application will be issued by the Planning Department within ten (10) days.
5. **Historical Review.** The Historical Commission shall complete its review and submit their recommendation to the SPGA within thirty-five (35) days of receipt of an approved development application. See Section 8.12.6(e) for Historical Review criteria and procedure.
6. **Design Review.** The Design Review Committee shall complete its review and submit their recommendation to the SPGA within thirty-five (35) days of receipt of an approved development application. See Section 8.12.6(f) for Design Review criteria and procedure.
7. **Public Hearing.** The SPGA shall hold a public hearing within forty-five (45) days after receiving a completed development application from the Planning Department.
8. **Decision.** The SPGA shall make a decision to approve, approve with conditions, or deny an application and file that decision with the Town Clerk within ninety (90) days of the closing of the public hearing.
9. **Appeal.** Any person aggrieved by an SPGA decision regarding a decision may appeal to a court of competent jurisdiction as set forth in MGL c 40A, §17.
10. **Certificate of Decision.** After the time period for an appeal has expired, the applicant may retrieve a certified copy of the decision from the Town Clerk.

iii. Submission Requirements.

1. **Project Narrative** summary of the purposes and intents of the project, the planned uses, the development phasing strategy, if any, and how the proposed project meets Town and MSMD objectives.
2. **Existing Conditions Plan** stamped by a registered land surveyor licensed in the Commonwealth of Massachusetts, showing the site and including the location of surveyed property line boundaries and property ownership, division of the land into lots, easements, curb cut locations, utility information, delineated wetlands boundaries as

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approved by the Conservation Commission, topography at two-foot contour intervals, 100-year floodplain contour, Rivers Protection Act and Wetlands Protection Act buffer zone boundaries, general location of vegetated areas, and footprints of existing buildings, structures, and paved or otherwise previously developed areas. The scale shall be 1 inch = 40 feet. The applicant shall also show, unless waived by the SPGA after consultation with the Town Engineer, surrounding context within at least 400 feet of the site including property line boundaries, property owner.

3. **Site Development Plan** illustrating the proposed buildings, parking facilities, roadways, driveways, easements, bikeways, walkways, sidewalks, access ways, required setbacks, site grading at two-foot contour intervals, finished floor elevations, parking, landscaping, open space areas and calculations, off-site improvements, delineated wetland boundaries, and land subject to the Rivers Protection Act and Wetlands Protection Act. The scale shall be 1 inch = 40 feet.
4. **Building Development Program** describing the buildings and their uses by square footage, the phasing of such uses if any, and the parking facilities and parking space counts devoted to such uses.
5. **Phasing Plan** identifying the general scope and location of the individual phases to be developed and providing sufficient information to evaluate the total build-out of the site.
6. **Visual Plans** depicting the project, including:
 - **Conceptual Ground Floor Architectural Plan** for major buildings and structures at a scale of 1/8 inch = 1 foot;
 - **Building Elevations** for major buildings and structures, including appurtenances on the roof, at a scale of 1/8 inch = 1 foot;
 - **Streetscape Plan** for major buildings and structures showing the pedestrian pathways, landscaping, street furniture, street trees, lighting, signage, and screening methods, at a scale of 1/8 inch = 1 foot;
 - **Three-Dimensional Bird's-Eye Perspective View(s)** showing approximate massing, bulk, and height of buildings, including surrounding context; additionally, the SPGA may require three-dimensional models to be provided by the petitioner;
 - **Eye-Level Perspective View(s)** showing site and buildings with their immediate context as seen from major public vantage points such as adjacent major public

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streets and abutting neighborhoods, with the building materials clearly visible;
and

- **Mockup(s)** showing proposed exterior building materials which contribute to the design of the building, such as but not limited to, wall cladding, roofing, windows treatments, and door materials, at a 4'x4' scale.

7. **Traffic, Circulation, Parking, and Transportation Demand Management Plan** describing (1) anticipated traffic demand and flows generated and attracted by the project; proposed locations and alignments of drives, drop-offs, curb cuts, parking, signage, pedestrian paths, sidewalks, bike paths, and easements for public access; (2) identifying impacted intersections, existing and projected levels of service and a summary of proposed mitigation, including off-site improvements; and (3) a Transportation Demand Management Plan including parking management policy, car and/or van pool programs, and bikeway access and bike parking provisions.
8. **Conservation Lands and Natural Resources Plan** showing the location of open space, conservation lands, natural resources, and vegetation, and describing plans to add, change, or preserve open space, conservation lands, natural resources, and vegetation.
9. **Landscaping Plan** depicting the project, including:
 - **Open Space Plan** showing the location, size, layout and purpose of all open spaces, including parks, plazas, courtyards, streetscape, and parking lots and how they connect to the overall site and adjacent properties;
 - **Planting Plan** showing the types, sizes, and locations of all proposed trees, including street trees, shrubs, ground cover, and other plantings on the site; and
 - **Hardscape Plan** showing walkways, patios, plazas, retaining walls, driveways, and other paved surfaces.
10. **Historic Conservation and Preservation Plan** showing the location of existing historic properties and resources and describing plans to tear down, move, modify, repair, maintain or reuse historic properties and resources. All applicants submitting a project application in the MSMD that includes or affects an historic resource shall include in their application:
 - Massachusetts Historical Commission Form B if applicable; and

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- Scheme showing a plan in which the historic resource is preserved and integrated into new construction.
11. **Utilities Plan** showing the location of proposed utilities and describing their capacity to meet or exceed applicable standards. The maximum scale shall be 1 inch = 40 feet.
 12. **Stormwater Management and Flood Mitigation Plan** showing anticipated drainage patterns; stormwater management facilities; flood mitigation measures; and a description of the plan's ability to meet or exceed applicable standards, including a calculation of required and proposed compensatory flood storage, as well as drainage calculations comparing pre- and post-development runoff rates and volumes. The maximum scale shall be 1 inch = 40 feet.
 13. **Housing Plan** showing the size, number, and approximate price of all units shall be stated in order to determine if the proposed housing portion of the project meets the goals of Winchester's Housing Production Plan, which aims to provide a diversity of housing types to enable persons and households from a wide range of ages, economic levels and cultures to live within the MSMD.
 14. Any other submission requirement that the Planning Board might include in its regulations promulgated pursuant to Section 8.12.5(a).
- iv. **Submission Waivers.** The SPGA may waive or request additional submission materials at its discretion, requiring only what is appropriate to the project's scale and potential impact. If a waiver is granted, the SPGA must ensure it serves the public interest, aligns with the purpose and intent of the MSMD, and provide specific reasons in the approval decision. An applicant may request a waiver by submitting the following:
1. A written request to the SPGA prior to the submission of a development application that identifies the specific provision of these regulations for which the waiver is requested; and
 2. A narrative statement explaining how granting the waiver would be in the public interest and consistent with the intent and purpose of the Zoning Bylaw.
- v. **Approvals.** When conducting a site plan approval, the Planning Board shall consider the application in light of the following criteria and any other criteria that the Planning Board might include in its regulations promulgated to Section 8.12.5(a).
1. **Pedestrian, Vehicular, and Emergency Access and Circulation.** The site design must ensure efficient traffic circulation, safe pedestrian access, and clear routes for emergency

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vehicles. Traffic flow within and around the development should be organized to minimize congestion and provide smooth access to adjacent streets and whenever feasible, the sharing of parking access between adjacent properties shall be encouraged. Pedestrian pathways must be well-planned, prioritizing safety with designated crosswalks and clear walking areas. Additionally, the layout should include unobstructed access for emergency vehicles, ensuring they can quickly reach all areas of the site in case of an emergency.

2. **Loading and Service Areas.** Off-street loading facilities must be visually screened from public ways or open spaces, with vehicular access provided on-site rather than directly from the street across sidewalks. Building service access shall not be located between the front façade and front lot line unless deemed impractical and approved during the Site Plan Review process. Trash and recycling service areas must be fully enclosed within a building, located inside, or rear yards within locked enclosures, ensuring full screening from public ways and adjacent properties in residential districts.
3. **Screening and Minimizing Impact of Parking.** The site plan must provide designated off-street loading and unloading areas that accommodate service vehicles without disrupting traffic flow or pedestrian safety. These areas should be positioned in locations that prevent congestion and maintain efficient site operations, especially for commercial developments where deliveries are frequent. Parking areas and related structures must be visually screened from neighboring properties and streets using walls, fences, or plantings to create a visual barrier.
4. **Screening of On-site Equipment.** On-site equipment such as transformers and condensers, shall be located behind or along the side of buildings, unless approved otherwise during the Site Plan Review process, and shall be visually screened from public ways by landscaping, fencing, or site walls that are architecturally compatible with the building.
5. **Streetscape, Landscape, and Site Design.** The development must include well-planned landscaping that integrates with the streetscape, including street trees, green spaces, furniture, and pedestrian-friendly features. Site design should create a cohesive and inviting environment that complements the surrounding area while providing practical amenities and employ best practices for sustainable site design whenever possible. Attention to details such as street furniture, lighting, and pathways helps to create a welcoming atmosphere for pedestrians and integrates the site seamlessly with its context.
6. **Stormwater Drainage and Flood Mitigation.** The site design must manage stormwater drainage and mitigate flood risks, supported by a professional engineering report and reviewed by the Town Engineer. On-site infiltration should be prioritized to prevent

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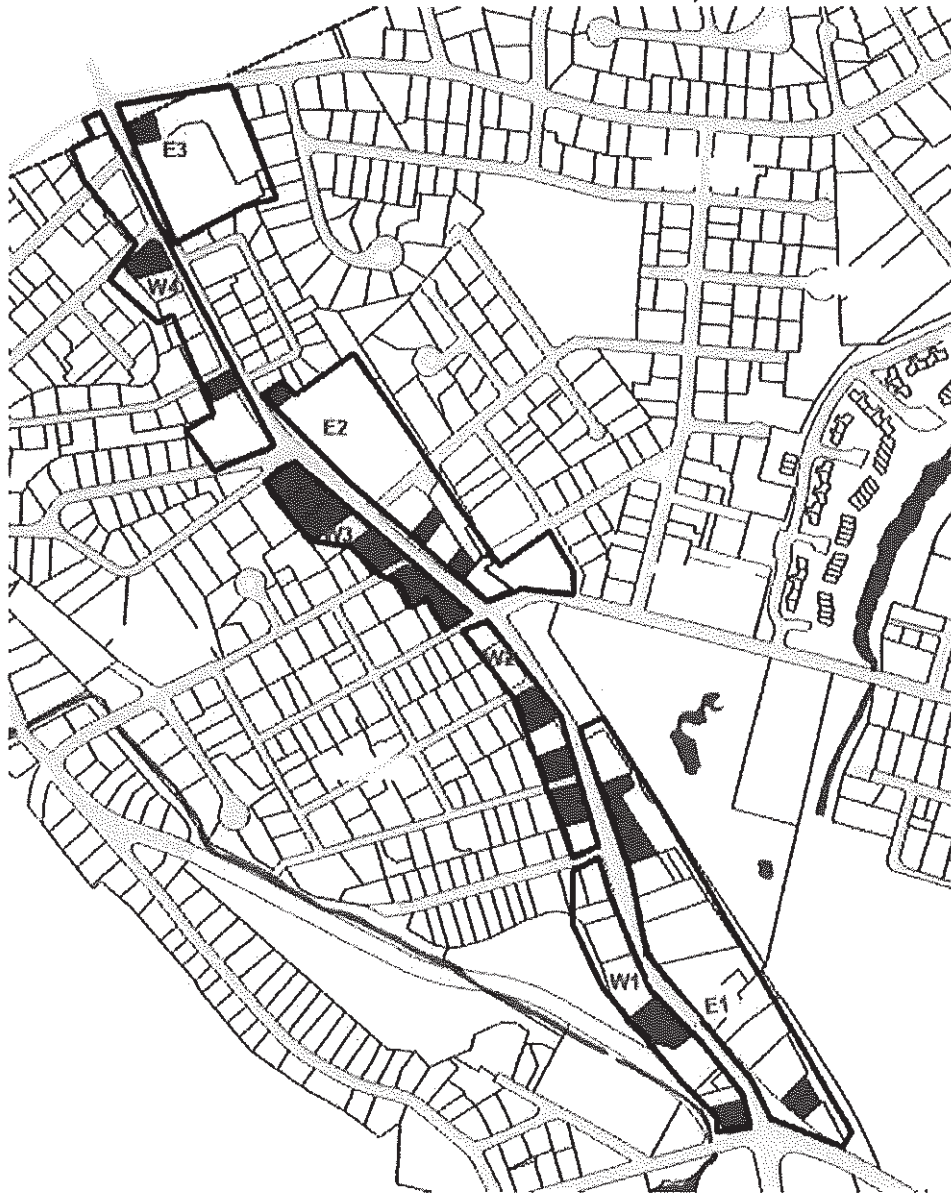
excess water runoff, erosion, and localized flooding. The engineering analysis should assess the site's topography, nearby water bodies, and potential flood hazards, ensuring that the drainage system can handle storm events without impacting surrounding properties or municipal infrastructure through the use of pervious materials, infiltration trenches, landscaping, including internal landscaping in parking areas, and rain gardens.

7. **Signage and Exterior Lighting.** All signage and exterior lighting should be designed in a manner that complements the surrounding environment and does not cause visual or light pollution. Signage must be appropriately scaled, legible, and in harmony with the design of the building and neighborhood. Exterior lighting should be energy-efficient and directed in a way that minimizes glare, ensuring safety while maintaining the area's aesthetic.
 8. **Preserving Historical Significance.** The development must focus on preserving existing historic structures, vistas, and natural features within and around the site. Any construction should respect the architectural and cultural significance of nearby historic buildings and maintain the visual landscape that contributes to the area's heritage.
 9. **Development Character.** The development must align with the character of the MSMD and the Town, ensuring it fits into the existing architectural landscape. This includes respecting the architectural and site design elements of district and town structures, landscapes, streetscapes, and open areas.
- vi. **Concurrent Reviews.** When both a special permit and site plan review are required, they shall be considered concurrently. When a design review and a historical review are required, they shall be considered concurrently.
 - vii. **Conditions.** The SPGA shall have the authority to approve, approve with conditions, or deny any site plan application within the MSMD. The SPGA may approve a site plan if the proposed project complies with all applicable zoning regulations, design standards, and review criteria, and is determined to contribute positively to the district's objectives, including compatibility with adjacent uses and enhancement of the public realm. The SPGA may impose reasonable conditions on any approval to ensure compliance with the bylaw's standards or to mitigate potential impacts. If the proposed project fails to meet these requirements, the SPGA may deny the application with written findings explaining the basis for denial.
- e) **Historical Review.** All developments or redevelopments in the MSMD which propose a change to, or demolition of, an historical resource (see 8.12.6, *Table I* & 8.12.6, *Map I*) shall be reviewed by the Historical Commission and are subject to the terms of Chapter 14 of the Winchester Code of Bylaws. The proposed demolition of a building shall be reviewed for historical significance in accordance with Chapter 14, Section 3.1 of the Town Bylaws and subject to the procedures therein.

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<i>8.12.6, Table 1 – Historically Significant Structures in the MSMD</i>		
2 Richardson Street	815 Main Street	<u>898 Main Street</u>
<u>7 Salem Street</u>	<u>823 Main Street</u>	905 Main Street
4-6 Skillings Road	826-828 Main Street	
10 Skillings Road		<u>910 Main Street</u>
724 Main Street	834 Main Street	924-926 Main Street
		934 Main Street
<u>760-762 Main Street</u>	848 Main Street	940-942 Main Street
	<u>854 Main Street</u>	<u>954 Main Street</u>
805 Main Street		<u>959 Main Street</u>
807 Main Street		968 Main Street
	890-892 Main Street	1004 Main Street
809-811 Main Street	891-893 Main Street	<u>1037 Main Street</u>
812-814 Main Street		

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8.12.6, Map I

- f) **Design Review.** All projects which an exterior building permit is required, including site plan review and special permit, are subject to a design review. The Design Review Committee (DRC) shall be the advisory board to the SPGA for design review. The DRC shall evaluate each project based on its architectural design, scale, density, setbacks, and use of materials to ensure compliance with the design standards set forth in the regulations promulgated pursuant to Section 8.12.5(a). The review will also consider the relationship of the building to the public realm, including streets, open spaces, and neighboring properties, fostering a cohesive and inviting environment. Applicants shall submit architectural plans and supporting materials, and the DRC's findings will be included in the Site Plan

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Review process. Recommendations from the design review will be documented in writing and submitted to the SPGA. The SPGA is the arbitrator for any conditions on the project resulting from the DRC's recommendations. The review will be made based on the following criteria.

- i. **Height.** Height and bulk of buildings should be configured to minimize their visual dominance, 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.
 - ii. **Scale.** 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 treatments of the ground plane and other parts of the projects that can be seen and experienced directly by users.
 - iii. **Massing.** Regardless of any preconceived development configuration for any particular use, new development is expected to reinforce the MSMD's existing street pattern; to break down any building type's typical massing to relate to the historic character and mass of the MSMD; and to avoid a monolithic appearance.
 - iv. **Setbacks.** Setbacks must be consistent with the surrounding context, ensuring that building placement aligns with adjacent structures to create a cohesive streetscape. Setbacks should maintain pedestrian-friendly spaces, allowing for landscaping, street trees, street furniture, and clear sightlines while enhancing the building's relationship with public ways. Variations in setbacks may be permitted if they contribute to an engaging façade, provide opportunities for open space, or improve pedestrian access, circulation, and safety.
 - v. **Details.** Development bordering the public domain must be rich in architectural details, pay special attention to the ground plane and silhouette, and convincingly incorporate appropriate imagery depending on project location. 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, balconies, setbacks, passageways, etc. All developments must comply with the design standards set forth in the regulations promulgated pursuant to Section 8.12.5(a).
- g) **Additional Consultation.** The SPGA may consult with other boards, commissions, and departments—including, but not limited to, the Historical Commission, Design Review Committee, Disability Access Commission, and Conservation Commission—to ensure a comprehensive site plan review, special permit, design review, or historical review. The SPGA may utilize M.G.L. Chapter 44 Section 53G for the retention and payment of peer review consultants.
- h) **Expectation of Timeliness.** The SPGA shall ensure that all reviews are completed in a timely manner. If no decision or scheduled continuation is provided by any permit granting or advisory board within the

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timeframes set in 8.12.6(d)(ii), an applicant's complete development application, it shall be deemed as no opposition to the project.

8.12.7 INCLUSIONARY HOUSING

- a) **Requirements.** All projects in the MSMD that include a housing component shall have affordable units on the project site as follows.
 - i. Ten (10) percent of the dwelling units within a project that have six (6) or more dwelling units shall be affordable according to 760 CMR 56;
 - ii. Ten (10) percent of dwelling units within a project that have twenty-five (25) or more dwelling units shall be affordable according to 760 CMR 56, and five (5) percent of the dwelling units within a project that have twenty-five (25) or more dwelling units shall be affordable to middle income applicants (80-120 percent of Boston Area Median Income); and
 - iii. If the number of affordable units calculated contains a decimal, the number of units shall be rounded up for values between 0.5-0.99.
- b) **Incentives.** An applicant may, with a Special Permit from the SPGA, reduce the number of required parking spaces by up to 0.25 spaces/unit, and/or increase the buildable footprint by 20% if more than the required affordable units are constructed.
- c) **Payment in Lieu of On-Site Affordable Units.** The SPGA, after comments have been received from a review from the Housing Partnership Board, may allow the applicant to pay a fee in lieu of providing on-site affordable units if the SPGA determines that: It is in the best interest of the Town to do so; and, the provision of affordable units would render the project economically infeasible. If no report is received by the SPGA from the Housing Partnership Board within thirty-five (35) days from the time of a complete filing from an applicant, it shall be deemed a lack of opposition to the payment in lieu of on-site affordable units. The payment shall be made into a fund dedicated for the purposes of affordable housing.
- d) **Subsidized Housing Inventory.** Affordable Units (as defined under 760 CMR 56) shall be deed restricted and shall remain affordable to and occupied by an Income Eligible Household (for household incomes at 80 percent of the Boston AMI or lower) and shall be eligible for inclusion on the Subsidized Housing Inventory as set forth in 760 CMR 56.
- e) **Administration.** Unless otherwise specified, the SPGA, with guidance from the Housing Partnership Board and the Select Board as stated here within, is responsible for the administration of inclusionary housing.