



## Town of Reading Meeting Posting with Agenda

RECEIVED  
TOWN CLERK  
READING, MASS.

2015 OCT -1 P 12:25

### Board - Committee - Commission - Council:

Board of Selectmen

Date: 2015-10-06

Time: 7:00 PM

Building: Reading Town Hall

Location: Selectmen Meeting Room

Address: 16 Lowell Street

Purpose: General Business

Meeting Called By: Paula Schena on behalf of Chairman Daniel Ensminger

Notices and agendas are to be posted 48 hours in advance of the meetings excluding Saturdays, Sundays and Legal Holidays. Please keep in mind the Town Clerk's hours of operation and make necessary arrangements to be sure your posting is made in an adequate amount of time. A listing of topics that the chair reasonably anticipates will be discussed at the meeting must be on the agenda.

**All Meeting Postings must be submitted in typed format; handwritten notices will not be accepted.**

### Topics of Discussion:

- |    |  |             |
|----|--|-------------|
|    | <b>OFFICE ½ - Kevin Sexton</b>   | <b>6:30</b> |
| 1) | <b>Executive Session</b>   | 7:00        |
|    | a. To consider the purchase, exchange, lease or value of real property                       |             |
| 2) | <b>Reports and Comments</b>  | 7:20        |
|    | a. Selectmen's Liaison Reports and Comments  |             |
|    | b. Public Comment  |             |
|    | c. Town Manager's/Assistant Town Manager's Report  |             |
| 3) | <b>Open Session for topics not reasonably anticipated 48 hours in advance of the meeting</b> |             |
| 4) | <b>Proclamations/Certificates of Appreciation</b>  |             |
| 5) | <b>Personnel &amp; Appointments</b>  |             |
| 6) | <b>Discussion/Action Items</b>   |             |
|    | a. Vote to Discontinue Old Accuvote Machines and Approve the New Voting Machines             | 7:40        |
|    | b. Second Driveway – Request to Revoke Prior Approval for 181 South Street                   | 7:45        |
|    | c. Hearing – Approve Amendments to the Non-Union FY16 Classification Plan                    | 8:00        |
|    | d. Discuss HRAC & Communication Policy   | 8:30        |
|    | e. Vote November Town Meeting Warrant Articles   | 9:00        |
|    | f. Review 2016 Board of Selectmen Meeting Schedule   | 9:30        |
| 7) | <b>Approval of Minutes</b>   |             |
|    | a. September 15, 2015  |             |
| 8) | <b>Licenses, Permits and Approvals</b>   |             |

This Agenda has been prepared in advance and represents a listing of topics that the chair reasonably anticipates will be discussed at the meeting. However the agenda does not necessarily include all matters which may be taken up at this meeting.



## Town of Reading Meeting Posting with Agenda

### 9) Correspondence

- copy a. Correspondence from Marie Liotine thanking the Reading  
Fighters during her time of need
- copy b. Email from Fios re: change in programming

<b>DRAFT - BOARD OF SELECTMEN AGENDAS</b>			
<b>2015</b>			<b>2015</b>
<i>9/30/2015</i>		<b>Staff</b>	<b>Estimated</b>
	<b>October 6, 2015</b>		
<b>Office Hour</b>	Kevin Sexton		<b>6:30</b>
<b>Executive Session</b>	To discuss Real Estate	LeLacheur	<b>7:00</b>
<b>Open Session</b>			<b>7:20</b>
	Vote to discontinue old Accuvote machines and approve the new voting machines	LeLacheur	<b>7:40</b>
	Second Driveway - request to revoke prior approval for 181 South Street	LeLacheur	<b>7:45</b>
<b>Public Hearing</b>	Approve Amendments to FY16 Classification	LeLacheur	<b>8:00</b>
	Discuss HRAC & communication policy	LeLacheur	<b>8:30</b>
	Vote November Warrant Articles	LeLacheur	<b>9:00</b>
	Review 2016 BOS Meeting Schedule	LeLacheur	<b>9:30</b>
	<b>October 20, 2015</b>		
	Town Accountant Quarterly Report; update on School Revolving funds	Angstrom	<b>7:30</b>
<b>Public Hearing</b>	Early Opening Request - Tread LLC	LeLacheur	<b>8:00</b>
	Climate Committee - update on gas leaks	LeLacheur	<b>8:30</b>
	<b>October 28, 2015</b>	<b>PSC</b>	<b>7:30</b>
	Financial Forum with School Committee, Library Trustees and Finance Committee	FY17 budget	
	<b>November 3, 2015</b>		
<b>Office Hour</b>	Barry Berman		<b>6:30</b>
<b>Public Hearing</b>	Tax Classification		<b>8:00</b>
	<b>Town Meeting November 9, 2015</b>	<b>Monday</b>	
	<b>Town Meeting November 12, 2015</b>	<b>Thursday</b>	
	<b>Town Meeting November 16, 2015</b>	<b>Monday</b>	
	<b>November 17, 2015</b>		
	Liquor License Renewals		
	HOLD for MAPC		
	<b>December 1, 2015</b>		
<b>Office Hour</b>	Dan Ensminger		<b>6:30</b>
	HOLD for MAPC		

	<b>December 15, 2015</b>		
	Approve Licenses - non-alcohol		
	Birch Meadow Master Plan joint meeting with Recreation Committee		
<b>Future Agendas</b>			
	Joint Meeting with RMLD Commissioners		
	Joint Meeting with School Committee		
	Multi Board/Committee Summit		
	Reading 2020 Community Meeting		
	Downtown Parking		
	Strout Avenue Master Plan		
<b>Recurring Items</b>			
	Close Warrants	by Sep 23/Nov	
		by Jan 26/Mar	
	Review BOS/TM Goals	Mar-July-Dec	Tri-ann
	Review Customer Service survey results	Feb & Aug	Semi-ann
	Review Regionalization efforts		as needed
	Appointments of BCCs	June	Annual
	Approve Classification & Compensation	June	Annual
	Appoint Town Counsel	June	Annual
	Tax Classification Hearing	October	Annual
	Approve licenses	December	Annual
<b>Reports to BOS</b>	Town Accountant Report		Qtrly
	RCTV members Report		Semi-ann
	CAB (RMLD) member Report		Semi-ann
	MAPC member Report		Semi-ann
	BOS Appointed Boards, Committees & Commissions	NEW	Annual
	Reading Housing Authority Report		Annual
	Reading Ice Arena Report		Annual

## LeLacheur, Bob

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**From:** Tom Wise <Tom.Wise@gmo.com>  
**Sent:** Monday, September 21, 2015 1:19 PM  
**To:** Delios, Jean; Knight, Maureen; Saunders, Kim; LeLacheur, Bob  
**Subject:** Next Board of Selectman Meeting

Good afternoon Jean, Maureen, Kim and Bob!

I am writing as I would like to get on the agenda for the next Board of Selectman meeting if at all possible. As Kim knows, I need to officially ask the Board of Selectman to revoke their approval for my second driveway as a condition for the Minor Plan Change approved by the Zoning Board of Appeals on Thursday evening. Thus, I wouldn't expect my agenda item to take more than 5 minutes and probably only needs one or two.

Please let me know what would be necessary to get on the agenda and/or if you have any questions or concerns.

Thank you.

**Tom Wise**  
Enterprise Data Management

GMO LLC  
40 Rowes Wharf  
Boston, MA 02110  
T: +1.617.790.5189  
M: +1.617.869.6825  
F: +1.617.310.4585  
E: [tom.wise@gmo.com](mailto:tom.wise@gmo.com)



## Schena, Paula

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**From:** LeLacheur, Bob  
**Sent:** Tuesday, September 22, 2015 9:52 AM  
**To:** Delios, Jean; Saunders, Kim  
**Cc:** Schena, Paula  
**Subject:** FW: Next Board of Selectman Meeting

We'll put this on at 7:45pm on 10/6, I don't intend to advertise this as a Public Hearing though.

### **Robert W. LeLacheur, Jr. CFA**

*Town Manager, Town of Reading*  
16 Lowell Street, Reading, MA 01867  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
(P) 781-942-9043; (F) 781-942-9037

[www.readingma.gov](http://www.readingma.gov); Please fill out our brief customer service survey at:  
<http://readingma-survey.virtuالتownhall.net/survey/sid/ff5d3a5f03e8eb60/>

#### **Town Hall Hours:**

Monday, Wednesday and Thursday: 7:30 a.m - 5:30 p.m.; Tuesday: 7:30 a.m. - 7:00 p.m.; Friday: CLOSED

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**From:** Tom Wise [<mailto:Tom.Wise@gmo.com>]  
**Sent:** Monday, September 21, 2015 1:19 PM  
**To:** Delios, Jean; Knight, Maureen; Saunders, Kim; LeLacheur, Bob  
**Subject:** Next Board of Selectman Meeting

Good afternoon Jean, Maureen, Kim and Bob!

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**GMO**  
North America | Europe | Asia-Pacific

6b2

Ron D'Addario indicated that the committee would like to work closer with the Board of Selectmen.

Second Driveway Request 181 South Street – Diane Miller, Architect and the home owner were present.

Ms. Miller noted that they are proposing an addition to the house and a new driveway on the west side. The total frontage is 158 feet. This addition will create additional space to join the family and this driveway will service their use.

Town Engineer George Zambouras noted that the driveway will not affect the site distance. Engineering has no problem with this. The only requirement is to verify that the tree is on private property.

**A motion by Tafoya seconded by West that the Board of Selectmen approve the second driveway at 181 South Street as indicated on the plot plan submitted and subject to the condition that the Engineering Division shall verify that the tree proposed to be removed is not a public shade tree, was approved by a vote of 5-0-0.**

Hearing – FY15 Water, Sewer and Storm Water Rates – The Secretary read the hearing notice. The Town Manager noted that very little has changed. The rates cover local costs, the capital and debt plan and water main replacement. He is recommending a three month delay in the rates to begin in December.

Ben Tafoya suggested putting larger water projects as a debt exclusion so it will be a tax deduction.

Marsie West asked if this money is to fix culverts and the Town Manager indicated it has not in the past because when the fund was established there was discussion that we wouldn't add anything we weren't already doing.

John Arena asked if we have an inventory on culverts and the Town Manager indicated he wasn't sure. This is a discussion that the Board needs to have in the future.

Ben Tafoya noted it is ridiculous to increase the rates by 10% to give an early payment discount. John Arena asked how many take advantage of the discount and the Town Manager indicated approximately 70%.

**A motion by Tafoya seconded by Ensminger to close the hearing on setting the FY15 water, sewer and storm water rates was approved by a vote of 5-0-0.**

**A motion by Ensminger seconded by West that the Board of Selectmen set the FY 2015 Water Rate at \$9.45 per 100 cubic feet with a minimum quarterly bill of \$19.90 effective with the December, 2014 billing was approved by a vote of 5-0-0.**

**A motion by Ensminger seconded by West that the Board of Selectmen set the FY 2015 Sewer Rate at \$10.56 per 100 cubic feet with a minimum quarterly bill of \$21.12 effective with the December, 2014 billing was approved by a vote of 5-0-0.**

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ZONE: S20  
DIMENSIONAL REGS.

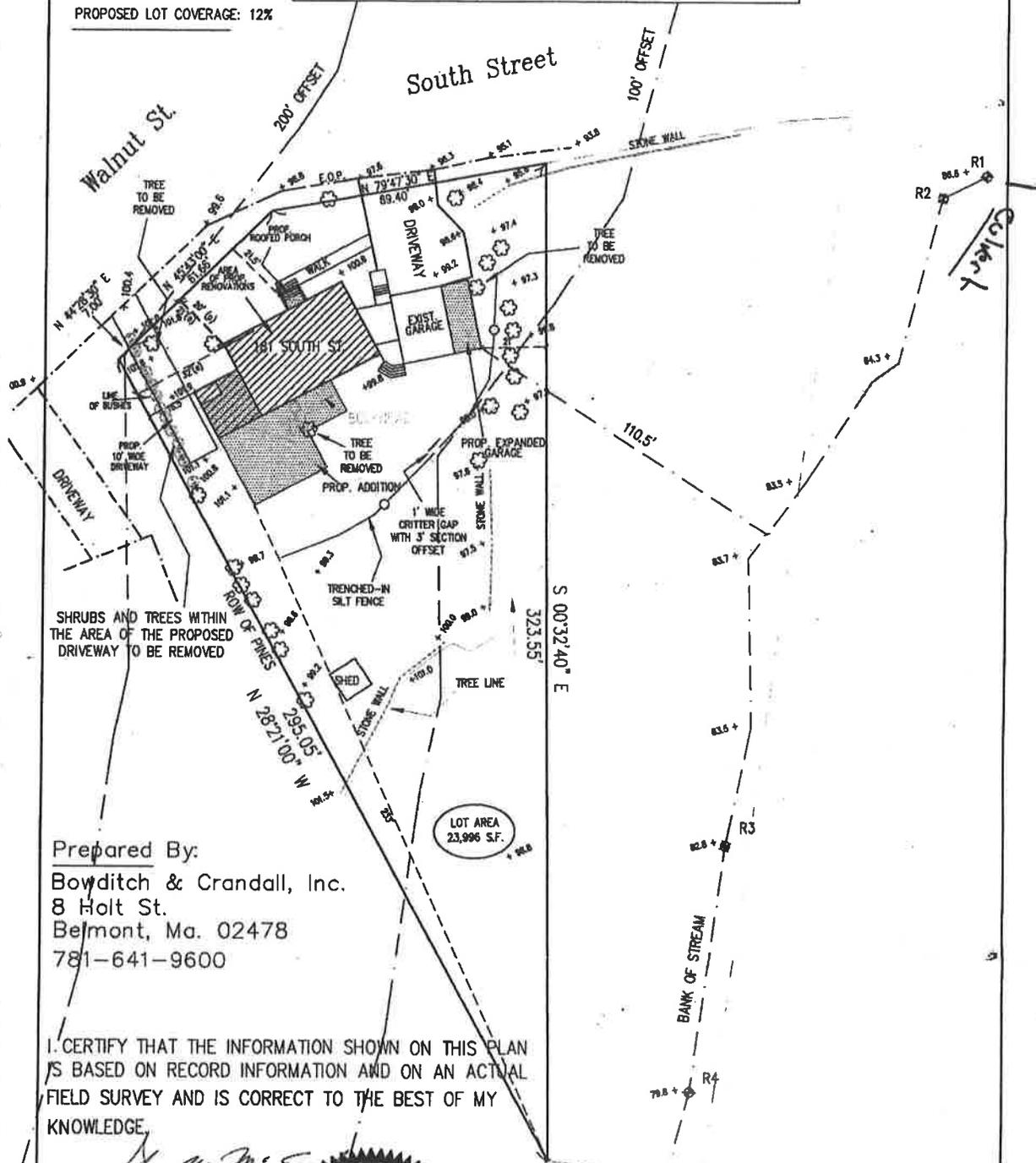
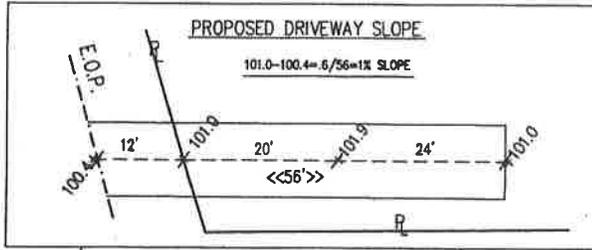
SETBACKS:  
FRONT: 20'  
SIDE: 15'  
REAR: 15'

MAX. LOT COVERAGE: 25%  
MAX. BUILDING HEIGHT: 35'  
EXIST. HOUSE: 1614 S.F.  
EXIST. NATURAL GRADE: 100.5

PROPOSED LOT COVERAGE: 12%

DEED REFERENCE: BOOK 51892, PAGE 329  
PLAN REFERENCE: REG. BOOK 425, PAGE 277

ASSESSORS MAP: 3/13



Prepared By:  
Bowditch & Crandall, Inc.  
8 Holt St.  
Belmont, Ma. 02478  
781-641-9600

I CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAN IS BASED ON RECORD INFORMATION AND ON AN ACTUAL FIELD SURVEY AND IS CORRECT TO THE BEST OF MY KNOWLEDGE.

JOHN W. McEACHERN P.L.S.

DATE: 2-12-2014



SCALE: 1" = 40'  
0 40  
Scale in Feet

PLOT PLAN  
181 SOUTH ST.  
READING, MA.

OWNER: THOMAS WISE

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**Legal Notice**



**Town of Reading**

To the Inhabitants of the Town of Reading:

Please take notice that the Board of Selectmen of the Town of Reading will hold a public hearing on October 6, 2015 at 8:00 p.m. in the Selectmen's Meeting Room, 16 Lowell Street, Reading, Massachusetts on: Approving Amendments to the Non-Union FY16 Classification Plan.

A copy of the proposed document regarding this topic is available in the Town Manager's office, 16 Lowell Street, Reading, MA, M-W-Thurs from 7:30 a.m. - 5:30 p.m., Tues from 7:30 a.m. - 7:00 p.m. and is attached to the hearing notice on the website at [www.readingma.gov](http://www.readingma.gov)

All interested parties are invited to attend the hearing, or may submit their comments in writing or by email prior to 6:00 p.m. on October 6, 2015 to [townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)

By order of  
Robert W. LeLacheur  
Town Manager



**Office of the Town Manager**  
**16 Lowell Street**  
**Reading, MA 01867**

**781-942-9043**  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)  
[www.readingma.gov/town-manager](http://www.readingma.gov/town-manager)

**To:** Board of Selectmen  
**From:** Robert W. LeLacheur, Jr. CFA  
**Date:** September 22, 2015  
**RE:** October 6<sup>th</sup> Classification Public Hearing

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One of your agenda items on October 6<sup>th</sup> is a Public Hearing scheduled for 8:00pm to approve amendments to the FY16 Classification plan. I will detail each requested change below:

Facilities related items:

Grade M: addition of **Facilities Director** – as explained at the Financial Forum on September 16<sup>th</sup> subject to November 2015 Town Meeting approval of budget transfers.

Grade J: addition of **Assistant Facilities Director** – as explained at Financial Forum, funding to add position subject to November 2015 Town Meeting approval.

Grade H: Addition of **Purchasing Agent** – position upgraded from Business Analyst in order to handle addition of Facilities department, funding to upgrade position subject to November 2015 Town Meeting approval.

Grade E: Deletion of **Business Analyst**

Pay & Class requests:

Grade G: Addition of **Recreation Administrator**- with John Feudo assuming the role of Community Services Director, more of the Recreation responsibilities has fallen on the shoulders of staff in the division. The current Program Coordinator is well qualified for this promotion, and that position will remain (Grade E) on the Classification Plan as they formulate a budget for FY17. Incremental funding for this upgrade comes from pay & class funding approved by April 2015 Town Meeting.

Grade F: Addition of **Senior Case Manager** – a similar situation where we have a highly qualified senior person serving currently as Case Manager (Grade E). Rather than upgrade the position, we would prefer to add this position and then promote the person - and then for a future budget request additional staffing in the Case Manager position. Incremental funding for this upgrade comes from pay & class funding approved by April 2015 Town Meeting.

Other:

Grade J: rename the position to **Assessor** from Appraiser

Grade F: rename position to **Assistant Assessor** from Assistant Appraiser

Grade G: Addition of **Human Resources Generalist** – a position in the Town's budget but the hours to be divided between the Town and School HR divisions, as each is significantly understaffed and this addition will help. Funding to add position subject to November 2015 Town Meeting approval.

Grade F: Deletion of the **Assistant Building Inspector** position. It has been vacant and unfunded with no plans to request funding in the next two years.

6C2

FY 2016 TOWN OF READING CLASSIFICATION PLAN effective October 1, 2015 except as noted below

Schedule A-1

A	Parking Enforcement Officer	Van Driver							
B	Clerk	Library Associate							
C	Administrative Secretary	Senior Library Associate							
D	Administrative Assistant	Animal Control Officer	RCASA Youth Coordinator	Senior Center Coordinator					
E	Assistant Collector	Assistant Town Clerk	Assistant Treasurer	<del>Business Analyst (Facilities)</del>	Case Manager	Computer Technician	Librarian	Office Manager/Public Services	RCASA Outreach Coordinator
	Recreation Program Coordinator	Regional Housing Services Coordinator	Senior Administrative Assistant	Zoning Enforcement Inspector					
F	Assistant Assessor (rename)	<del>Assistant Building Inspector</del>	Health Inspector	<del>Senior Case Manager (pay &amp; class)</del>	Plumbing/Gas Inspector	Veteran's Service Officer	<del>Wiring Inspector</del>		
G	Conservation Administrator	Head Public Safety Dispatcher	<del>Human Resources Generalist (shared with Schools)</del>	Library Children's Services Division Head	Library Circulation Division Head	Library Information Services Division Head	Library Technical Services Division Head	Nurse Advocate	Public Health Nurse
	<del>Recreation Administrator (pay &amp; class)</del>	Senior Computer Technician	Water Supply Coordinator						
H	Elder/Human Services Administrator	Executive Assistant	GIS Administrator	<del>Purchasing Agent (Facilities)</del>					
I	Assistant Library Director	RCASA Director	Health Agent	Town Clerk					
J	Assessor (rename)	<del>Assistant Facilities Director (Facilities)</del>	<del>Building Inspector</del>	Business Administrator	Community Development Director	Community Services Director	Human Resources Director	Treasurer-Collector/Assistant Finance Director	
K	Assistant DPW Director	Assistant Fire Chief	Deputy Police Chief	Technology Director					
L	Administrative Services Director	Library Director	Town Accountant/Finance Director						
M	Assistant Town Manager	DPW Director	<del>Facilities Director (Facilities - effective 8/17/15)</del>	Fire Chief	Police Chief				

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HEADQUARTERS  
**READING FIRE DEPARTMENT**  
Reading, Massachusetts 01867

GREGORY J. BURNS, Chief  
757 Main Street  
BUS. Phone: 781-942-9181  
STA. Phone: 781-944-3132  
Fax: 781-942-9114

TO: Mr. Robert W. LeLacheur, Jr. CFA, Town Manager  
FROM: Chief Gregory J. Burns  
DATE: September 30, 2015  
RE: FY 15 Ladder Truck Repair Bill

In January and February of 2015 the Fire Department Ladder Truck required service to the after treatment regeneration system on the engine. This system is a component of the emissions system and has required repeated servicing in the last several years. In January and February 2015 there were several services performed by the local Caterpillar dealer, Milton CAT. Since we have had repeated issues with this emissions system including an engine fire in July of 2012, I requested these repairs be covered under warrantee.

In making repairs to our engine Milton CAT involved Caterpillar Inc. for assistance. Milton CAT did not inform us these repairs would not be covered under warrantee and they did not invoice us for the repairs in a timely manner.

On or about September 10, 2015, I was informed by Milton CAT that their request to Caterpillar Inc. to have the repairs covered by warrantee was not approved and they would be sending the Town of Reading an invoice for the repairs. Several days later the Department of Public Works received an invoice for \$15,763.39 for the repairs.

I reviewed the invoices and appealed to Caterpillar Inc. through their Customer Service Department in an effort to have the repairs covered under warrantee. As part of that appeal, I included background information, our experience with this engine and the services we received from Milton CAT.

On September 30, 2015, I received notification from Milton CAT that they were working with Caterpillar Inc. on a resolution to this issue. Milton CAT is seeking a commitment from Caterpillar Inc. If agreed to by Caterpillar Inc., they would be responsible to pay one third the cost, Milton CAT would pay one third the cost and the Town of Reading would be responsible for one third the cost. The cost to the Town of Reading with this arraignment is \$5,254.46.

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**2015 Subsequent Town Meeting**  
**Monday November 9, 2015**  
**WARRANT OUTLINE REVISED 09/30/2015**

1

<u>Art.</u> #	<u>Article Description</u>	<u>Sponsor</u>	<u>Mover/ Comment</u>	<u>Moderator Notes</u>
1	Reports	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ 375<sup>th</sup> Celebration – Town Moderator Alan Foulds</li> <li>◆ Municipal Light Department annual report – General Manager Coleen O’Brien</li> <li>◆ School Department annual report – Superintendent Dr. John Doherty</li> <li>◆ Motion to Table – Selectman Chair Dan Ensminger</li> </ul>	
2	Instructions	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Motion to Table – Selectman Vice Chair John Halsey</li> </ul>	
3	Amend the Capital Improvement Program FY 2016 - FY 2026	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Motion – Selectman Kevin Sexton</li> <li>◆ Presentation – Town Manager Bob LeLacheur</li> <li>◆ FINCOM report – TBA</li> </ul>	
4	Approve Payment of Prior Year’s Bills	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Motion – Selectman John Arena</li> <li>◆ Presentation – Town Accountant Sharon Angstrom</li> <li>◆ FINCOM report – TBA</li> </ul>	<b>9/10 vote required</b>
5	Amend the FY 2016 Budget	FINCOM	<ul style="list-style-type: none"> <li>◆ Motion – FINCOM Chair Mark Dockser</li> <li>◆ Presentation – Bob LeLacheur and Dr. John Doherty</li> <li>◆ FINCOM report – TBA</li> </ul>	
6	Road Acceptances - Causeway Road; Cory Lane; Dividence Road; Pondview Lane; Roma Lane and Sailor Tom’s Way	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Motion – Selectman Barry Berman</li> <li>◆ Presentation – TBA</li> <li>◆ Bylaw Committee report – TBA</li> </ul>	

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**2015 Subsequent Town Meeting**  
**Monday November 9, 2015**  
**WARRANT OUTLINE REVISED 09/30/2015**

7	Zoning Bylaw Changes – Purpose	CPDC	<ul style="list-style-type: none"> <li>◆ Motion – CPDC Chair Jeff Hansen</li> <li>◆ Presentation – Jeff Hansen</li> <li>◆ CPDC Report – CPDC member Nick Safina</li> <li>◆ Bylaw Committee Report - TBA</li> </ul>	<b>2/3 vote required</b>
8	Zoning Bylaw Changes – Personal Wireless Service Facility	CPDC	<ul style="list-style-type: none"> <li>◆ Motion – Jeff Hansen</li> <li>◆ Presentation – Jeff Hansen</li> <li>◆ CPDC Report – Nick Safina</li> <li>◆ Bylaw Committee Report - TBA</li> </ul>	<b>2/3 vote required</b>
9	Zoning Bylaw Changes – Aquifer Protection District	CPDC	<ul style="list-style-type: none"> <li>◆ Motion – Jeff Hansen</li> <li>◆ Presentation – Jeff Hansen</li> <li>◆ CPDC Report – Nick Safina</li> <li>◆ Bylaw Committee Report - TBA</li> </ul>	<b>2/3 vote required</b>
10	Zoning Bylaw Changes – CPDC and ZBA Associate Members	CPDC	<ul style="list-style-type: none"> <li>◆ Motion – Jeff Hansen</li> <li>◆ Presentation – Bob LeLacheur</li> <li>◆ CPDC Report – Nick Safina</li> <li>◆ Bylaw Committee Report - TBA</li> </ul>	<b>2/3 vote required</b>
11	Bylaw Changes – 3.3.1.4 Removal for Absence	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Motion – Dan Ensminger</li> <li>◆ Presentation – Bob LeLacheur</li> <li>◆ Bylaw Committee report – TBA</li> </ul>	
12	Settle Potential Litigation	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Motion – John Halsey</li> <li>◆ Presentation – Bob LeLacheur</li> <li>◆ FINCOM report – TBA</li> </ul>	
13	Cemetery Garage Facility	Board of Cemetery Trustees	<ul style="list-style-type: none"> <li>◆ Motion – TBA</li> <li>◆ Presentation – TBA</li> <li>◆ FINCOM report – TBA</li> </ul>	<b>2/3 vote required (Debt)</b>
14	Bylaw Change – Section 8.9.1 Firearms	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Motion – Kevin Sexton</li> <li>◆ Presentation – ad hoc Firearms Committee</li> <li>◆ Bylaw Committee report – Stephen Crook</li> </ul>	

# COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on \_\_\_\_\_, 2015 notified and warned the inhabitants of the Town of Reading, qualified to vote in Town elections and Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

- Precinct 1 J. Warren Killam School, 333 Charles Street
- Precinct 2 Reading Police Station, 15 Union Street
- Precinct 3 Reading Municipal Light Department, 230 Ash Street
- Precinct 4 Joshua Eaton School, 365 Summer Avenue
- Precinct 5 Walter S. Parker Middle School, 45 Temple Street
- Precinct 6 Barrows School, 16 Edgemont Avenue
- Precinct 7 Birch Meadow School, 27 Arthur B Lord Drive
- Precinct 8 Wood End School, 85 Sunset Rock Lane
- Town Hall, 16 Lowell Street

The date of posting being not less than fourteen (14) days prior to November 9, 2015, the date set for Town Meeting in this Warrant.

I also caused a posting of this Warrant to be published on the Town of Reading website on \_\_\_\_\_, 2015.

\_\_\_\_\_  
, Constable

A true copy Attest:

\_\_\_\_\_  
Laura Gemme, Town Clerk

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# TOWN WARRANT



## COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

To any of the Constables of the Town of Reading, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Reading, qualified to vote in Town elections and Town affairs, to meet at the Reading Memorial High School Performing Arts Center, 62 Oakland Road, in said Reading, on Monday, November 9, 2015, at seven-thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

**ARTICLE 1** To hear and act on the reports of the Board of Selectmen, School Committee, Library Trustees, Municipal Light Board, Finance Committee, Bylaw Committee, Town Manager, Town Accountant and any other Town Official, Board or Committee.

Board of Selectmen

**Background:** This article appears on the Warrant for all Town Meetings. At this Subsequent Town Meeting, the following reports are anticipated:

- Town Moderator "375<sup>th</sup> Celebration Committee"
- RMLD General Manager "Annual update"
- Superintendent of Schools and School Committee Chair "State of the Schools"

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**ARTICLE 2** To choose all other necessary Town Officers and Boards or Committees and determine what instructions shall be given Town Officers and Boards or Committees, and to see what sum the Town will vote to appropriate by borrowing or transfer from available funds, or otherwise, for the purpose of funding Town Officers and Boards or Committees to carry out the instructions given to them, or take any other action with respect thereto.

Board of Selectmen

**Background:** This Article appears on the Warrant of all Town Meetings. There are no known Instructional Motions at this time. The Town Moderator requires that all proposed Instructional Motions be submitted to the Town Clerk in advance so that Town Meeting Members may be "warned" as to the subject of an Instructional Motion in advance of the motion being made. Instructional Motions are normally held until the end of all other business at Town Meeting.

**Finance Committee Report:** No report.

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**Bylaw Committee Report:** No report.

**ARTICLE 3** To see if the Town will vote to amend the FY 2016-26 Capital Improvements Program as provided for in Section 7.7 of the Reading Home Rule Charter and as previously amended, or take any other action with respect thereto.

Board of Selectmen

**Background:** This Article is included in every Town Meeting Warrant. The Reading General Bylaw (section 6.1.3) states "... No funds may be appropriated for any capital item unless such item is included in the Capital Improvements Program, and is scheduled for funding in the Fiscal Year in which the appropriation is to be made." Bond ratings agencies also want to ensure that changes to a long-term CIP are adequately described.

The following changes are proposed to the FY2016 – FY2026 CIP (current year plus ten years):

### **General Fund**

#### **FY16: +\$488,250**

\$175,000 School & Town technology (\$100,000 shared disaster recovery system; \$60,000 phone project includes new Library; \$15,000 Town data security audit)  
\$140,000 DPW Snow blower (supplement to 1999 snowblower)  
\$ 60,000 Fac: Generator (Main St Fire station)  
\$ 45,000 Fac: Condensate Tank (Coolidge)  
\$ 40,000 Fac: Vehicle – Chevy K2500  
\$ 30,000 Fac: Masonry (RMHS)  
\$ 28,250 DPW Fuel Canopy & Suppression System (costs shared with RMLD)  
\$ 25,000 DPW Vehicle – Ford Escape  
\$ 15,000 Fac: Masonry (Parker)  
-\$ 15,000 Fac: HVAC (Barrows)  
-\$ 15,000 Fac: Flooring (Parker)  
-\$ 40,000 Fac: Flooring (RMHS)

*\$2.0 mil. Cemetery garage as debt & other sources of funding (increased from \$1.5 million and moved up from FY18) – please see Article 13 for a full discussion.*

#### **FY17: -\$527,400**

\$350,000 Pub Svc Killam Field and parking lot repairs (not done in FY15)  
\$150,000 DPW Snow Bombardier#1 (1993 moved up from FY18 and increased by \$25k)  
\$ 75,000 School Technology biennial network upgrades (moved up from FY18)  
+\$60,000 Fac: Fire Alarm panel (Joshua Eaton, total now \$170,000)  
\$ 36,000 School Passenger Van  
\$ 35,000 DPW Forklift  
+\$ 12,600 Add funding for DPW Bobcat Loader 743 (1987; now \$45k)  
\$ 10,000 Fac: DPW door repairs (DPW)  
+\$ 5,000 Add funding for DPW Dump Truck C3 (now \$65k)  
-\$ 20,000 Reduce funding for DPW Aerial Pickup Truck (now \$80k)  
-\$ 20,000 Fac: Pleasant Street Center HVAC (defer to FY18)  
-\$ 34,000 DPW Eliminate Ford sedan Car#2 (2007) replacement

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- \$ 36,500 DPW Eliminate HV3 Ford van (1997) replacement
- \$ 41,500 Public Safety (Fire) Vehicle (defer to FY18)
- \$ 50,000 DPW Yard Improvements (defer to FY18)
- \$ 50,000 DPW Road Improvements
- \$ 60,000 Fac: West Side Fire station roofing (defer to FY19 as debt)
- \$ 60,000 Fac: Flooring (RMHS)
- \$100,000 Town Technology biennial network upgrades (moved up to FY16)
- \$115,000 DPW Truck #10 (defer to FY18 and add \$35k)
- \$120,000 DPW Chipper (defer to FY18)
- \$134,000 Fac: Main Street Fire station roofing (defer to FY19 as debt)
- \$420,000 Fac: Town Hall roofing (defer to FY19 as debt)

**FY18+**

Various other changes made

**Enterprise Funds - Water**

**FY16:** None

**FY17:** None

**FY18+**

Various changes made

**Enterprise Funds - Sewer**

**FY16: +\$1,215,000**

SCADA for sewer station rehab projects & Sewer station projects for Batchelder and West Street \$1,215,000 (note that \$782,000 of funds previously allocated to these projects were turned back to Sewer Reserves in FY15)

**FY17: -\$345,000**

- \$ 25,000 Portable generator for Grove St. Sewer station
- \$370,000 Sewer station repairs for Joseph's Way and Small Lane

*\$3.0 million debt Charles Street & Sturges sewer station repairs (moved up from FY20 & FY18 and increased from \$1.89 million)*

**FY18+**

Various changes made

**Enterprise Funds – Storm Water**

**FY16:** None

**FY17:** None

**FY18+**

Various changes made

**Finance Committee Report:** The Finance Committee recommends the proposed amendments to the FY 2016 – FY 2026 Capital Improvements Program by a vote of x-0-0 at their meeting on October 14, 2015. Placing items in the Capital Improvement Program is a prerequisite but in itself does not authorize spending funds towards these items.

**Bylaw Committee Report:** No report.

*By Charter, both the Finance Committee and Bylaw Committee are advisory to Town Meeting and their votes must be reported to Town Meeting, preferably in writing in advance when possible. Other volunteer Boards and Committees also vote on Warrant Articles, and when possible those votes are noted herein with an asterisk (\*) next to their name.*

**\*Board of Selectmen Report:** The Board of Selectmen on October 6, 2015 voted x-0-0 to support this Article.

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**ARTICLE 4** To see if the Town will vote to raise and appropriate, transfer from available funds or otherwise provide a sum or sums of money to pay bills remaining unpaid from prior fiscal years for goods and services actually rendered to the Town, or take any other action with respect thereto.

Board of Selectmen

**Background:** In advance of Annual Town meeting in April 2015 the Town received an estimate for expected legal expenses for the balance of the fiscal year related to the ongoing RMHS construction project litigation. The Town received a June 2015 legal invoice in a timely fashion in the amount of \$40,516.10 which far exceeded the earlier estimate and there were not sufficient funds to make payment.

On September 10, 2015 the Fire department was notified that repairs made in January and February 2015 would not be covered by a warranty as had been expected, and shortly thereafter DPW received an invoice for \$15,763.39 for these repairs. The Fire department appealed the invoice, and on September 30, 2015 they were told a three-way settlement was being negotiated. Therefore this prior year invoice is in the amount of \$5,254.46.

A prior fiscal year bill was discovered by the School department during the summer of 2015 – an invoice for \$837.75 for Addiro Inc. Plumbing for services performed in August 2013 that was never paid.

A prior fiscal year bill was discovered by the DPW in September 2015 for unpaid May and June 2015 legal ads placed in a local newspaper for \$861.90.

Each of these bills is an obligation that should be paid by the Town, with a source of Free Cash. Please note that a 9/10 majority vote by Town Meeting is required to make these payments, which in total are \$47,470.21.

**Finance Committee Report:** The Finance Committee recommends the proposed amendments to the FY 2016 budget by a vote of x-0-0 at their meeting on October 14, 2015.

**Bylaw Committee Report:** No report.

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**ARTICLE 5** To see if the Town will vote to amend the Town's Operating Budget for the Fiscal Year commencing July 1, 2015, as adopted under Article 20 of the Annual Town Meeting of April 27, 2015; and to see if the Town will vote to raise and appropriate, borrow or transfer from available funds, or otherwise provide a sum or sums of money to be added to the amounts appropriated under said Article, as amended, for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

**Background:**

**General Fund – Wages and Expenses**

<u>Account Line</u>	<u>Description</u> # indicates Facilities Department changes PC: moving around pay/class funds	<u>Decrease</u>	<u>Increase</u>
B99 – Benefits Expenses	Retirement (\$50,000) Worker Comp Premiums (\$35,000)	\$ 85,000	
C99 – Capital Expenses	School & Town technology \$175,000 (\$100,000 shared disaster recovery system; \$60,000 phone project includes new Library; \$15,000 Town data security audit) DPW Snow blower (1999) \$140,000 Fac: Generator (Main St Fire sta.) \$60,000 Fac: Condensate Tank (Coolidge) \$45,000 Facilities Vehicle – Chevy K2500 \$40,000 Fac: Masonry (RMHS) \$30,000 DPW Fuel Canopy/ Suppression System (costs shared with RMLD) \$28,250 DPW Vehicle – Ford Escape \$25,000 Fac: Masonry (Parker) \$15,000 Fac: HVAC (Barrows) -\$15,000 Fac: Flooring (Parker) -\$15,000 Fac: Flooring (RMHS) -\$40,000		\$488,250
F99 – FINCOM Reserves	Replenish Reserves for Modular classroom expenses \$75,000 Increase Reserves for unforeseen expenses \$75,000		\$150,000
G91 – Administrative Services Wages	PC: Fund all pay & class transfers \$(55,000) PC: Fund pay & class results in this department \$4,700 HR Generalist (shared Town/Schools) \$62,000 #Upgrade Business Analyst position to be a Procurement Agent position (related to the addition of Facilities) \$24,000		\$ 35,700
G92 – Administrative Services Expenses	Legal Services (RMHS litigation) \$75,000 Communication software license \$ 5,000		\$ 80,000

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H91 – Public Services Wages	PC: Fund pay & class results \$19,200		\$ 19,200
H92 – Public Services Expenses	*Hazard Mitigation Planning consulting services \$25,000		\$ 25,000
I91 – Finance Wages	PC: Fund pay & class results \$12,010		\$ 12,010
I92 – Finance Expenses	Assessing Full Field Review in preparation for FY17 Revaluation \$88,000		\$ 88,000
J91 – Public Safety Wages	PC: Fund pay & class results \$9,675		\$ 9,675
J92 – Public Safety Expenses	Police: regionalize Animal Control with North Reading		\$ 50,000
K91 – Public Works Wages	PC: Fund pay & class results \$3,950		\$ 3,950
K92 – Public Works Expenses	Road line painting \$30,000 Professional development \$10,000 Fuel (\$50,000)	\$ 10,000	
K94 – Public Works Street Lighting	Street Lighting expenses (\$35,000)	\$ 35,000	
K95 – Public Works Rubbish	Rubbish disposal (\$50,000)	\$ 50,000	
L91 – Library Wages	PC: Fund pay & class results \$5,465		\$ 5,465
M91 – Core Facilities	#Transfers from U99 Schools \$1,948,199 #Transfers from V99 Town Fac \$525,142 #(a) Additions requested \$110,000 #(b) Additions requested \$100,000		\$2,683,341
M92 – Facilities: Town buildings	#Transfers from V99 Town Fac \$252,835 #(a) Additions requested \$ 40,000		\$ 292,835
U99 – School Department	#Transfers to M91 \$1,948,199	\$1,948,199	
V99 – Town Facilities	#Transfers to M91 \$525,142 #Transfers to M92 \$252,835	\$ 777,977	
	<b>Subtotals</b>	<b>\$2,932,476</b>	<b>\$3,969,726</b>
	<b>Net Operating Expenses</b>		<b>\$1,037,250</b>
	* From Permits Revolving Fund	\$ 25,000	
	#(b) From Revenues from Rental of School Properties via Free Cash	\$100,000	
	From Free Cash	\$912,250	

**Enterprise Funds – Wages and Expenses**

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
X99 Sewer	Sewer stations projects (Batchelder & West St) and related SCADA for all sewer station rehabs		\$1,215,000
	<b>Subtotals</b>	<b>\$0</b>	<b>\$1,215,000</b>
	<b>Net Operating Expenses</b>		<b>\$1,215,000</b>
	<b>From Sewer Reserves</b> (note +\$433,000 is net request from previous capital plan)		<b>\$1,215,000</b>

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Over the summer both the Superintendent of Schools and the Town Manager discussed restructuring the Facilities department so there was more shared management oversight. School Committee and Board of Selectmen leadership were brought into the discussion to assist in crafting a new structure for the department. The proposed FY16 budget changes shown above in this Article make the financial changes necessary. At a Financial Forum on September 16, 2015, both the School Committee (6-0-0) and Board of Selectmen (3-0-0) voted to approve the restructuring of the Facilities department consistent with these budget transfers and additions in this Article. Note that the gross budgets for Facilities are requested to increase by \$274,000 but that \$100,000 of that amount is covered by existing revenues that will provide a funding source.

The restructured Facilities department will be led by the Director of Facilities, and included above is a request to restore the Assistant Facilities Director position that was eliminated a few years ago due to budget cuts. Among other efficiencies this will reduce the need to hire outside project managers, except for large building projects.

Currently the department's budgets consists of two voted line items (U99 School Department and V99 Town Facilities), each under control of the Schools. The proposed changes will result in three budget line items. The first two (M91 and M92) will be located in the Town's budget, while U99 remains as the School Department budget.

M91 – Core Facilities: the shared Director and proposed Assistant Director, a department secretary, and three tradesmen (Electrician, Plumber, general laborer); all operational costs associated with utilities and maintenance of all town and school buildings; all capital for all town and school buildings.

M92 – Facilities Town Buildings: all custodial services, supplies and employees associated with the cleaning of town buildings.

U99 – School Department: all custodial services, supplies and employees associated with the cleaning of school buildings.

The Board of Selectmen will vote on lines M91 and M92 annually, while the School Committee will vote on lines M91 and U99. The Town's Administrative Services Department will oversee all procurement activities for M91, so also included in these budget changes is a request to increase a vacant position to be able to handle this additional responsibility.

The Schools and Town also recently discussed sharing a position in their Human Resources divisions. The HR field grows increasingly complex each year, and each division is significantly understaffed. Town Meeting is requested in line G91 to approve this shared position, which will have office space both at Town Hall and in the School's Central Office.

**Finance Committee Report:** The Finance Committee recommends the proposed amendments to the FY 2016 budget by a vote of x-0-0 at their meeting on October 14, 2015.

**Bylaw Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen at a joint meeting with the School Committee and Finance Committee on September 16, 2015 voted 3-0-0 to support the proposed restructuring of the Facilities Department as presented in this Article. The Board of Selectmen on October 6, 2015 voted x-0-0 to support this entire Article.

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**\*School Committee Report:** The School Committee at a joint meeting with the Board of Selectmen and Finance Committee on September 16, 2015 voted 6-0-0 to support the proposed restructuring of the Facilities Department as presented in this Article.

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**ARTICLE 6** To hear the report of the Board of Selectmen relative to the laying out of the following named streets under the provisions of Chapter 82 of the *Massachusetts General Laws*, and to see if the Town will vote to accept such streets as and for public ways and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any land or interest in land necessary for such laying out, and act on all manners relating thereto:

Cory Lane, from Zachary Lane to dead end  
Pondview Lane, from Fairchild Drive to dead end  
Roma Lane, from Sanborn Lane to dead end  
Sailor Tom's Way, from Franklin Street to dead end  
Causeway Road, from Lowell Street to dead end  
Dividence Road, from Franklin Street to Emerson Street

or take any other action with respect thereto.

Board of Selectmen

**Background:** In late 2012 residents on Roma Lane filed a petition to have their street accepted as a public way, upon learning a subdivision developer had never completed that work. Rather than bring that one road to Town Meeting, in the summer of 2013 the Town Manager asked planning and engineering staff to begin an exhaustive process of reviewing every private road in town, with many details requiring research that went back several decades.

Approximately 80 private roads/driveways were identified and on February 3, 2015 the Board of Selectmen invited these residents to a community meeting to learn the basics of public and private roads. For example, on private roads the Town will do minimal patch work do ensure that emergency and public safety vehicles have access, whereas on public roads the town bears the responsibility to maintain a better roadway condition (subject to funding).

Private roads were divided into these categories: (1) roadways that have been completed but the final steps for acceptance as a public road were never requested or completed; (2) roadways that are incomplete where bonds are in place to complete the work. If those bonds are insufficient to complete the work, the Selectmen need to decide if betterments are to be assessed; (3) older roadways where the reasons for non-acceptance cannot be determined; (4) roadways constructed as private but residents may wish to have them become public; (5) roadways constructed as private and the residents wish them to remain that way; (6) roadways within small development complexes (40B, PRD) that were constructed as private but residents may wish to have them become public.

The first two categories of roads were studied further, and the six roads above qualify for inclusion to be accepted without any further cost to the residents. Note that residents of Causeway already had the Town Meeting and betterment processes completed previously but the final paperwork was never completed by the town.

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Four of these roads went through the CPDC under Subdivision Control Law, and at their meeting on August 24, 2015 CPDC unanimously recommended that Roma Lane, Sailor Tom's Way, Pondview Lane and Cory Lane had met the necessary conditions and should be accepted as a public way. The two remaining roads, Dividence Road and Causeway Road, are not part of the subdivision process, so residents sent in petitions requesting that they change to become a public way. At their meeting on September 14, 2015, as a courtesy CPDC unanimously recommended that these two additional roads become public.

No further Town Meeting action on private roads is expected to be requested for at least a year. Remaining private roads are expected to have a cost to the residents to become public, which means each will need to appear in front of the Board of Selectmen to discuss their interest in paying betterments. The Board typically has not voted to accept private roads unless an overwhelming majority of residents are willing to pay those betterments.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of x-0-0 at their meeting on October zz, 2015.

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**ARTICLE 7** To see if the Town will vote to amend Section 1.0 of the Zoning Bylaws as follows (**Bold** represents language to be inserted and crossed-out language is to be deleted):

1.0 PURPOSE

**This Bylaw has been adopted to govern uses of land; the size, height, bulk, location and use of structures, buildings and signs; and for all of the other purposes set forth in, but not limited by, Section 2A of Chapter 808 of the Acts of 1975:**

~~1.1 The purposes of this Zoning Bylaw include, but are not limited to, the following:~~

- ~~a~~ To promote the health, safety and general welfare of the inhabitants of the Town of Reading;
- ~~b~~ To lessen congestion in the streets;
- ~~c~~ To conserve health;
- ~~d~~ To secure safety from fire, flood panic, congestion and other dangers;
- ~~e~~ To provide adequate light and air;
- ~~f~~ To prevent over-crowding of land;
- ~~g~~ To avoid undue concentration of population;
- ~~h~~ To encourage housing for persons of all income levels;
- ~~i~~ To facilitate the adequate provisions of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements;
- ~~j~~ To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
- ~~k~~ To encourage the most appropriate use of land throughout the Town of Reading, including consideration of the recommendations of comprehensive plans adopted by Town Meeting; and
- ~~l~~ To preserve natural conditions and historic sites and to enhance beauty and amenities.

or take any other action with respect thereto.

Community Planning and Development Commission

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**Background:** Article 7 is an amendment to the Section 1 of the Zoning Bylaw, Purpose. An amended Purpose was the subject of Article 9 of the September, 2014 Town Meeting. Article 9 did not receive the required 2/3 affirmative vote of Town Meeting. It has been further amended and is now being brought back to Town Meeting for another vote. The zoning bylaw approved at the November 2014 Town Meeting included the original language in Section 1, Purpose.

The CPDC revised the Purpose based on the suggestions offered by Town Meeting last September. A simple introductory statement has been added which is modeled after language from the Town of Lexington's Zoning Bylaw. A sentence has been added referencing the State Zoning Act. Sub-bullets follow that are the same as what is in the existing zoning bylaw.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of x-0-0 at their meeting on October 22, 2015.

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**ARTICLE 8** To see if the Town will vote to amend the Zoning Bylaws by

- (1) Deleting Commercial Communication Structures from Section 2.0;
- (2) Adding in appropriate alphabetical order, a new definition to Section 2.0 as follows:

**Personal Wireless Service Facility (PWSF)**—All equipment, including Repeaters, with which a Personal Wireless Service Provider broadcasts and receives the radio-frequency waves which carry their services, and all equipment, appurtenances and structures, including towers, relating thereto.

- (3) Revising Section 5.3.1 and Section 5.3.2 Table of Uses to allow PWSFs by Special Permit through the CPDC in every zoning district and delete Commercial Communications Structures in Section 5.3.1 and Section 5.3.2 Table of Uses.
- (4) Deleting in its entirety Section 5.6.3 Commercial Communications Structures and replace with a new Section 5.6.3 Personal Wireless Service Facilities, as follows:

**Personal Wireless Service Facilities (PWSFs)**

5.6.3. Applicability. No PWSF shall be erected, installed or modified except upon issuance of a special permit in compliance with the provisions of this bylaw, whether the PWSF is considered a principal use or an accessory use.

5.6.3.1. Preferences—Siting and Facility Type.

A. PWSF Siting. A PWSF may be permitted within any district by Special Permit, subject to the purposes and standards established in this bylaw. The following list of allowable PWSF Locations is presented in order of preference.

1. First Preference: A site located entirely within an Interstate Highway right-of-way.

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2. Second Preference: A site located entirely within an Industrial zoning district.
3. Third Preference: A site located entirely within a Business (Bus A and Bus C) zoning district.
4. Fourth Preference: A site located within the Residential S-15, S-20, S-40, A-40, A-80 or within the Business B zoning districts.

B. PWSF Installation Types: The following list of PWSF Installation Types is presented in order of preference.

1. First Preference: The following PWSF Installation Types are of equal preference to one another:

- a. PWSF Collocation. A new PWSF may Collocate on any existing PWSF to the extent that such Collocation is found by the CPDC to be consistent with the purposes and standards established in this bylaw.

- b. PWSF on Existing Electrical Utility Infrastructure. A PWSF may Collocate on existing electrical utility infrastructure such as utility poles or streetlights using unobtrusive architectures such as Distributed Antenna Systems (DAS). With respect to the use of utility poles, Collocation on existing electrical utility poles (and replacements thereof) is preferred above the installation of new electrical utility poles in public/private ways. In neighborhoods with underground electrical utilities, pole-mounted PWSF on existing electrical utility infrastructure are discouraged in favor of less visually obtrusive alternatives, such as placing a small antenna installation on existing electrical utility poles on a nearby street.

- c. Other Implementations. A PWSF may be located using innovative alternatives that are in keeping with the purpose and intent of this Bylaw and that may become available after the adoption of this Bylaw.

2. Second Preference: PWSF Site Sharing. A new PWSF may share the same parcel with existing PWSFs, to the extent that such site-sharing is found by the CPDC to be consistent with the purposes and standards established in this bylaw.

3. Third Preference: A new PWSF installation on any existing structure, to the extent that such installation is found by the CPDC to be consistent with the purposes and standards established in this bylaw.

4. Fourth Preference: PWSF involving a new antenna tower. PWSFs which require the construction of a new antenna tower are least on the order of preference.

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5. Waiver of Preferences. The CPDC may waive the preference orders designated for siting and types of PWSF pursuant to Section 5.6.3.1.A upon a finding that the siting at a location of lesser preference, or the installation of a PWSF type of lesser preference, would achieve a result more consistent with the purposes and standards established in this bylaw.

#### 5.6.3.2. General Special Permit Requirements.

A. Use. PWSFs shall only be employed for the purpose of delivering wireless services to subscriber devices or supporting public safety communications, and shall not be used for storage, office, manufacturing, repair, or other activities unless separately permitted for such other activities.

#### B. Demonstration of need.

1. Need for service. The applicant must demonstrate the service objectives in the Town of Reading that the proposed PWSF will address in whole or in part. Such demonstration shall include:

a. Substantial written evidence including technical documentation demonstrating that there is a substantial deficiency in the applicant's provision of service to the Town of Reading which fails to satisfy the service objectives;

b. detailed information about all existing and pending PWSFs regardless of ownership, control or the jurisdiction in which they are located, and associated coverage maps;

c. information about terrain, vegetation and land use within the proposed coverage area;

d. estimates with supporting documentation of the number of mobile and stationary subscribers affected by the claimed substantial deficiency;

e. network performance factors; and

f. other information relevant to the Applicant's service objectives, or as may be required by the CPDC.

2. Need for location. The applicant must provide substantial written evidence including clear documentation showing how the improved service to the Town of Reading that applicant seeks could not be provided by utilizing one or more alternative locations of higher preference as described in Section 5.6.3.1.A or, alternatively, how the proposed PWSF achieves a better result as described in Section 5.6.3.4.C.

3. Availability of alternatives. The CPDC, at its discretion, may require the applicant to consider specific potential alternatives at any level of the hierarchy in Section 5.6.3.1.A, if the CPDC determines that such locations may better achieve the purposes established in this bylaw.

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C. Visual Guidelines. The construction, erection, installation and/or placement of all PWSF shall be reviewed by the CPDC within the public hearing process based on the following visual guidelines:

1. Concealment. To the maximum extent practicable, PWSFs shall conceal equipment, cables, and antennas within architectural surfaces that are ordinary and consistent with the context of the PWSF within the Town of Reading environs, such as steeples, concealed-antenna monopoles, flagpoles, smokestacks, faux chimneys and cupolas.

2. Screening, Camouflage and Landscaping. Wherever possible, PWSF shall be sited so as to minimize the visibility of such devices from adjacent property and shall be suitably screened from abutters and residential neighborhoods. Where elements of a PWSF will be visible to residential parcels and public or private ways, PWSFs shall employ screening and/or camouflage methods that are consistent with the context of the surrounding area such as fencing, vegetation, and paint color or patterns to match underlying surfaces in order to mitigate any undesirable visual bulk and distraction. Installation of free-standing PWSF shall minimize the removal of trees and other existing vegetation.

3. Scale. The visual characteristics of a PWSF shall be minimized with respect to being unreasonable in scale, such as a dominant or looming visual experience, disproportion to the site and its surroundings, or undesirable shadowing impacts.

4. Color. Free-standing, wall mounted and roof-mounted devices may be required to be painted or otherwise colored or finished in a manner which aesthetically minimizes the visual bulk of the devices to the surrounding landscape or on the building or structure to which they are attached.

5. Signs. There shall be no advertising permitted on or in the vicinity of PWSF. There shall be a sign not exceeding four square feet in area at each PWSF which shall display a phone number where the responsible party for the maintenance of the PWSF may be reached on a 24 hour basis.

6. Lighting. Outdoor lighting of PWSFs shall be limited to that which is necessary for security and temporary maintenance at the discretion of the CPDC. PWSFs that are required to be marked and lighted for air navigation safety are discouraged.

7. Maintenance. The visual characteristics of a PWSF shall be maintained, repaired and replaced as necessary and as an ongoing condition of compliance to retain the characteristics approved by issuance of a special permit.

8. Prohibitions. The following are specifically prohibited:

a. Lattice style antenna towers and facilities requiring three or more legs and/or guy wires for support; and

b. Fences utilizing razor wire or barbed wire or similar wire types.

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## D. Height:

### 1. Height General

Regardless of the type of mount, a PWSF shall be no higher than ten feet above the average height of buildings within 300 feet of the proposed facility. In addition, the height of a PWSF shall not exceed by more than 10 feet the height limitations of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged such as within a flagpole, steeple, chimney, or similar structure. Wireless service facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.

### 2. Height, Ground-Mounted Facilities

Ground-mounted wireless service facilities shall not project higher than ten feet above the average building height or, if there are no buildings within 300 feet, these facilities shall not project higher than ten feet above the average tree canopy height, measured from average grade level. If there are no buildings within 300 feet of the proposed site of the facility, all ground-mounted wireless service facilities shall be surrounded by dense tree growth to screen views of the facility in all directions. These trees may exist or may be planted on site.

### 3. Height, Side-and Roof-Mounted Facilities

Side-and roof-mounted wireless service facilities shall not project more than ten (10) feet above the height of an existing building or structure nor project more than ten (10) feet above the height limit of the zoning district within which the facility is located.

### 4. Height, Preexistent Structures (Utility)

New antennas located on any of the following structures existing on the effective date of this bylaw shall be exempt from the height restrictions of this bylaw provided that there is no increase in height of the existing structure as a result of the installation of a wireless service facility: Water towers, guyed towers, lattice towers, fire towers and monopoles.

## E. Setbacks:

All wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed.

1. In order to ensure public safety, the minimum distance from the base of any ground-mounted wireless service facility to any property line, shall be 1.5 times the height of the facility/mount, including any antennas or other appurtenances. This set back is considered the "fall zone".

2. In the event that a preexistent building or structure is proposed as a mount for a wireless service facility, the setback provisions of the zoning district shall apply. In the case of the preexistent non-conforming structures, wireless service facilities and their equipment shelters shall not increase any non-conformity.

3. Additional Required Setbacks. In all districts, PWSFs shall be placed no closer than 3 times the height of the Antenna above grade to an existing school, Child Care Facility, Nursing or Convalescent Home, or an Assisted Living Facility.

#### 5.6.3.3. Application Procedures.

A. Preliminary Review. Applicants are strongly encouraged to contact the Town Planner to initiate a dialogue well before final site selection and detailed application development. The Preliminary Review is intended to:

1. Provide the Applicant with the opportunity to discuss and clarify Zoning Bylaw requirements and CPDC Site Plan Review Guidelines and Regulations (adopted by the CPDC pursuant to Section 4.6.1.2) relevant to the Applicant's prospective PWSF proposal; and

2. To review general concepts related to the PWSF and alternative means of implementation to determine the CPDC's preferences.

B. Special Permit and Site Plan Approval. No PWSF, whether itself a principal use of a lot or as an accessory use to a communication facility, shall be constructed without a Special Permit having been granted by the CPDC. The CPDC may grant a Special Permit in accordance with the provisions of this Section and Section 4.4. Nothing in this section is intended to exempt PWSF from the requirement to receive Site Plan Approval pursuant to Section 4.6.

C. Consultant Review. When considering an application for a PWSF, the CPDC may determine the need for the assistance of a consultant technical expert in matters involving the placement, construction and modification of PWSFs, under the Zoning Bylaw and the Telecommunications Act of 1996, at the Applicant's expense pursuant to G.L. c. 44 s. 53G. To make the most productive use of the limited time authorized by the Federal Communications Commission (FCC) to hear the application, the CPDC may at its discretion engage a consultant immediately upon receipt of an application.

#### 5.6.3.4. Decision.

A. Required Findings. To approve a Special Permit for a PWSF, the CPDC must make the following findings:

1. That the Applicant or co-Applicant has:

a. demonstrated that it is a Personal Wireless Services provider in the Town of Reading area, and has sufficient ownership or leasehold interest in the proposed site to construct the PWSF;

b. provided written assent to the Town that the Applicant will allow Site-Sharing, to the extent reasonably practicable and that is appropriate for the site and surroundings, in a reasonable and nondiscriminatory manner; and

c. demonstrated that the construction, operation and maintenance of the proposed PWSF are consistent with applicable environmental regulations including, but not limited to, National Environmental Policy Act (NEPA) criteria.

2. That the proposed PWSF (with conditions, if applicable):

a. is part of the orderly development of PWSFs in the Town of Reading, and will result in a substantial improvement in the provision of Personal Wireless Service in the Town of Reading;

b. is compatible with the Town of Reading's character and is designed and screened in a manner that is sensitive to the surrounding neighborhood as well as the community at large; protects adjacent properties from unreasonable risks of PWSFs, to the extent permitted by law, including without limitation excessive noise levels, falling objects, fuel spills, and attractive nuisance;

c. if the proposed PWSF will Site-Share with an existing PWSF(s), that such Site Sharing is found by the CPDC to be consistent with the purposes established in this bylaw;

d. conforms with the PWSF Location and PWSF Installation preferences of Section 5.6.3.1.B to the extent necessary to conform with the purposes established in this bylaw;

e. ensures that all radio frequency (RF) emissions shall comply with the FCC requirements codified in 47 CFR § 1.1307 et seq as further interpreted by FCC Office of Engineering and Technology Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Magnetic Fields, or any successor regulation or bulletin, as same may be amended from time to time.

f. if proposed as a new antenna tower, the Applicant has documented that no combination of one or more alternative Collocations and/or Site Sharing can substantially satisfy the Applicant's coverage objectives; and present a substantially less detrimental impact on the Town of Reading.

g. satisfies the Purposes established by the Zoning Bylaw and, without limitation, the specific requirements and guidelines established in this bylaw; and

h. if applicable, that the existing vegetation will be preserved or improved; and

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i. where applicable, that disturbance of the existing topography has been minimized or that proposed manipulation of vegetation and disturbance of topography results in a lesser visual impact.

B. Form of Decision. The CPDC shall act on a Special Permit request for the placement of a PWSF in accordance with G.L. c. 40A, §9 and may approve, approve with conditions, or deny an application. The Decision of the CPDC shall be timely, in writing and based upon substantial evidence in the written record.

1. Approval. Any approved Special Permit shall authorize specific PWS provider(s) and specific wireless service(s) to be operated by the Applicant(s) at the Antenna height(s) or positions specified in the application or approval document.

2. Approval with Conditions. The CPDC may impose conditions of approval as necessary to ensure that the purposes of this bylaw are achieved. For any condition that the CPDC establishes with reporting or monitoring requirements, including without limitation noise or radio frequency emissions, the CPDC shall seek the advice of an expert in the relevant field pursuant to Section 5.6.3.3.C to identify the least burdensome protocol that is consistent with a legitimate public purpose identified by the CPDC.

3. Denial. Any denial shall be in writing and supported by substantial evidence contained in the record as required by the Telecommunications Act of 1996.

4. Reconsideration pursuant to Telecommunications Act. If the CPDC fails to find in favor of all elements of Section 5.6.3.4.A, the CPDC shall reconsider the proposed PWSF in the context of the Telecommunications Act of 1996. To approve the Special Permit under this section, the CPDC must make the following findings:

a. That a significant gap exists in the coverage area of the proposed PWSF, which significant gap is not necessarily equivalent to the lack of the Applicant's stated coverage objectives;

b. That there are no viable alternatives involving one or more PWSFs to serve the significant gap;

c. That not granting a Special Permit for the proposed PWSF (including conditions, if any) would effectively prohibit the provision of personal wireless services;

C. Waivers. The CPDC may at its discretion authorize waivers in the Special Permit Approval with respect to the orders of preference in Section 5.6.3.1A and 5.6.3.1.B, and any dimensional or other requirements of Section 6.6.3.2.D and 5.6.3.2.E upon a finding that such waiver will achieve better results consistent with the purposes and standards established in this Section 5.6.3.

5.6.3.5. Removal of abandoned antenna towers and PWSFs. Any PWSF antenna tower, PWSF Communications Device, or PWSF that is not commercially operated for a continuous period of

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twelve (12) months shall be considered abandoned, and the owner of such antenna tower, PWSF Communications Device, or PWSF shall remove same within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. If such tower or facility is not removed within said ninety (90) days, the Town may cause such tower or facility to be removed at the owner's expense. If there are two or more users of a single tower, the height may be reduced to that required by the remaining user(s). If the permit holder for the tower ceases operation, the remaining users may be required to apply for a new Special Permit.

or take any action with respect thereto.

Community Planning and Development Commission

**Background:** Article 8 is an amendment to the Section 5.6.3 of the Zoning Bylaw, Personal Wireless Service Facility. When the comprehensive update of the zoning bylaw was completed last fall, the plan was to revisit certain parts of the bylaw for future changes including Personal Wireless Service Facility. The CPDC revised the Personal Wireless Service Facility with the assistance of Town Counsel.

Article 8 amends the existing language in Section 5.6.3 to make it consistent with the requirements of the Federal Telecommunications Act. The existing bylaw does not include facility siting parameters or have a requirement that applicants demonstrate need.

In general, we cannot prohibit these facilities but we can create regulatory requirements that would provide some measure of control over a Personal Wireless Service Facility. Through zoning we can require applicants to prove that there is a gap in coverage or otherwise a need for service that currently doesn't exist. Zoning language can also establish preferences in terms of site locations and installation types (e.g., co-location, site sharing, and towers).

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of x-0-0 at their meeting on October zz, 2015.

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## ARTICLE 9

To see if the Town will vote to amend the Zoning Bylaws by:

(1) Inserting, in appropriate alphabetical order, the following definitions into Section 2.0:

Aquifer Protection Overlay District: The zoning district delineated and established by Section 10.3 of the Zoning Bylaw.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation of surface water runoff to penetrate into the soil.

Landfill: Any place where disposal of Solid Waste into or onto the land has been authorized by a permit.

Open Dump: Any place operated or maintained in violation of any applicable federal or state laws, regulations or criteria for Solid Waste disposal.

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Underground Storage Tanks: Any storage tank or container with all or any portion of the contents located beneath the surface of the ground.

(2) Deleting the definition of Earth Removal contained in Section 2.0 in its entirety and inserting, in place thereof, the following:

Earth Removal: The removal of sand, loam, sod or gravel on a lot, unrelated to landscaping or authorized construction thereon, to another lot or location.

(3) Inserting, at the end of Section 3.4.1, the words "or to the Aquifer Protection Overlay District boundary lines established by Section 10.3 of the Zoning Bylaw."

(4) Deleting from Section 3.2 "'Aquifer Protection Overlay District Map, Town of Reading' dated September, 1985 consisting of 1 panel", and inserting, in place thereof, the following:

"Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading entitled "100 Acre Wellfield Zone II Study" dated July 1996, which shows certain aquifer protection areas consisting of aquifers or recharge areas.

(5) Deleting Section 10.3 in its entirety and inserting, in place thereof, the following (**Bold** represents language to be inserted and crossed-out language is to be deleted):

### 10.3 Aquifer Protection District

#### 10.3.1 Establishment and Delineation of Aquifer Protection **Overlay** District

The Aquifer Protection **Overlay** District is delineated and established on a map entitled "Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading Entitled 100 Acre Wellfield Zone II Study dated July 1996 which shows certain aquifer protection areas consisting of aquifers or recharge areas. Such map is hereby made a part of the Town of Reading Zoning Bylaw and is on file in the office of the Town Clerk and the Building Inspector's Office. Aquifer Protection District is an overlay district superimposed on the underlying zoning districts which shall apply to **any portion** of all new construction, reconstruction, or expansion of existing ~~buildings~~ **structures** and new or expanded uses ~~which fall, wholly or partially,~~ **that falls** within such Aquifer Protection District. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.

#### 10.3.24 Purpose of District

The purposes of ~~this~~ **the** Aquifer Protection **Overlay** District ~~are~~ **is** to:

- 10.3.4 **A. To** promote the health, safety, and general welfare of the community by ensuring adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Reading;

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- 40.3.2 **B. To preserve and protect existing and potential sources of drinking water supplies;**
- 40.3.3 **C. To conserve the natural resources of the Town of Reading; and**
- 40.3.4 **D. To prevent temporary and permanent contamination of the environment.**

~~10.3.2 Scope of Authority [MOVED INTO SECTION 10.3.1 ABOVE]~~

~~The Aquifer Protection District is an overlay district superimposed on the underlying zoning districts which shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses which fall, wholly or partially, within such Aquifer Protection District. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.~~

~~10.3.3 Definitions~~

~~For the purposes of this Section, the following terms are defined below:~~

~~Aquifer: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water. [ALREADY IN SECTION 2.0 DEFINITIONS]~~

~~Aquifer Protection District: The zoning district delineated and established by Section 10.3 of the Zoning Bylaw, defined to overlay other zoning districts in the Town of Reading. The aquifer protection district may include specifically designated recharge areas. [TO BE MOVED TO SECTION 2.0 DEFINITIONS]~~

~~Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation of surface water runoff to penetrate directly into the soil. Impervious surfaces shall include all roofs, decks, driveways, parking areas, roadways and walkways, regardless of the proposed surface material. Excluded from this definition are decks that are constructed with open joints between the floorboards, and where the surface underneath the deck is not impervious; [TO BE MOVED TO SECTION 2.0 DEFINITIONS]~~

~~Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock. [TO BE COMPLETELY DELETED FROM ZONING BYLAW]~~

~~Potential Drinking Water Sources 2: Areas which could provide significant potable water in the future. [TO BE COMPLETELY DELETED FROM ZONING BYLAW]~~

~~Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone II and Zone III. [TO BE COMPLETELY DELETED FROM ZONING BYLAW]~~

~~Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water in the Town of Reading. Toxic or hazardous materials include, without limitation; synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Law Chapter (c.) 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use. [ALREADY IN 2.0 DEFINITIONS (UNDER HAZARDOUS MATERIAL)]~~

~~10.3.4 Establishment and Delineation of Aquifer Protection District~~ **[MOVE TO SECTION 10.3.1]**

~~The Aquifer Protection District is delineated and established on a map entitled "Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading Entitled 100 Acre Wellfield Zone II Study dated July 1996 which shows certain aquifer protection areas consisting of aquifers or recharge areas. Such map is hereby made a part of the Town of Reading Zoning Bylaw and is on file in the office of the Town Clerk and the Building Inspector's Office.~~

~~10.3.5 Boundary Disputes~~

~~If the location of the District boundary in relation to a particular parcel is disputed, resolution shall be accomplished by the owner(s) filing a Special Permit application with the Special Permit Granting Authority (SPGA), the Reading Zoning Board of Appeals. Any application for a special permit for this purpose shall be accompanied by adequate documentation. The burden of proof shall be upon the owner(s) of the land to show where the boundaries should be located. At the request of the owner(s), the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the districts with respect to individual parcels of land and review the documentation presented by the owner(s). The SPGA may charge the owner(s) for the cost of such investigation.~~

10.3.3.6 Use Regulations

In the Aquifer Protection **Overlay** District, the following regulations shall apply:

10.3.3.6-1. Permitted Uses

The following uses are permitted within the Aquifer Protection **Overlay** District, provided that all necessary permits, orders, or approvals required by local, State or Federal laws are also obtained:

~~10.3.6.1.1~~ **A. Conservation of soil, water, plants and wildlife;**

~~10.3.6.1.2~~ **B. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;**

~~10.3.6.1.3~~ **C. Foot, bicycle and/or horse paths and bridges;**

~~10.3.6.1.4~~ **D. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;**

~~10.3.6.1.5~~ **E. Maintenance, repair, and enlargement of any existing structure, except as prohibited by subject to Section 10.3.3.2/10.3.6.2 of the Zoning Bylaw;**

~~10.3.6.1.6~~ **F. Residential development, except as prohibited by subject to Section 10.3.2 of the Zoning Bylaw 10.3.6.2;**

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10.3.6.1.7 G. Farming, gardening, nursery, conservation, forestry, harvesting and grazing, **except as restricted by** ~~subject to~~ Section 10.3.2. 10.3.6.2;

10.3.6.1.8 H. Construction, maintenance, repair, and enlargement of ~~drinking water supply related facilities such as, but not limited to,~~ wells, pipelines, aqueducts and tunnels **and other facilities related to drinking water supply;**

~~10.3.6.1.9~~ I. Land uses that **alter a lot such that the total amount of Impervious Surface on the lot within the district would not exceed** ~~result in the rendering impervious of more than 15% or 2,500 square feet or 15% of any that portion of the lot located within the District,~~ whichever is greater, unless a system of artificial recharge of precipitation **is designed with the applicable design standards established by the Massachusetts Department of Environmental Protection Stormwater Regulations and approved by the Town Engineer** is provided;

10.3.6.1.10 ~~When artificial recharge is required to meet the limitation established in Section 10.3.6.1.9, a system for the recharge of precipitation shall be provided that will not result in the degradation of groundwater quality. Recharge plans shall comply with the DEP Stormwater Guidelines and shall be submitted to the Town Engineer for review and approval;~~

J. **Underground storage tanks containing liquid propane products for normal household use, that are installed and used in accordance with all applicable local, state and federal laws and regulations;**

K. **Storage of liquid hazardous materials or liquid petroleum products, if such storage is either: (1) In a container or tank within a building and situated upon or above an impervious surface with all sides accessible and visible; or (2) Outdoors in covered a container or above-ground tank in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all such containers or tanks, or 110% of the storage capacity of the largest of such containers or tanks, whichever is greater; provided, however, that these storage requirements shall not apply to the replacement of existing containers or tanks or systems for the keeping, dispensing or storing of gasoline if the replacement is performed in a manner consistent with state and local requirements .**

10.3.36.2 Prohibited Uses  
The following uses are prohibited:

10.3.6.2.4 A. **Landfills and open dumps. as defined in 310 CMR 19.006;**

- 10.3.6.2.2 **B. Automobile graveyards and junkyards,** as defined in Massachusetts General Law c. 140B, Section 1;
- 10.3.6.2.3 **C. Landfills receiving only wastewater residuals and/or septage residuals** including those approved by the Department of Environmental Protection pursuant to **Sections** Massachusetts General Law c. 21, Section 26 through 53 of **Chapter 21,** ; Massachusetts General Law c. 111, Section 17 of **Chapter 111;** or **Section** ; Massachusetts General Law c. 83, Section 6 and 7 of **Chapter 83 of the Massachusetts General Laws,** and regulations promulgated thereunder;
- 10.3.6.2.4 **D. Facilities that generate, treat, store, or dispose of hazardous waste** that are subject to **Chapter** Massachusetts General Law c. 21C **of the Massachusetts General Laws** and 310 CMR 30.00, except for the following:
- 10.3.6.2.4.1 **1. Very small quantity generators** as defined under 310 CMR 30.000;
- 10.3.6.2.4.2 **2. Household hazardous waste centers and events** under 310 CMR 30.390;
- 10.3.6.2.4.3 **3. Waste oil retention facilities** required by Massachusetts General Law c. 21, Section 52A of **Chapter 21 of the Massachusetts General Laws, and;**
- 10.3.6.2.4.4 **4. Water remediation treatment works** approved by MassDEP for the treatment of contaminated ground or surface waters;
- 10.3.6.2.4.5 **E. Petroleum, fuel oils, and heating oil bulk stations and terminals** including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983;
- 10.3.6.2.4.6 **F. Storage of liquid hazardous Toxic or Hazardous Materials materials** or as defined in Section 10.3.3 and liquid petroleum products, with the exception of liquid propane products for normal household use, allowed and used in accordance with all local, state and federal laws and regulations; unless such storage is **permitted by Section 10.3.3.1(K).**
- a** above ground level; and
  - b** on an impervious surface; and
  - c** either
    - i in container(s) or above ground container(s) within a building; or;
    - ii outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed to hold either; 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;
- 10.3.6.2.4.7 **G. Storage of sludge and septage,** unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

- ~~10.3.6.2.4.8~~ **H. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;**
- ~~10.3.6.2.4.9~~ **I. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service; within a structure designed to prevent the generation and escape of contaminated runoff or leachate.**
- J. Storage of commercial fertilizers, as defined in Massachusetts General Law Chapter 128, Section 64, unless such storage is within a structure designated **designed** to prevent the generation and escape of contaminated runoff or leachate;**
- K. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;**
- ~~10.3.6.2.4.10~~ **L. Earth removal, except for excavations for building foundations, roads utility works or wetlands restoration work conducted in accordance with a valid Order of Conditions Issued pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws; consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;**
- ~~10.3.6.2.4.11~~ **M. Treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for: discharge to the ground of non-sanitary waste water including industrial and commercial process waste water, except:**
- ~~a~~ the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
  - b1.** Treatment works approved by **MassDEP** the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); **and**
  - c 2.** Publicly owned treatment works.
- ~~10.3.6.2.4.12~~ stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district; **[MOVED TO K ABOVE]**
- ~~10.3.6.2.4.13~~ storage of commercial fertilizers, as defined in Massachusetts General Law Chapter 128, Section 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate; **[MOVED TO J ABOVE]**

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~~10.3.6.2.4.14~~ **N. Underground storage tanks containing Toxic and Hazardous Materials as defined in Section 10.3.3 except as permitted by Section 10.3.3.1.J or Section 10.3.3.1.K.** related to activities in Section 10.3.6.1 except for liquid propane products for normal household use installed and used in accordance with all local, state and federal laws and regulations.

~~10.3.7~~ Nonconforming Uses and Structures

~~Non-conforming uses and structures which were lawfully existing, begun or in receipt of a building or special permit, prior to the first publication of notice of public hearing for this bylaw may be continued. If such non-conforming uses and structures are changed, extended or altered, as specified in Massachusetts General Law c. 40A, Section 6 and Section 7.0 of this bylaw, then the use or structure as changed, extended or altered must comply with this bylaw only if the change, extension, or alteration increases the impervious footprint.~~

10.3.48 Administration Rules and Regulations

**Section 10.3 of the Zoning Bylaw** This bylaw shall be administered by the Community Planning and Development Commission, which shall also have the authority to adopt rules and regulations to implement its provisions governing the design of infiltration systems required herein;

~~10.3.9~~ Violation Notice

~~Written notice of any violations of this Section shall be given by the Building Inspector to the property owner as soon as possible after detection of a violation or a continuing violation. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventative measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Town Engineer/Department of Public Works, and Water Department. The cost of containment, clean-up, or other action of compliance shall be borne by the owner of the premises.~~

or take any other action with respect thereto.

Community Planning and Development Commission

**Background:** Article 9 is an amendment to the Section 10.3 of the Zoning Bylaw, Aquifer Protection District. When the comprehensive update of the zoning bylaw was completed last Fall, the plan was to revisit certain parts of the bylaw for future changes including Aquifer Protection District. The CPDC revised the Aquifer Protection District with the assistance of Town Counsel and with input from the Department of Environmental Protection (DEP), the State office that regulates this requirement.

The Aquifer Protection District needs to be in compliance with the DEP water withdrawal permit program and drinking water regulations. The amended zoning will simplify, clarify, and make it easier for property owners in the Aquifer Protection District for several reasons, including:

1. Definitions are now consolidated into Section 2.0 with all of the other Definitions;

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2. Artificial recharge systems are no longer required for residential redevelopment that would result in exceeding the impervious area threshold. For example, an addition to a single family home that increases the lot coverage and would exceed the impervious area threshold could address drainage through developing rain gardens, swales, and other easier and typically less expensive improvements;
3. The DEP has agreed that we can relax the requirements and still meet the State's regulations.

Following is a view of the clean text for your background:

### 10.3 Aquifer Protection District

#### 10.3.1 Establishment and Delineation of Aquifer Protection Overlay District

The Aquifer Protection Overlay District is delineated and established on a map entitled "Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading Entitled 100 Acre Wellfield Zone II Study dated July 1996 which shows certain aquifer protection areas consisting of aquifers or recharge areas. Such map is hereby made a part of the Town of Reading Zoning Bylaw and is on file in the office of the Town Clerk and the Building Inspector's Office. Aquifer Protection District is an overlay district superimposed on the underlying zoning districts which shall apply to any portion of new construction, reconstruction, or expansion of existing structures and new or expanded uses, that falls within such Aquifer Protection District. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.

#### 10.3.2 Purpose of District

The purposes of the Aquifer Protection Overlay District are:

- A. To promote the health, safety, and general welfare of the community by ensuring adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Reading;
- B. To preserve and protect existing and potential sources of drinking water supplies;
- C. To conserve the natural resources of the Town of Reading; and
- D. To prevent temporary and permanent contamination of the environment.

#### 10.3.3 Use Regulations

In the Aquifer Protection Overlay District, the following regulations shall apply:

##### 10.3.3.1.

##### Permitted Uses

The following uses are permitted within the Aquifer Protection Overlay District, provided that all necessary permits, orders, or approvals required by local, State or Federal laws are also obtained:

- A. Conservation of soil, water, plants and wildlife;
- B. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
- C. Foot, bicycle and/or horse paths and bridges;

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- D. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- E. Maintenance, repair, and enlargement of any existing structure, except as prohibited by Section 10.3.3.2 of the Zoning Bylaw;
- F. Residential development, except as prohibited by Section 10.3.3.2 of the Zoning Bylaw;
- G. Farming, gardening, nursery, conservation, forestry, harvesting and grazing, except as restricted by Section 10.3.3.2;
- H. Construction, maintenance, repair, and enlargement of wells, pipelines, aqueducts and tunnels and other facilities related to drinking water supply;
- I. Land uses that alter a lot such that the total amount of Impervious Surface on the lot within the district would not exceed 2,500 square feet or 15% of that portion of the lot located within the District, whichever is greater, unless a system of artificial recharge of precipitation is designed with the applicable design standards established by the Massachusetts Department of Environmental Protection Stormwater Regulations and approved by the Town Engineer is provided;
- J. Underground storage tanks containing liquid propane products for normal household use, that are installed and used in accordance with all applicable local, state and federal laws and regulations;
- K. Storage of liquid hazardous materials or liquid petroleum products, if such storage is either: (1) In a container or tank within a building and situated upon or above an impervious surface with all sides accessible and visible; or (2) Outdoors in covered a container or above-ground tank in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all such containers or tanks, or 110% of the storage capacity of the largest of such containers or tanks, whichever is greater; provided, however, that these storage requirements shall not apply to the replacement of existing containers or tanks or systems for the keeping, dispensing or storing of gasoline if the replacement is performed in a manner consistent with state and local requirements.

10.3.3.2

Prohibited Uses

The following uses are prohibited:

A. Landfills and open dumps;

B. Auto graveyards and junkyards;

C. Landfills receiving only wastewater residuals and/or septage including those approved by the Department of Environmental Protection pursuant to Sections 26 through 53 of Chapter 21; Section 17 of Chapter 111; or Section 6 and 7 of Chapter 83 of the Massachusetts General Laws, and regulations promulgated thereunder;

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D. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to Chapter 21C of the Massachusetts General Laws and 310 CMR 30.00, except for:

1. Very small quantity generators as defined under 310 CMR 30.000;
2. Household hazardous waste centers and events under 310 CMR 30.390;
3. Waste oil retention facilities required by Section 52A of Chapter 21 of the Massachusetts General Laws, and;
4. Water remediation treatment works approved by MassDEP for the treatment of contaminated waters;

E. Petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983;

F. Storage of liquid hazardous liquid petroleum products unless such storage is permitted by Section 10.3.3.1.K;

G. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

H. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

I. Storage of animal manure unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

J. Storage of commercial fertilizers unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

K. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the district;

L. Earth removal, except for excavations for building foundations, roads utility works or wetlands restoration work conducted in accordance with a valid Order of Conditions Issued pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws;

M. Treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for:

1. Treatment works approved by designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
2. Publicly owned treatment works.

N. Underground storage tanks containing Hazardous Materials except as permitted by Section 10.3.3.1.J or Section 10.3.3.1.K.

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10.3.4 Administration Rules and Regulations

**Section 10.3 of the Zoning Bylaw** shall be administered by the Community Planning and Development Commission, which shall also have the authority to adopt rules and regulations to implement its provisions

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of x-0-0 at their meeting on October zz, 2015.

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**ARTICLE 10** To see if the Town will vote to amend the Zoning Bylaw to provide for associate members on the Community Planning and Development Commission and Zoning Board of Appeals by:

(a) Adding a new Section 4.3.3 as follows:

4.3.3 The CPDC may have one (1) Associate Member appointed by the Board of Selectmen for a two (2) year term. Except as otherwise provided by law, if any regular member is absent from a meeting, disqualified from acting, or otherwise unable to deliberate, the chair of the CPDC may designate an Associate Member to deliberate and vote on any matter before the CPDC. An Associate Member so designated shall be entitled to continue to participate in the matter as necessary and to remain qualified to vote thereon.

(b) Adding a new Section 4.5.3 as follows:

4.5.3 The Zoning Board of Appeals shall have two (2) Associate Members appointed by the Board of Selectmen for three (3) year terms. If any regular member is absent from a meeting, disqualified from acting, or otherwise unable to deliberate on a particular matter that comes before the Zoning Board of Appeals, the chair of the Zoning Board of Appeals may designate one or more Associate Members to deliberate and vote on any matter before the Zoning Board of Appeals. If more than one Associate Member is available to fill a temporary vacancy, the chair shall designate the Associate Member having the greatest tenure on the Zoning Board of Appeals; provided, however, that any Associate Member so designated shall be entitled to continue to participate in the matter as necessary and to remain qualified to vote thereon.

or take any other action with respect thereto.

Community Planning and Development Commission

**Background:** The Charter Review Committee discussed the topic of Associate members at length during their review process. As many Town Meeting members will recall, during the January 2015 Special Town Meeting it was decided to leave only broad language in the Charter on this issue, and to request a change to the General Bylaws that would contain further details. That way, future changes needed would go through the comparatively easier process of changing the General Bylaws.

Such a bylaw was passed by April 2015 Town Meeting. In late August 2015 the Attorney General ruled that neither the Community Planning and Development Commission nor the

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Zoning Board of Appeals were allowed Associate members under the general bylaw: "We approve the new Section 3.3.1.6, but the Town cannot apply it to the Zoning Board of Appeals (ZBA) or the Planning Board. It would be inconsistent with G.L. c. 40A, §§ 9 and 12, to create an associate member position on the ZBA or the Planning Board by way of a general by-law. General Laws Chapter 40A, Sections 9 and 12 authorizes the appointment of associate members to the ZBA and the Planning Board only by way of a zoning by-law, adopted in accordance with the requirements of G.L. c. 40A, § 5. If the Town wishes to provide for appointment of associate members to the ZBA or the Planning Board, it will have to amend its zoning by-laws."

This Article proposes to change the zoning bylaws and accomplish the original intent of April 2015 Town Meeting. Note one change to that intent - the state's Zoning Act allows Planning Boards to have only one associate member, who can vote on Special Permits.

Below are the relevant sections described above, first the new section from the Charter describing Associate Members broadly, followed by the new General Bylaw with more details:

CHARTER 4.15 Associate Membership

*All appointed boards or committees authorized by Article 4 may have associate members if specified in the Charter, Town Bylaw or Massachusetts General Laws. Associate members shall be appointed in the same manner as other members of the board or committee. All rules and regulations relating to associate membership on appointed boards or committees shall be set forth in the Bylaw or Charter provision defining the conduct of such bodies.*

*Associate members may not vote on any issue to be decided by the board or committee to which the individual is appointed as an associate member except as allowed by the Charter, Town Bylaw or the Massachusetts General Laws. Associates members of boards or committees serving as of the effective date of this Section 4.15 shall be allowed to serve until the end of their term or until June 30, 2015, whichever comes first.*

GENERAL BYLAW 3.3.1.6 Appointment of Associate Members

*All boards and committees appointed by the Board of Selectmen may have Associate Members. The provisions of this section shall be applicable to all Associate Members of such bodies except as otherwise provided.*

*The number of Associate Members on a board or committee shall not exceed two-thirds (2/3) of the number of regular members on that board or committee. Associate Members shall serve for a two (2) years term, so arranged that as nearly an equal number of terms as possible shall expire each year. Associate Members shall be appointed by the Board of Selectmen.*

*If any regular member is absent from a meeting, disqualified from acting, or otherwise unable to deliberate on a particular matter that comes before a board or committee, the chair of such board or committee may designate one or more Associate Members to deliberate and vote on any matter before the board or committee. If more than one Associate Member is available to fill a temporary vacancy, the chair shall designate the Associate Member having the greatest tenure on the board or committee; provided, however, that any Associate Member so designated shall be entitled to continue to participate in the matter as necessary and to remain qualified to vote thereon.*

**Finance Committee Report:** No report.

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**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of x-0-0 at their meeting on October zz, 2015.

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**ARTICLE 11** To see if the Town will vote to amend Section 3.3.1.4 Removal for Absence as follows (**Bold** represents language to be inserted and crossed-out language is to be deleted):

**3.3.1.4 Removal for Absence**

If any member of any board, committee or commission is absent from three (3) or more successive meetings of the board, committee or commission, the other members of said board, committee or commission may by an affirmative vote of its majority request the appointing authority to remove such absenting member from his membership, ~~and the appointing authority may thereafter so remove such member and shall notify him by mail of such removal in accordance with the provisions of Section 8.12 of the Reading Home Rule Charter.~~

or take any other action with respect thereto.

Board of Selectmen

**Background:** A new section in the Charter (8.12 Removal of an Appointed Board or Committee Member) clarifies and offers more structure to the process of removing a volunteer. The change suggested to the general bylaw in this Article reflects the change made to the Charter.

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of x-0-0 at their meeting on October zz, 2015.

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**ARTICLE 12** To see if the Town will vote, pursuant to Section 5.2 of the General Bylaws, to approve and authorize the Board of Selectmen to settle litigation arising out of the Sutton Brook Disposal Area Superfund Site, involving payment of a sum of more than fifty thousand dollars (\$50,000.00), and to raise and appropriate, borrow, transfer from available funds, or otherwise provide a sum of one hundred twenty five thousand dollars (\$125,000.00) for the purpose of such settlement; or take any other action with respect thereto.

Board of Selectmen

**Background:** This Article has been brought to Town Meeting twice before, and tabled each time as we had no definitive legal settlement to complete. As of the closing of the Warrant for November Town Meeting we expect to have a comprehensive settlement as the legal negotiations are nearly complete.

At the Special Town Meeting in January 2015 we provided this background: *A late-breaking litigation matter was brought to the Town's attention in early December 2014. This included a proposed a settlement to be paid in late December 2014 in order to avoid litigation. Town Counsel was able to secure an extension for any possible settlement to allow for action by the*

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January 2015 Special Town Meeting. If such a settlement is advisable, Town Counsel will explain the issue to Town Meeting on the floor, otherwise this Article will be tabled.

At the Special Town Meeting in April 2015 we provided this update: *The Town may be named as defendant in a suit seeking contribution towards the cost of cleanup of the Sutton Brook Disposal Area Superfund Site, formerly known as Rocco's Landfill. The Town has received a preemptive offer of settlement, to be paid in exchange for avoiding litigation. Town Counsel has been looking into both the chances such a suit will actually be brought as well as the legitimacy of any claims the Town would face. Town Counsel and the Board of Selectmen will meet in Executive Session on April 14, 2015 in order to recommend a course of action. This Article is placed on this Warrant as a placeholder in the event that there is need for Town Meeting to approve the payment of a settlement.*

**Finance Committee Report:** The Finance Committee recommends this Article by a vote of x-0-0 at their meeting on October zz, 2015.

**Bylaw Committee Report:** No report.

**\*Board of Selectmen Report:** The Board of Selectmen on October 6, 2015 voted x-0-0 to support this Article.

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**ARTICLE 13** To see if the Town will vote to appropriate, by borrowing a sum of one million two hundred thousand dollars (\$1,200,000.00), to transfer from the Sale of Real Estate Fund seven hundred thousand dollars (\$700,000.00), and to transfer from the Cemetery Sale of Lots Fund one hundred thousand dollars (\$100,000.00) for a total of two million dollars (\$2 million) for the purpose of constructing a Cemetery garage and related facilities, including site preparation, construction, architectural, engineering and construction services, inspection and costs of financing, and for the purpose of equipping and furnishing said facilities and other costs incidental thereto; and to authorize the Town Manager to enter into any and all contracts and agreements as may be necessary to carry out the purposes of this Article; or to take any other action with respect thereto.

Board of Cemetery Trustees

**Background:** Bd Cem background

**Finance Committee Report:**

**Bylaw Committee Report:** No report.

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**ARTICLE 14** To see if the Town will vote to amend the General Bylaws by deleting Section 8.9.1 in its entirety and inserting, in place thereof, the following:

8.9.1 Firearms

8.9.1.1. **Definitions**

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As used in Section 8.9.1, the following terms shall have the following definitions:

- "Firearm" shall mean a pistol, revolver, rifle, shotgun or other weapon of any description, from which a bullet or shot can be discharged using a propellant powder.

**8.9.1.2. Discharges Prohibited**

Except as provided in Section 8.9.1.3, no person shall fire or discharge any Firearm of any kind:

- On, over or onto of any street, highway, park or other public property; or
- Within 1,000 feet from a dwelling or other building in use, or 300 feet from a public way; or
- On, over or onto any private property except by the owner or legal occupant thereof, or a person carrying the written consent of such owner, which shall be valid for no more than one year from its issuance, and which shall be available for review upon the request of any law enforcement officer.

**8.9.1.3. Authorized Discharges**

The prohibition set forth in Section 8.9.1.2 shall not apply to

- The use of such weapons in the lawful defense of any person, family or property; or
- Any law enforcement officer or member of the armed forces acting within the scope of lawfully authorized duties; or
- The use of such weapons on any lawfully permitted target, trap or skeet range.

or take any other action with respect thereto.

Board of Selectmen

**Background:** BOS- Kevin

Below is deleted:

**8.9.1 FIREARMS**

~~No person shall fire or discharge any fireworks, firearms, cannon or explosives of any kind on or within the limits of any street, highway, park or other public property except with the written permission of the Board of Selectmen or its designee, or on any private property except with the written consent of the owner or legal occupant thereof and the written permission of the Board of Selectmen or its designee;~~

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~~provided, however, that this bylaw shall not apply to the lawful defense of life or property, nor to any law enforcement officer acting in the discharge of his duties, nor to the use of such weapon at any military exercises or any established rifle range, nor to the rights and privileges of an owner or lessee of land as set forth in MGL Chapter 131 relative to hunting and sporting.~~

**Finance Committee Report:** No report.

**Bylaw Committee Report:** The Bylaw Committee recommends this Article by a vote of x-0-0 at their meeting on October zz, 2015.

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and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to November 9, 2015, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

Given under our hands this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Daniel Ensminger, Chairman

\_\_\_\_\_  
John R. Halsey, Vice Chairman

\_\_\_\_\_  
Kevin Sexton, Secretary

\_\_\_\_\_  
John Arena

\_\_\_\_\_  
Barry Berman

SELECTMEN OF READING

\_\_\_\_\_  
, Constable

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DRAFT - BOARD OF SELECTMEN			
2016	AGENDAS		2016
9/30/2015		Responsibility	Start time
	<b>January 12, 2016</b>	<b>Conference</b>	
Office Hour			6:30
	<b>FY17 Town Budget</b>		7:00
	<b>Overview</b>	<b>LeLacheur</b>	
	<i>Public Safety - Fire</i>	<i>Burns</i>	
	<i>Public Safety - Police</i>	<i>TBA</i>	
	<i>Public Safety - Dispatch</i>	<i>TBA</i>	
	<i>Public Works</i>	<i>Zager</i>	
	<i>Enterprise Funds</i>	<i>LeLacheur</i>	
	<b>January 19, 2016</b>	<b>Conf Room</b>	
	<b>FY17 Town Budget</b>		7:00
	<b>Public Library</b>	Urell/Trustees	8:00
	<i>Finance</i>	<i>Angstrom/BOA</i>	
	<i>Community Services</i>	<i>Delios/BCCs</i>	
	<i>Public Services</i>	<i>LeLacheur</i>	
	<i>Benefits, Miscellaneous</i>	<i>LeLacheur</i>	
	<i>Capital/Debt</i>	<i>LeLacheur</i>	
	<i>Summary</i>	<i>LeLacheur</i>	
	<b>January 20, 2016 - Financial Forum</b>	<b>Pleasant St Ctr</b>	7:30
	<b>January 26, 2016</b>		
HEARING	<b>Close Warrant for April 25, 2016 Annual Town Meeting</b>	<b>LeLacheur</b>	8:00
	<b>February 9, 2016</b>		
Office Hour			6:30
	<b>February 23, 2016</b>		
	<b>Local elections March 1, 2016</b>	<b>Tuesday</b>	
	<b>March 8, 2016</b>		
Office Hour			6:30
	<b>Board Reorganization</b>	<b>LeLacheur</b>	
	<b>March 22, 2016</b>		

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<b>HEARING</b>	(effective December 2015 billing)	<b>LeLacheur</b>	<b>9:00</b>
	<b>Vote Annual Town Meeting Warrant Articles</b>	<b>LeLacheur</b>	<b>9:30</b>
	<b>April 5, 2016</b>		
<b>Office Hour</b>			<b>6:30</b>
	<b>April 19, 2016</b>		
	<b>Town Meeting April 25, 2016</b>	<b>Monday</b>	
	<b>Town Meeting April 28, 2016</b>	<b>Thursday</b>	
	<b>Town Meeting May 2, 2016</b>	<b>Monday</b>	
	<b>Town Meeting May 5, 2016</b>	<b>Thursday</b>	
	<b>May 3, 2016</b>		
<b>Office Hour</b>			<b>6:30</b>
	<b>May 17, 2016</b>		
	<b>June 7, 2016</b>		
<b>Office Hour</b>			<b>6:30</b>
	<b>June 21, 2016</b>		
<b>Future Agendas</b>			
	<b>Joint Meeting with RMLD Commissioners</b>		
	<b>Multi Board/Committee Summit</b>		
	<b>Reading 2020 Community Meeting</b>		
	<b>Downtown Parking</b>		
	<b>Strout Avenue Master Plan</b>		
<b>Recurring Items</b>			
	<b>Close Warrants</b>	<b>by Sep 23/Nov</b>	
		<b>by Jan 26/Mar</b>	
	<b>Review BOS/TM Goals</b>	<b>Mar-July-Dec</b>	<b>Tri-ann</b>
	<b>Review Customer Service survey results</b>	<b>Feb &amp; Aug</b>	<b>Semi-ann</b>
	<b>Review Regionalization efforts</b>		<b>as needed</b>
	<b>Appointments of BCCs</b>	<b>June</b>	<b>Annual</b>
	<b>Approve Classification &amp; Compensation</b>	<b>June</b>	<b>Annual</b>
	<b>Appoint Town Counsel</b>	<b>June</b>	<b>Annual</b>

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	<b>Tax Classification Hearing</b>	<b>October</b>	<b>Annual</b>
	<b>Approve licenses</b>	<b>December</b>	<b>Annual</b>
<b>Reports to BOS</b>	<b>Town Accountant Report</b>		<b>Qtrly</b>
	<b>RCTV members Report</b>		<b>Semi-ann</b>
	<b>CAB (RMLD) member Report</b>		<b>Semi-ann</b>
	<b>MAPC member Report</b>		<b>Semi-ann</b>
	<b>BOS Appointed Boards, Committees &amp; Commissions</b>	<b>NEW</b>	<b>Annual</b>
	<b>Reading Housing Authority Report</b>		<b>Annual</b>
	<b>Reading Ice Arena Report</b>		<b>Annual</b>



## Town of Reading Meeting Minutes

### Board - Committee - Commission - Council:

Board of Selectmen

Date: 2015-09-15

Time: 7:12 PM

Building: Reading Town Hall

Location: Selectmen Meeting Room

Address: 16 Lowell Street

Purpose: General Business

Session: General Session

Attendees: **Members - Present:**

Chairman Daniel Ensminger, Vice Chairman John Halsey (remotely),  
Secretary Kevin Sexton, John Arena and Barry Berman

**Members - Not Present:**

**Others Present:**

Town Manager Bob LeLacheur, Matthew Kraunelis, Laura Gemme, Paula Schena, Bill Brown, Kathi Crook, Catherine Robertson, Karen German, Manual German, Bill Andrews, Ralph and Adele Blunt

**Minutes Respectfully Submitted By:** Secretary Kevin Sexton

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### Topics of Discussion:

#### Reports and Comments

Daniel Ensminger noted that John Halsey will be participating in tonight's meeting remotely.

Selectmen's Liaison Reports and Comments – John Arena thanked the armed services and private groups for their tireless efforts in facilitating the return of the remains of Christopher Vars who has been missing in action for 65 years. He also noted that he participated in the household hazardous waste collection and it was very well run.

Barry Berman noted he attended a meeting on the Climate Advisory Committee regarding the legislation on the gas leaks. The Committee has come up with some exciting things i.e. assist seniors to get energy audits to save on heating bills. He attended the Library Building Committee meeting and the unanticipated costs were drainage and ledge. Those are now done and there are no known causes of concern on the horizon.

Kevin Sexton noted that he spoke with the Chairman of the Human Relations Advisory Committee and they are trying to figure out who they are and where they want to be. He suggests bringing them in before the Selectmen because they are having problems getting press releases out.

Daniel Ensminger noted that the Financial Forum is tomorrow night at 7:30 p.m. at Coolidge Middle School. The Permanent Building Committee Appointment Committee is conducting interviews on September 23 at 7:00 p.m.

Public Comment – Bill Brown noted that the Selectmen approved an ADA certificate but Town Hall is not handicap accessible and not all playgrounds are handicap accessible. The Town Manager noted that the Wood End playground is the only handicap accessible playground. He also noted that every time we do repairs at Town Hall we try to make improvements.

Town Manager's Report – The Town Manager encouraged everyone to fill out the senior services survey. He also noted that a preview of tomorrow night is in tonight's handout.

**Discussion/Action Item**

375<sup>th</sup> Anniversary – Anna Foulds, and Phil Rushworth were present. Anna Foulds noted that her husband Alan was sick so she will fill in.

Anna Foulds noted that a group of Reading residents want to start thinking about the 375<sup>th</sup> celebration. The Town had 13 days of celebrating for the 350<sup>th</sup> anniversary including a huge parade, grand ball, all day picnic and fireworks. The planning committee for the 350<sup>th</sup> started in 1989. Town Meeting approved a nine member committee and they left a legacy of \$10,000 for the millennium. They want to put together a committee to propose a steering committee.

Phil Rushworth noted that they asking the Selectmen to designate them to ask Town Meeting to form a committee. Daniel Ensminger noted that the Warrant for the Subsequent Town Meeting is closing tonight so he asked if it could wait until the Annual Town Meeting. It was noted that it could wait.

Barry Berman asked where the money will come from and Phil Rushworth noted fundraising and the celebration committee.

Daniel Ensminger directed the group to draft an Article and email it to him and the Town Manager.

Barry Berman suggested they do some outreach to people who were not here for the 350<sup>th</sup>. Phil Rushworth noted that people can contact him, Alan Foulds or Stephen Crook.

Vote to Discontinue old Accuvote Machines and Approve the new Voting Machines – Town Clerk Laura Gemme noted that a presentation was done on August 5<sup>th</sup>. The bids were received today and they were the same. She needs to read through the responses before deciding so she suggests hold on this until the next meeting.

John Arena asked if any other communities were getting new machines and if so could we purchase as a group. Laura Gemme noted that there are and they are not interested in purchasing as a group.

John Arena suggested asking for a 10 or 20 year maintenance plan and the Town Manager noted that we can't go past three years without Town Meeting approval.

Barry Berman asked if the RFP requested a list of towns they have sold machines to and Laura Gemme noted it did and she spoke with the towns and the state. The state cannot make any recommendation.

Discussion about Moving Local Election to March 1, 2016 and Combining with the Federal Presidential Primary – Daniel Ensminger noted that this has worked out well in the past and asked if there is any downside to it. Laura Gemma noted there is no problem and that actually helps bring in a big turnout.

Daniel Ensminger noted the Town Clerk will have to educated people that there will be two ballots. He also noted that there will be a five week shift on all key dates i.e. the Warrant will close January 26<sup>th</sup>, nomination papers will due January 12<sup>th</sup> and voter registration will close on February 10<sup>th</sup>. Laura Gemme noted that she will make nomination papers available in November.

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**A motion by Sexton seconded by Berman to move the Local Election to March 1, 2016 to combine it with the Federal Presidential Primary was approved on a roll call vote with all five members voting in the affirmative.**

Hearing – Early Opening Request for Tread LLC, 6 Linden Street to Open at 5:00 a.m. – The Secretary read the hearing notice. Owners Lori Haverty and Tiffany Feitas were present.

Ms. Feitas noted that they opened six weeks ago. They have a diverse demographic. They received over 100 requests to offer earlier classes. She noted that all of the other fitness clubs open at 5:00 a.m. She spoke with the neighbors and has been working closely with the abutting neighbor. She has spent \$20,000 on soundproofing. They have a powerful subwoofer and she brought in a specialist who turned down the subwoofer as low as possible. Ms. Haverty noted that the pounding of the bass is what they heard.

Daniel Ensminger noted that the Board received a letter and an email dated today that the problem still exists. Ms. Feitas noted that it sounds like a bass and microphone issue.

Karen German, 12 and 14 Linden Street, noted that her and her neighbors thought a nightclub move into the neighborhood. She doesn't hear music anymore, but she hears the pounding and it is worse on the weekends. She hears it in her pillow and her husband and daughter get woken up too. She noted that there is an empty patio in front of 10 Linden Street so it could be an echo.

Ms. Feitas noted that she fixed the problem for one neighbor and it would be helpful for her sound engineer to go out and see what the problem is. She also noted that 5:00 a.m. is the biggest time slot because people want to work out before they go to work. The booming of the bass is new for them so they will try a mixer.

John Arena asked how many people are in the classes and if they tried headphones. It was noted there are 15 in a class and there is too much movement for headphones. Lori Haverty noted that she tried to teach without a microphone and she is losing her voice.

Adele Blunt, 22 Linden Street, noted that she was outside in her car and could hear beep, beep and the young lady yelling out instructions. She cannot hear it from her house but can hear it from outside.

Karen German noted that the early hours are the hardest to deal with.

Daniel Ensminger suggested keeping the hearing open until there is a solution. He wants to do a site visit. Ms. Feitas noted this will severely hurt their business.

John Arena noted that the Board has never received any complaints for early opening for any of the athletic clubs.

Karen German asked why they need such loud music in such a small building. It was suggested that the louder class be scheduled for later. Ms. Feitas noted that the loud music goes with spinning and spinning is #1 in the industry.

Barry Berman noted that he visited the studio during the Fall Street Faire and was impressed. He is inclined to allow them to open early like other athletic clubs but they still need to work on mitigation.

Daniel Ensminger noted that people should not be woken up at 5:00 a.m.

7a3

Kevin Sexton noted that those homes are business zoned not residential zone. Karen German agreed but noted that those homes have been residential for 100 years.

Resident Bill Andrews from Roma Lane suggested putting a contingency that they work with the abutters. If they don't fix then they lose the license in five weeks.

Lori Haverty noted that she can offer lower intensity classes at 5:00 a.m. This is huge to their business.

John Arena noted that allowing them to open at 5:00 a.m. until October 20<sup>th</sup> leaves the potential for the Selectmen to be the bad guys if it doesn't work out.

John Halsey felt it was a good idea for the parties to work together. He feels the owners will work hard to work with the neighbors and we should give them the opportunity to work it out.

**A motion by Sexton seconded by Arena to close the hearing for the early opening for Tread LLC at 6 Linden Street was approved on a roll call vote with all five members voting in the affirmative.**

**A motion by Sexton seconded by Arena that the Board of Selectmen approve a license to operate a retail business between the hours of midnight and 6:00 am pursuant to Section 7.1 of the Reading General Bylaw and further pursuant to section 3.9 of the Board of Selectmen policies to Tread, LLC, 6 Linden Street, subject to the following conditions:**

- 1. This license is for approval, pursuant to the Board of Selectmen regulation 3.9, to open for business not earlier than 5:00 am on Monday through Friday, and not earlier than 6:00 am on Saturday, Sunday, and holidays.**
- 2. This approval expires at midnight, October 20, 2015;**
- 3. All signs shall conform to the Zoning Bylaws of the Town of Reading;**

**In granting this license the Board finds that in accordance with Section 5.10.4 of the General Bylaws:**

- It is in the interest of the public health, safety and welfare, or that public necessity or convenience will be served by permitting such operation; and**
- There is no detrimental effect of such operation on the Town or the immediately abutting neighbors.**

**The motion was approved on a roll call vote with all five members voting in the affirmative.**

Daniel Ensminger instructed the Town Manager to re-advertise the hearing for October 20 at 8:00 p.m.

John Halsey reminded the neighbors that they can come back before October 20 if need be.

Hearing – Private Road Acceptances – Causeway Road, Cory Lane, Dividence Road, Pond View, Roma Lane and Sailor Tom's Way – The Secretary read the hearing notice. Town Engineer George Zambouras was present.

The Town Manager noted the streets fall into two categories. Causeway Road and Dividence Road are not subdivisions but the others are. He noted that CPDC voted three roads three weeks ago and approved the remainder last night.

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Daniel Ensminger noted there will be no additional assessments.

George Zambouras noted that Sailor Tom's Way is fairly new. It was completed one year ago. The tree has been transplanted and CPDC has voted acceptance.

Roma Lane has an outstanding bond for minor work which has been completed and CPDC voted to accept it.

Cory Lane has an outstanding bond and work to be done. CPDC seized the bond. The work has been done and CPDC released the covenant and voted to accept. Zachary and Gregory Lanes still need work before accepting.

CPDC required certain work on Dividence Road but the layout does not fall under the subdivision. We are accepting the portion of Dividence Road from Zachary to Emerson.

Pondview Lane was accepted five years ago but the residents didn't want because of a defect on the sidewalk. The roadway is complete.

Daniel Ensminger asked if the lots have been released and George Zambouras noted that before a subdivision is completed, the contractor has to sign a covenant but in order to recomplete just posts a bond.

Causeway Road – George Zambouras noted that in 1957 the state established a layout of Causeway Road when I-93 was being created. The layout was approved and from the state yard to the cul-de-sac is a private way. The Town made improvements. Following the Town Meeting vote, the Board of Selectmen needed to vote the taking within 90 days and it didn't happen so we are redoing. This is a house cleaning job.

Mr. Livingstone, 52 Causeway Road, asked if the road will finally be accepted and noted that the abutters paid for this many years ago. I was noted that it is being accepted. Mr. Livingstone asked of Austin Prep plans on filling in the two lots on Causeway Road and George Zambouras noted that he heard they might fill in from their track project but there were issues with the MBTA.

Stephen Crook asked if Lynn Village Way is a public way and George Zambouras noted it is. Stephen Crook asked if there are street lights on a private way, then who pays for them and George Zambouras noted more than likely the Town.

**A motion by Sexton seconded by Arena that the Board of Selectmen close the hearing on street acceptances was approved on a roll call vote with all five members voting in the affirmative.**

**A motion by Sexton seconded by Arena that the Board of Selectmen recommend the acceptance of Causeway Road, Cory Lane, Dividence Road, Pond View, Roma Lane and Sailor Tom's Way as public streets was approved on a roll call vote with all five members voting in the affirmative.**

Close Warrant for November Town Meeting – The Town Manager noted that the first three articles are by default. Article 4 is to pay two prior year bills – a school legal bill and a small plumbing bill for facilities. Article 5 is budget amendments. Article 6 is street acceptances that we just covered. Article 7 is a CPDC article on zoning.

Article 8 is regarding wireless facilities and Town Counsel will present that. Barry Berman noted that Article 8 is complicated and he requests that a half page explanation be done showing what is happening and why and also what if we don't do it.

Article 9 is regarding the aquifer protection. John Arena noted an overview would be helpful. The Town Manager noted he will do a translation guide.

Article 10 is a zoning bylaw change because the Attorney General says CPDC and ZBA should not include Associates.

Article 11 is a Bylaw Change regarding removal for absence. It basically crosses out a sentence and refers to the Charter.

Article 12 removes the residency requirement entirely. There have been instances in the past where non-residents were helpful. Daniel Ensminger indicate he feels removing all residency requirements is too much. He would like to pull out this Article for further discussion. John Arena asked about property owners who don't live here. It was decided to remove Article 12.

Article 13 is due to significant changes to the state animal control bylaw he suggests pulling this Article out and have a public process with Town Counsel. John Arena noted that assistance animal, comfort animal, etc. will need more attention. He also suggested to get the word out to the veterinarians, groomers and trainers.

Article 14 is to settle litigation. Article 15 is a petition and Article 16 is the firearms bylaw.

**A motion by Sexton seconded by Arena to close the Warrant consisting of 14 Articles for the 2015 Subsequent Town Meeting to take place on November 9, 2015 at 7:30 p.m. in the Performing Arts Center, 62 Oakland Road was approved on a roll call vote with all five members voting in the affirmative.**

**Approval of Minutes**

**A motion by Sexton seconded by Berman to approve the minutes of September 1, 2015 as amended was approved on a roll call vote with Halsey, Ensminger, Sexton and Berman voting in the affirmative and Arena abstaining.**

**A motion by Arena seconded by Berman to adjourn the meeting at 9:35 p.m. was approved on a roll call vote with all five members voting in the affirmative.**

Respectfully submitted,

Secretary

7ab

4C BOS

4-16-15

DEAR MR. BURNS:

I JUST WANTED TO SEND A NOTE OF THANKS TO YOUR CREW.

THURSDAY NIGHT AT AROUND 9:00 PM ON 9-11-15 I SLIPPED OFF MY WHEELCHAIR AND ONTO THE FLOOR. I AM 82 YEARS OLD AND LIVE ALONE. I COULDN'T GET UP AND I FELT SO STUPID FOR DOING IT. I PRESSED MY LIFE LINE BUTTON AND YOUR MEN CAME IMMEDIATELY THEY MADE ME FEEL BETTER BECAUSE I FELT LIKE SUCH A FOOL FOR DOING IT. I WAS LAYING ON MY STOMACH TRYING TO GET UP BUT I COULD NOT. BUT THEY GOT ME UP AND BACK IN MY WHEELCHAIR AND MADE SURE I WAS OK. THEY WERE HERE FOR A COUPLE OF HOURS.

I JUST HAD TO THANK THEM AND LET YOU KNOW WHAT A GREAT CARING GROUP OF FIREMEN YOU HAVE WORKING FOR YOU. THANKS AGAIN AND MAY GOD KEEP THEM ALWAYS SAFE ON THE JOB.

SINCERELY

Marie Liotine  
981-944-4816

ASPCA



Marie Liotine  
599 Summer Ave.  
Reading, MA 01867-4023

9a

LEBOS

**Schena, Paula**

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**From:** LeLacheur, Bob  
**Sent:** Thursday, September 10, 2015 5:04 PM  
**To:** Schena, Paula  
**Subject:** FW: FiOS TV Notice  
**Attachments:** Customer Notice - NUVOTV.pdf

BOS packet next Tuesday

**Robert W. LeLacheur, Jr. CFA**

*Town Manager, Town of Reading  
16 Lowell Street, Reading, MA 01867*

[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)

*(P) 781-942-9043; (F) 781-942-9037*

*[www.readingma.gov](http://www.readingma.gov); Please fill out our brief customer service survey at:*

*<http://readingma-survey.virtualtownhall.net/survey/sid/ff5d3a5f03e8eb60/>*

**Town Hall Hours:**

**Monday, Wednesday and Thursday: 7:30 a.m - 5:30 p.m.; Tuesday: 7:30 a.m. - 7:00 p.m.; Friday: CLOSED**

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**From:** Reddish, Jill M [<mailto:jill.m.reddish@verizon.com>]  
**Sent:** Thursday, September 10, 2015 5:03 PM  
**To:** Reddish, Jill M  
**Subject:** FiOS TV Notice

Dear Municipal Official,

This is to notify you of a change to FiOS® TV programming.

- On September 30, 2015, NUVOTV on channels 276 SD & 1642 HD will change to FM, featuring music and music-related programming. This programming change is being initiated by the content provider.

Verizon will notify subscribers through the FiOS® TV Message Center beginning on or around September 10, 2015 and by bill message beginning on or around October 15, 2015. A sample customer notice is attached.

Access to the FiOS® TV channel lineup is available 24/7 online at [verizon.com/fiostvchannels](http://verizon.com/fiostvchannels).

We realize that our customers have other alternatives for entertainment and our goal is to offer the best choice and value in the industry. Verizon appreciates the opportunity to conduct business in your community. Should you or your staff have any questions, please contact me.

Sincerely,



Jill Reddish  
FiOS TV- Sr. Staff Consultant

961

Franchise Management - NE  
617 342 0558