



## Town of Reading Meeting Posting with Agenda

RECEIVED  
TOWN CLERK  
READING, MASS.

2016 SEP 15 P 12:40

### Board - Committee - Commission - Council:

Board of Selectmen

Date: 2016-09-20

Time: 7:00 PM

Building: Reading Town Hall

Location: Selectmen Meeting Room

Address: 16 Lowell Street

Agenda:

Purpose: General Business

Meeting Called By: Paula Schena on behalf of Chairman John Halsey

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:

- 1) **Reports and Comments**
  - a. Selectmen's Liaison Reports and Comments
  - b. Public Comment
  - c. Town Manager's/Assistant Town Manager's Report
- 2) **Open Session for topics not reasonably anticipated 48 hours in advance of the meeting**
- 3) **Proclamations/Certificates of Appreciation**
- 4) **Personnel & Appointments**
- 5) **Discussion/Action Items**
  - a. Trust Fund Commissioners 7:30
  - b. Board of Selectmen Policies: Update on Article 3 Class II Licenses 8:00
  - c. Town Manager Performance Evaluation Process 8:20
  - d. Close Warrant for November Subsequent Town Meeting 8:45
- 6) **Approval of Minutes**
  - a. September 6, 2016
- 7) **Licenses, Permits and Approvals**
- 8) **Executive Session**
- 9) **Correspondence**
  - a. Email from Marie Ferrari re: Notice by Telephone Cascade Regarding the Election, October 18, 2016



**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 15, 2016  
**RE:** BOS Agenda for September 20<sup>th</sup>

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Your next meeting will begin with an update from the Commissioners of Trust Funds, chaired by Neil Cohen. Selectman John Halsey is also a voting member of this board.

Chief Mark Segalla will be in to discuss enforcement of Class II license requirements, an item that falls under Article 3 of the Board of Selectmen's policies. Annual renewals will be later this fall, and the Chief wants to alert the Board of his request to require fingerprinting as voted by a prior Town Meeting. A prior Board of Selectmen asked the prior Chief not to enforce this, and last year with the change in Chiefs it was agreed to defer for one more year, and then either enforce the policy or ask Town Meeting to rescind their vote. The Chief will give a brief presentation that reinforces the department's position that the policy as voted by Town Meeting should be enforced.

Chair Halsey was absent from your discussion at the last meeting, but will lead a short discussion about establishing the Town Manager evaluation process. I have completed the form the Board suggested we use in advance.

Town Counsel will then be present at approximately 8:45pm to discuss the November Town Meeting. The Board will be asked to vote to close the Warrant with 31 Articles that are summarized below:

#1-13: standard articles, then several 'housekeeping' financial articles. Of note are two Articles that could increase the size of the library project. I do expect to need to request at least one of these Articles, which only require the vote of Town Meeting and no additional funding from the voters, as I mentioned a couple of weeks ago when previewing the Warrant.

#14-16 are land use ones, highlighted by two for Oakland Road.

#17-23 are General Bylaws. The Bylaw Committee voted 3-0 to support Articles 17, 18, 20, 21 and 22; they deferred a vote on Articles 19 and 23. They, along with CPDC, will attend your meeting especially to discuss Article 19 which will bring the town into compliance with federal stormwater regulations. Town Counsel will request that the town take this up no later than April 2017 Town Meeting.

Articles 24 through 31 are zoning bylaws, which have been reviewed extensively by staff and CPDC in a series of Public Hearings. Of note is the Article 31 Sign Bylaw, which is meant to become constitutional and clearer, but seeks to defer any substantive changes for one more year to allow for public comment.

<b>DRAFT - BOARD OF SELECTMEN</b>			
<b>2016</b>	<b>AGENDAS</b>		<b>2016</b>
<i>9/15/2016</i>		<b>Staff Responsibility</b>	<b>Estimated Start time</b>
	<b>September 20, 2016</b>		
	<b>Trust Fund Commissioners</b>		<b>7:30</b>
	<b>Board of Selectmen Policies: update on Article 3 Class II Licenses</b>	<b>Segalla</b>	<b>8:00</b>
	<b>Town Manager Performance Evaluation Process</b>	<b>Halsey</b>	<b>8:20</b>
	<b>Close Warrant for November Subsequent Town Meeting (begins 11/14)</b>	<b>Town Counsel</b>	<b>8:45</b>
	<b>October 4, 2016</b>	<b>Center</b>	
<b>Office Hour</b>	<b>Dan Ensminger</b>		
	<b>HOLD for Oakland Road discussion</b>		<b>7:30</b>
	<b>Review Warrant Articles for Subsequent Town Meeting 11/14/16</b>	<b>LeLacheur</b>	
	<b>Vote Warrant Articles for Subsequent Town Meeting 11/14/16</b>	<b>LeLacheur</b>	
	<b>Special Election October 18, 2016</b>	<b>Tuesday</b>	
	<b>October 25, 2016</b>		
	<b>Close Warrant for Presidential and State Elections 11/8/16</b>	<b>Gemme</b>	<b>7:20</b>
	<b>Tax Classification</b>	<b>Board of Assessors</b>	<b>7:30</b>
	<b>Financial Forum October 26, 2016</b>	<b>Pleasant St Ctr</b>	<b>7:30</b>
	<b>Presidential and State Elections Nov 8, 2016</b>	<b>Tuesday</b>	
	<b>Town Meeting November 14, 2016</b>	<b>Monday</b>	
	<b>November 15, 2016</b>		
<b>Office Hour</b>	<b>John Halsey</b>		
	<b>Realistic Commercial Development in Reading: Joint Meeting with CPDC and commercial developers</b>	<b>LeLacheur</b>	<b>7:30</b>

	<b>Town Meeting December 1, 2016</b>	<b>Thursday</b>	
	<b>December 13, 2016</b>		
<b>Office Hour</b>	<b>John Arena</b>		
<b>Future Agendas</b>			
	<b>Board of Selectmen Policies: Article 1 General Operating Procedures</b>	<b>Burns</b>	
	<b>Board of Selectmen Policies: Article 2 Volunteer Boards/Committees/Commissions</b>	<b>Kraunelis</b>	
	<b>Board of Selectmen Policies: Article 3 Licenses</b>	<b>Burns</b>	
	<b>Schoolhouse Commons - 40B project at 172 Woburn St (former St. Agnes school)</b>		
<b>Recurring Items</b>			
	<b>Close Warrant: Nov TM by 9/27</b>		
	<b>Close Warrant: Presidential &amp; State Elections by 11/1 (Elections are 11/8)</b>		
	<b>Review BOS/TM Goals</b>	<b>Mar &amp; Sep</b>	<b>Semi-ann</b>
	<b>Appointments of Boards &amp; Committees</b>	<b>June</b>	<b>Annual</b>
<b>Hearing</b>	<b>Approve Classification &amp; Compensation</b>	<b>June</b>	<b>Annual</b>
<b>Hearing</b>	<b>Tax Classification</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>Annual</b>
	<b>Reading Housing Authority Report</b>		<b>Annual</b>
	<b>Reading Ice Arena Report</b>		<b>Annual</b>
	<b>BOS Appointed Boards &amp; Committees</b>		<b>Annual</b>

<b>Hearing</b>	<b>Board of Selectmen Policies: Article 3 Liquor Licenses</b>	<b>Burns</b>	
	Town Meeting November 17, 2016	Thursday	
	Town Meeting November 21, 2016	Monday	
	Town Meeting November 28, 2016	Monday	
	November 29, 2016		
	Approve Licenses		

<b>DRAFT - BOARD OF SELECTMEN AGENDAS</b>			
<b>2017</b>			<b>2017</b>
	<b>9/15/2016</b>	<b>Staff</b>	<b>Estimated</b>
	<b>January 10, 2017</b>	<b>Pleasant St Ctr</b>	
<b>Office Hour</b>	<b>Barry Berman</b>		<b>6:30</b>
	<b>FY18 Town Budget</b>		<b>7:15</b>
	<b>Budget Overview</b>	<b>LeLacheur</b>	
	<i>Public Services</i>	<i>Delios</i>	
	<i>Facilities</i>	<i>Huggins</i>	
	<i>Finance</i>	<i>Angstrom</i>	
	<i>Administrative Services</i>	<i>Kraunelis</i>	
	<b>January 11, 2017</b>	<b>Pleasant St Ctr</b>	
	<b>FY18 Town Budget</b>		<b>7:15</b>
	<i>Public Safety - Fire/EMS</i>	<i>Burns</i>	
	<i>Public Safety - Police</i>	<i>Segalla</i>	
	<i>Public Safety - Dispatch</i>	<i>Segalla</i>	
	<i>Public Library</i>	<i>Lannon &amp; Trustees</i>	
	<i>Public Works</i>	<i>Zager</i>	
	<i>Enterprise Funds</i>	<i>LeLacheur</i>	
	<i>Benefits, Miscellaneous</i>	<i>LeLacheur</i>	
	<i>Capital/Debt</i>	<i>LeLacheur</i>	
	<b>Budget Summary</b>	<b>LeLacheur</b>	
	<b>January 24, 2017</b>		
	<b>Preview - Annual Town Meeting</b>	<b>LeLacheur</b>	<b>7:20</b>
	<b>January 25, 2017 - Financial Forum</b>	<b>Pleasant St Ctr</b>	<b>7:30</b>
	<b>February 7, 2017</b>		
<b>Office Hour</b>	<b>John Arena</b>		<b>6:30</b>
	<b>February 21, 2017</b>	<b>Senior Center</b>	
	<b>Town Accountant Quarterly Report</b>	<b>Angstrom</b>	<b>7:20</b>
<b>Hearing</b>	<b>Close Annual Town Meeting Warrant</b>	<b>LeLacheur</b>	<b>7:45</b>
<b>Hearing</b>	<b>Water, Sewer and Storm Water Rates for FY18 (effective December 2017 billing)</b>	<b>LeLacheur</b>	<b>8:00</b>
	<b>March 7, 2017</b>		
<b>Office Hour</b>	<b>John Halsey</b>		<b>6:30</b>

## **Report to Board of Selectmen by Commissioners of Trust Funds: September 20, 2016**

### **Acts of the 1926 Massachusetts Legislature Provided for Commissioners of Trust Funds in the Town of Reading**

- ❖ Commission will consist of five members, three appointed by Selectmen, two ex-officio
- ❖ Commission will manage all trust funds given to the Town unless donors provide otherwise
- ❖ Mass General Laws will apply to funds and securities of trust funds
- ❖ Commissioners will exercise full control of investment and reinvestment of the funds
  - A. Town Treasurer will act as custodian of the funds and expend them as directed by the Commissioners or parties designated by the trust agreements
  - B. Commission will distribute income in accordance with terms of the trusts
- ❖ Town Meeting accepted this act by majority vote on March 8, 1926

### **Gilman Parker willed to the Town \$ 35,000 as a Hospital Trust Fund in 1925**

- ❖ Intended to start fund to build a Reading Hospital, expecting other such donations
- ❖ Two additional donations: Stephen Foster in 1947: \$ 3,872; Anne Grouard 1952: \$ 75,000
- ❖ Wills directed that interest on funds could be used to pay hospital bills of needy people in the interim until hospital built

### **Probate Court issued Judgment modifying the so called Hospital Trusts under the Doctrine of Cy Pres in 1988**

- ❖ Income derived from Hospital Trusts may be available for defraying the expenses of needy citizens for:
  - A. Provision of in-home health care
  - B. Transportation to hospitals and other approved medical centers or facilities
  - C. Other medically related services authorized by Commissioners of Trust Funds

### **Town Charter Provisions: 1986 and 2004**

- ❖ 1986 Charter: Board of Commissioners of Trust Funds consists of five members, three appointed by Selectmen, two ex-officio (Chairman of Board of Selectmen and Town Treasurer)
- ❖ 2004 Charter amendment: Selectmen could appoint a member as ex-officio instead of Chairman
- ❖ Board of Commissioners of Trust Funds shall have such powers and duties as granted to them by Board of Selectmen

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**Current Services offered by Hospital Trust Funds**

- ❖ Provided through Hallmark Health Visiting Nurse & Hospice
  - A. Lifeline Emergency Response System (over 100 clients)
  - B. Home Care Aide Escort for clients requiring a “sign out” after medical procedure
  - C. Grant to RCASA for hiring William James College Interface Referral Service to aid clients needing mental health, drug and alcohol abuse treatment
  - D. Home Care Aide Respite Care for Memory Impaired clients with November start date
  
- ❖ Provided through Mass Tran (Peabody based cab and chair car company)
  - A. Rides for clients to medical appointments (900 to 1000 rides per year)
  - B. Service provided to 38 communities in area, including Boston

**Other Town Trust Funds invested by Commissioners but expenditures determined by other Town Boards as provided in Trust Documents**

- ❖ Cemetery Trusts administered by Cemetery Trustees according to State Law
- ❖ Library Trusts administered by Library Trustees
- ❖ Scholarships and Awards as awarded by Scholarship Foundation or School Dept.
- ❖ Veterans Memorial Trust administered by Veteran’s Memorial Trust Committee
- ❖ Celebration Trusts administered by Celebration Committee
- ❖ Historical Preservation Trusts administered by Celebration Committee
- ❖ Downtown Improvements and Events Trust expended by the Town Manager under the direction of the Economic Development Committee
- ❖ Historical Commission administered by Historical Commission
- ❖ Elder Services Trusts administered by Council on Aging

**Trust Fund FY 2016 Activity and Final Balances as of 6/30/2016**

<b><u>Trusts</u></b>	<b><u>Income*</u></b>	<b><u>Bequests**</u></b>	<b><u>Expended</u></b>	<b><u>Total Balance</u></b>
Cemetery	142,894	58,520	120,000	4,251,156
Hospital	150,455	755	93,087	4,466,461
Library	2,122	0	0	63,814
Scholarships/Loans	6,739	600	9,922	196,683
Veterans	4,002	390	10,462	116,544
Celebration	1,531	0	4,520	42,863
Historical Preservation	1	582	7,700	47,375
Downtown Imp/Events	1,437	37,201	36,423	39,593
Historical Commission	1,054	0	0	31,704
Elder Services	<u>14,503</u>	<u>0</u>	<u>18,124</u>	<u>424,650</u>
<b>Totals</b>	<b>326,549</b>	<b>98,048</b>	<b>300,238</b>	<b>9,680,843</b>

\*includes investment income and gains

\*\*includes bequests, gifts and contributions

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**Investment Policies of Trust Fund Commissioners**

1. Trust Funds may be co-mingled for investment purposes with the interest earned distributed proportionately among the various funds.
2. No more than 25 % of the portfolio will be invested in equities. The remainder will be invested in bonds or CD's.
3. Only investment grade bonds will be considered for the Trust Funds. Future purchases of equities will be in index funds. Bonds will be held to maturity unless called. Gains on stock will be taken yearly to produce income to the trusts.
4. The Trust Fund Commissioners are guided by prudent investment standards under General Laws Chapter 167F Section 3 Paragraph 5 and legal investments as determined by the Commissioner of Banks under General Laws Chapter 167, Section 15 A, focusing on minimum risk and preservation of principal in its investments.
5. The Trust Fund Commissioners aim to earn sufficient funds each year to adequately fund the programs and purposes for which the funds were bequeathed to the Town with minimum risk.

**Breakdown of Total 6/30/2016 Balances into Non Expendable and Expendable**

<u>Trusts</u>	<u>Non Expendable*</u>	<u>Expendable**</u>	<u>Total Balance</u>
Cemetery	2,682,748	1,568,408	4,251,156
Hospital	113,872	4,352,589	4,466,461
Library	48,663	15,151	63,814
Scholarships/Loans	125,252	71,431	196,683
Veterans	87,020	29,524	116,544
Celebration	0	42,863	42,863
Historical Preservation	0	47,375	47,375
Downtown Imp/Events	0	39,593	39,593
Historical Commission	0	31,704	31,704
Elder Services	136,497	288,153	424,650
<b>Totals</b>	<b>3,194,052</b>	<b>6,486,791</b>	<b>9,680,843</b>

**\* Non expendable funds are the original bequests, gifts, or donations that were designated in the original Trust Agreements as funds to be held in perpetuity as principal. Subsequent bequests, gifts, or donations may also be designated as Non Expendable. Non Expendable funds cannot be disbursed and must be accounted for separately.**

**\*\* Expendable funds consist of monies which are able to be disbursed for the purposes designated in the Trust Agreements. They may be funds specifically designated as expendable in the Trust Agreements, interest and gains earned on the Non Expendable balances, or additional bequests designated as Expendable.**

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### Section 3.4 - Issuance of Class I, II and III Motor Vehicle Licenses

Chapter 140, Sections 57-69 of the Laws of the Commonwealth, provide for the regulation of Class I, II and III licenses for the sale of motor vehicles. The Board of Selectmen as Licensing Authority is charged with the responsibility of issuing these licenses, determining that the licensee is a proper person to engage in the business and that there is a suitable place of business.

The following rules and regulations are hereby adopted to guide the Board of Selectmen in reviewing and ruling upon applications for Class I, II and III Motor Vehicle Licenses:

1. Each application will be dealt with on a case by case basis. These guidelines are not intended to be a full list of issues to be dealt with by the Board but are guidelines to the applicant.
2. Class I, II and III Motor Vehicle Licenses will be issued only within a commercial or industrial zoning district within the Town.
3. Pursuant to State law (Chapter 140, Section 59), the applicant must show that the business to be licensed is the principal business of the licensee.
4. The applicant shall provide to the Board of Selectmen a lease or written approval of the property owner (if other than the applicant) for the use of the premises for the license period.
5. The applicant will provide, pursuant to Chapter 140, Section 58, proof that the applicant maintains or has access to a repair facility sufficient to enable him to satisfy the warranty repair obligations imposed by State statute.
6. For Class I and II Licenses, all the requirements of Chapter 90, Section 7N ¼ and Section 7N 1/2 must be complied with.
7. The applicant must show through plans or other means that there is adequate space on the premises for the vehicles to be sold and for customers and employees to park.
8. The licensed activity must not create an adverse traffic impact and access to the site must be adequate.
9. The licensee must conform with the Zoning By-Laws including the sign portions of the Zoning By-Laws.
10. The Board may require information to assure itself that the facility does not and will not cause any environmental problems relative to spills or other release of harmful substances to the environment or to neighboring properties.
11. The applicant shall provide proof of a bond as required by State Statute.
12. Prior to the issuance of a Class I, II or III Motor Vehicle License, the Board may require a review by the Building/Zoning Inspection Division, and proof that all necessary approvals, permits and other licenses needed to operate have been issued. The Board will require a review by the Chief of Police to assist them in determining that the applicant is a proper person to engage in the business to be licensed.

The following will be standard conditions for Class I, II or III Motor Vehicle Licenses unless the Board of Selectmen shall modify any of these conditions, and the Board may make any additional conditions on the license as it deems fit:

- ◆ The maximum number of vehicles offered to be sold at any one time shall be established.
- ◆ The location of vehicle(s) to be sold will be specifically stated.

- ◆ The location of the repair facility will be specifically stated.
- ◆ There will be no pennants, banners, windshield signs or other information other than the principal sign unless required by law. The Board may require pricing and other consumer information to be attached to the vehicle in a manner so as not to detract from the general appearance of the site.

*Adopted 12-13-94, Revised 5-25-04*

**Section 3.5 - Issuance of Taxi and Vehicle for Hire Licenses**

This Section shall be known as the "Town of Reading Rules and Orders for the Regulation of Carriages and Vehicles Used in the Town of Reading, promulgated pursuant to G.L.C. 40, Sec. 22".

**3.5.1 - Applicability of Rules and Orders**

Vehicles for hire including taxicabs and liveries (hereinafter referred to as "vehicles") operating or caused to be operated by non-governmental entities for the transportation of persons from place to place within the Town, or from a point in the Town to another location outside the Town, other than over regular routes or between fixed termini, shall be subject to these rules and orders to the extent provided below.

**3.5.1.2 - Definition of Livery**

Livery shall mean a private vehicle licensed as such, including but not limited to, limousines which are used for pre-arranged trips for particular occasions such as weddings, funerals, celebrations or school transportation.

**3.5.2 - License**

**3.5.2.1 - License Required**

No vehicle shall be driven, operated or caused to be operated as a vehicle for hire without a license first having been obtained for that vehicle from the Board of Selectmen. Each vehicle shall require a separate license.

**3.5.2.2 - Application**

Applications for a license shall be made in writing to the Board of Selectmen and shall provide the following information:

1. The name and address of the applicant, if an individual; or if a corporation, the name, date of incorporation, address of its principal place of business and the name and address of its officers; or if a partnership, association or unincorporated company, the names and addresses of the partners or associates and the address of its principal place of business.
2. The intended place of business within the Town of Reading.
3. The name of the manager or principal representative.
4. Proposed hours of operation, description of proposed vehicle including the make, model, Vehicle Identification Number and age of the vehicle.

**3.5.2.3 - Review by Chief of Police**

No license shall be granted by the Board of Selectmen until the application has been reviewed by the Chief of Police. Ten (10) working days to be allowed for such review. As a

**2016 Subsequent Town Meeting**  
**Monday November 14, 2016**  
**WARRANT OUTLINE REVISED 08/27/2016**

<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 John Doherty</li> <li>◆ Motion to Table –</li> </ul>	
2	Instructions	Board of Selectmen	◆ Motion to Table –	
3	<p>Amend the Capital Improvement Program FY 2017 - FY 2027</p> <p>Storm Water – move \$1.55 mil Sturges/Main/Minot project out from FY18 to FY19</p> <p>School Van – increase to \$55k</p>	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Presentation –</li> <li>◆ FINCOM report –</li> </ul>	
4	Approve Payment of Prior Year’s Bills	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Presentation –</li> <li>◆ FINCOM report –</li> </ul>	<b>9/10 vote required</b>
5	Amend the FY 2017 Budget	FINCOM	<ul style="list-style-type: none"> <li>◆ Presentation –</li> <li>◆ FINCOM report –</li> </ul>	
6	Rescind Library Debt Authorization	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Presentation –</li> <li>◆ FINCOM report –</li> </ul>	
7	Rescind Debt Authorization	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Presentation –</li> <li>◆ FINCOM report –</li> </ul>	
8	Transferring Previous Debt Authorization	Board of Selectmen	<ul style="list-style-type: none"> <li>◆ Presentation –</li> <li>◆ FINCOM report –</li> </ul>	

**2016 Subsequent Town Meeting**  
**Monday November 14, 2016**  
**WARRANT OUTLINE REVISED 08/27/2016**

9	Increase Retirement Cost of Living Base	Retirement Board	◆ Presentation – ◆ FINCOM report –	
10	Abandon Drainage Easements – 21 Hunt Street and 26 Lee Street	Board of Selectmen	◆ Presentation – ◆ FINCOM report –	
11	Abandon Streets – Oakland Road	Board of Selectmen	◆ Presentation – ◆ FINCOM report –	
12	Sale of Real Estate – Oakland Road	Board of Selectmen	◆ Presentation – ◆ Bylaw Committee report –	
13	General Bylaw – Repairs to Private Ways	Board of Selectmen	◆ Presentation – ◆ Bylaw Committee report –	
14	General Bylaw – Storm Water Enterprise Fund	Board of Selectmen	◆ Presentation – ◆ FINCOM report – none ◆ Bylaw Committee report –	
15	General Bylaw – Renumbering	Bylaw Committee	◆	
16	Zoning Bylaw Changes – Site Plan Review (ZBL 4.6)	CPDC	◆ Presentation – ◆ CPDC Report – ◆ Bylaw Committee Report -	<b>2/3 vote required</b>
17	Zoning Bylaw Changes – Accessory Buildings or Structures (ZBL 5.5)	CPDC	◆ Presentation – ◆ CPDC Report – ◆ Bylaw Committee Report -	<b>2/3 vote required</b>
18	Zoning Bylaw Changes – Special Home Occupation (ZBL 2.0, 5.3.2,5.6.7)	CPDC	◆ Presentation – ◆ CPDC Report – ◆ Bylaw Committee Report -	<b>2/3 vote required</b>
19	Zoning Bylaw Changes – Sign Bylaw (ZBL 8.0)	CPDC	◆ Presentation – ◆ CPDC Report – ◆ Bylaw Committee Report -	<b>2/3 vote required</b>

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**2016 Subsequent Town Meeting**  
**Monday November 14, 2016**  
**WARRANT OUTLINE REVISED 08/27/2016**

20	Zoning Bylaw Changes – General clean up: Pet Grooming (ZBL 2.0,5.3.1); Accessory Apartment (ZBL 5.4.7.3(b); Lot Shape (ZBL 6.2.1); Renumbering of CPDC Powers (ZLB 4.3)	CPDC	<ul style="list-style-type: none"> <li>◆ Presentation –</li> <li>◆ CPDC Report –</li> <li>◆ Bylaw Committee Report -</li> </ul>	<b>2/3 vote required</b>
			◆	
			◆	

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Article	Section Affected	Subject Matter
13	Amend Section 1.4	Authorize Town Clerk to make non-substantive corrections to bylaws that contain numerical or other typographical errors as adopted.
14	New Section 6.6	Authorize Revolving Funds
15	New Section 7.9	Stormwater Management and Erosion Control
16	New Section 8.5.1 (and renumbering thereafter)	Establish Department of Public Works
17	New Section 8.5.3 (and renumbering thereafter)	Temporary Repairs on Private Ways
18	New Section 8.5.9	Establish Stormwater Utility
19	New Section 8.12	Illicit Connections and Discharges to Storm Drain System
20	Amend Zoning Section 4.3	Community Planning and Development Commission
21	Amend Zoning Section 4.6	Site Plan Review
22	Amend Zoning Section 5.3.1 (and associated definition)	Pet Grooming
23	Amend Zoning Sections 5.3.2 and 5.6.7 (and associated definition)	Special Home Occupation
24	Amend Zoning Section 5.4.7.3(b)	Accessory Apartments
25	Amend Zoning Section 5.5	Accessory Buildings or Structures
26	Amend Zoning Section 6.2.1	Lot Shape
27	Amend Zoning Section 8.0	Signs

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# COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on \_\_\_\_\_, 2016 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 14, 2016, 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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
, 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 14, 2016, 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

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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

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**ARTICLE 3** To see if the Town will vote to amend the FY 2017-27 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

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**ARTICLE 4** To see if the Town will vote to authorize the Board of Selectmen to sell, exchange, or dispose of, various items of Town tangible property, upon such terms and conditions as they may determine; or take any other action with respect thereto.

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**ARTICLE 5** To see if the Town will vote to appropriate the premium paid to the Town upon the sale of bonds issued for the purpose of constructing a new library, and for the payment of all costs incidental and related thereto, which bonds are the subject of a Proposition 2½ debt exclusion, to pay costs of the project being financed by such bonds, and to reduce the amount authorized to be borrowed for such project by the same amount, or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 6** To see if the Town will vote to amend the votes taken under Articles 7 and 9 of the November 8, 2010 Subsequent Town Meeting to reduce the amounts authorized thereby for MWRA Water Bonds by \$235,000 and for the Killam School Remodeling Project by \$3,050 respectively; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 7** To see if the Town will vote to appropriate, in accordance with Chapter 44, Section 10 of the Massachusetts General Laws, the sum of \$141,224.72, to be added to the amounts appropriated under Article 6 of the January 28, 2013 Special Town Meeting and Article 6 of the February 13, 2014 Special Town Meeting for the purpose of renovating and expanding the Reading Public Library located at 64 Middlesex Avenue, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services, temporary relocation and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Town Manager; and to see if the Town will authorize the Board of Library Trustees, Board of Selectmen, Town Manager, or any other agency of the Town, to apply for a grant or grants, to be used to defray the cost of all, or any part of, said improvements; and to authorize the Board of Library Trustees and/or the Town Manager to enter into any and all contracts and agreements as may be necessary to carry out the purposes of this Article from the following available funds:

- ◆ \$120,360.79 to be transferred from the unexpended proceeds of the Town's bonds, dated June 21, 2016, which were issued for RMHS Retaining Wall pursuant to the vote taken under Article 6 of the April 27, 2015 Special Town Meeting;
- ◆ \$13,130.86 to be transferred from the unexpended proceeds of Town's bonds dated June 21, 2016, which were issued for Modular Classrooms pursuant to the vote taken under Article 5 of the April 27, 2015 Special Town Meeting;
- ◆ \$7,728.07 to be transferred from the unexpended proceeds of the Town's bonds, dated November 1, 2007, which were issued for Downtown Improvements pursuant to the vote taken under Article 18 of the April 23, 2007 Annual Town Meeting; and
- ◆ \$5.00 to be transferred from the unexpended proceeds of the Town's bonds, dated August 1, 2009, which were issued for the purpose of Energy Improvements pursuant to the vote taken under Article 15 of the April 27, 2009 Annual Town Meeting;

and to authorize the Town Manager to take any action necessary or appropriate to carry out this project; provided, however that this vote shall not take effect until the Town Manager

determines, in his sole discretion, that sufficient funds have been authorized to complete the project in a satisfactory manner; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 8** To see if the Town will vote to appropriate, in accordance with Chapter 44, Section 10 of the Massachusetts General Laws, the sum of \$69,970.09, to be added to the amounts appropriated under Article 7 of the September 29, 2014 Special Town Meeting for the purpose of making water main improvements, including paying the costs of easements, consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Town Manager; and to see if the Town will authorize the Board of Selectmen, Town Manager, or any other agency of the Town, to apply for a grant or grants, to be used to defray the cost of all, or any part of, said water main improvements; 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 from the following available funds:

- ◆ \$42,868.89 to be transferred from the unexpended proceeds of the Town's bonds, dated January 1, 2005, which were issued for Water Treatment Plant design pursuant to the vote taken under Article 11 of the November 10, 2003 Subsequent Town Meeting;
- ◆ \$26,707.20 to be transferred from the unexpended proceeds of the Town's bonds, dated February 1, 2009, which were issued for Water Treatment Plant demolition pursuant to the vote taken under Article 9 of the June 30, 2008 Special Town Meeting; and
- ◆ \$394.00 to be transferred from the unexpended proceeds of the Town's bonds, dated November 1, 2007, which were issued for MWRA Buy pursuant to the vote taken under Article 4 of the June 12, 2006 Special Town Meeting;

and to authorize the Town Manager to take any action necessary or appropriate to carry out this project; provided, however that this vote shall not take effect until the Town Manager determines, in his sole discretion, that sufficient funds have been authorized to complete the project in a satisfactory manner; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 9** To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purpose of making extraordinary repairs to or replacement of sanitary sewer collection systems, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Town Manager; and to see if the Town will authorize the Board of Selectmen, Town Manager, or any other agency of the Town, to apply for a grant or grants, to be used to defray the cost of all, or any part of, said sanitary sewer improvements; 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 take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 10** To see if the Town will raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purpose of renovating and expanding the Reading Public Library located at 64 Middlesex Avenue, including the costs of consulting services, audits, plans, documents, cost estimates, bidding services, moving, temporary relocation, and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Town Manager and the Board of Library Trustees; and to see if the Town will authorize the Board of Library Trustees, Board of Selectmen, Town Manager, or any other agency of the Town, to apply for a grant or grants to be used to defray the cost of all, or any part of, said improvements; and to authorize the Board of Library Trustees and/or the Town Manager to enter into any and all contracts and agreements as may be necessary to carry out the purposes of this Article. These funds will be additional to the \$14.9 million previously approved by vote of Town Meeting on January 28, 2013 and a majority of the voters at a local election on April 2, 2013, and to the \$3.5 million previously approved by a vote of Town Meeting on February 13, 2014 and a majority of the voters at a local election on April 1, 2014, and by Town Meeting under Article 7 of this Town Meeting, or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 11** To see if the Town will vote to amend the Town's Operating Budget for the Fiscal Year commencing July 1, 2016, as adopted under Article 12 of the Annual Town Meeting of March 1, 2016; and to see if the Town will vote to raise and appropriate, transfer from available funds, borrow 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

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**ARTICLE 12** 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

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**ARTICLE 13** To see if the Town will vote, pursuant to Section 103(j) of Chapter 32 of the Massachusetts General Laws, to accept an increase in the maximum Retirement Cost of Living Base, from \$12,000 to \$14,000, as established by the Reading Retirement Board, such acceptance to be effective as of the date that a certification of the Town Meeting vote is filed with the Public Employee Retirement Administration Commission.

Reading Retirement Board

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**ARTICLE 14** To hear the report of the Board of Selectmen that a portion of a drainage easement is no longer required for public purposes, and to see if the Town will vote, pursuant to Chapter 40, Section 15 of the *Massachusetts General Laws*, to authorize the Board of Selectmen to make the required declaration to abandon that portion of the drainage easement, crossing 21 Hunt Street, Reading, MA, as described herein, and retaining all rights in the remaining portion of the easement not described herein, without charge for said declaration. The portion of the drainage easement to be abandoned is more fully described as follows:

Beginning at a point on the easterly side line of Hunt Street, said point being at the intersection of the division property line of Lots 43 and 44 with the said easterly side line of Hunt Street;

Thence, N12° 30' 00"W, along said easterly side line of Hunt Street, a distance of 15.00 feet to a point;

Thence, N77° 26' 00"E, through lot 43, a distance of 85.00 feet to a point;

Thence, S12° 30' 00"E, a distance of 15.00 feet to a point on the division property line of Lots 43 and 44;

Thence, S77° 26' 00"W, along the division property line of Lots 43 and 44, a distance of 85.00 feet to the point of beginning of this description.

Said described abandonment being a portion of a taking shown on a plan entitled "Easement through Private Property for Drainage, Water and Sewerage Purposes, Lee Street, dated Sept., 1963, Engineering Division, Philip Welch Superintendent."

or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 15** To see if the Town will vote, pursuant to Chapter 82, Section 21, of the *Massachusetts General Laws*, to discontinue the following portions of the private ways shown on a Plan of Land entitled "Plan of Chapman Park Situated in Reading Mass." prepared by James A. Bancroft, Surveyor, and dated November 1, 1911, recorded at the Middlesex Registry of Deeds Southern District as Plan 20 in Plan Book 206, to wit:

- Cold Spring Road from the easterly boundary line of Lot 46 to its intersection with Oakland Road, as shown on said Plan.
- Tower Road from Fair View Road (currently known as Grandview Road) to its intersection with Oakland Road, as shown on said Plan.
- Park Street from the southerly boundaries of Lots 9 and 10 to Tower Road, as shown on said Plan.
- Oakland Road from its intersection with Tower Road to its intersection with Cold Spring Road, as shown on said Plan.

or take any other action with respect thereto.

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**ARTICLE 16** To hear the report of the School Committee that the real property shown as "Oakland Road Parcel" on a plan of land entitled "Plan of Land Oakland Road Town of Reading," prepared by Town of Reading – Department of Public Works, Engineering Division, Jeffrey T. Zager, Director D.P.W., Ryan Percival, P.E., Town Engineer, dated September 13, 2016, is no longer required for public purposes; to see if the Town will vote, pursuant to Chapter 40, Section 15A, of the *Massachusetts General Laws*, to transfer the care, custody, management and control of said Oakland Road Parcel to the Board of Selectmen; and to see if the Town will vote, pursuant to Chapter 40, Section 3, of the *Massachusetts General Laws*, to authorize the Board of Selectmen, on behalf of the Town, to sell or otherwise dispose of said Oakland Road Parcel, under such terms as it may determine, or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 17** To see if the Town will vote to amend Article 1 of the General Bylaw by deleting section 1.4 therefrom in its entirety and inserting, in place thereof, the following:

**1.4 Non-Substantive Alphanumeric Changes**

With the concurrence of the Bylaw Committee, the Town Clerk shall be authorized to make non-substantive alphanumeric changes to the component provisions of this bylaw; provided, however, that each such change shall be identified by a footnote or other convention.

or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 18** To see if the Town will vote to amend Article 6 of the General Bylaw by inserting a new Section 6.6 as follows:

**6.6 Establishment of Revolving Funds**

Pursuant to MGL Chapter 44 Section 53E1/2, the following individual revolving funds shall be authorized:

**6.6.1 Conservation Commission Consulting Fee Revolving Fund**

Funds held in the Conservation Commission Consulting Fee Revolving Fund shall be used for consulting and engineering services for the review of designs and engineering work for the protection of wetlands and shall be expended by the Conservation Commission. Receipts credited to this fund shall include fees collected pursuant to Section 7.1.14 of this Bylaw.

**6.6.2 Inspection Revolving Fund**

Funds held in the Inspection Revolving Fund shall be used for legal costs, oversight and inspection, plan review, property appraisals and appeals, public services general management, pedestrian safety improvements,

records archiving, and other costs related to building, plumbing, wiring, gas and other permits required for large construction projects and shall be expended by the Town Manager. Receipts credited to this fund shall include building, plumbing, wiring, and gas fees.

**6.6.3 Public Health Clinics and Services Revolving Fund**

Funds held in the Public Health Clinics and Services Revolving Fund shall be used for materials and costs associated with clinics and public health programs and shall be expended by the Board of Health. Receipts credited to this fund shall include clinic fees, charges and third party reimbursements received from the operation of such public health clinics and services.

**6.6.4 Library Materials Replacement Revolving Fund**

Funds held in the Library Materials Replacement Revolving Fund shall be used for the acquisition of library materials to replace lost and damaged materials and shall be expended by the Library Director under the supervision of the Library Trustees. Receipts credited to this fund shall include charges for lost and damaged library materials.

**6.6.5 Mattera Cabin Revolving Fund**

Funds held in the Matera Cabin Revolving Fund shall be used for utilities, maintenance and operate expenses for the Mattera Cabin and shall be expended by the Public Services department head. Receipts credited to this fund shall include rental fees received from the operation of the Mattera Cabin.

**6.6.6 Town Forest Revolving Fund**

Funds held in the Town Forest Revolving Fund shall be used for planning and improvements to the Town Forest and shall be expended by the Director of Public Works upon the recommendation of the Town Forest Committee. Receipts credited to this fund shall include fees for use of the Town Forest and income from the sale of timber.

or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 19** To see if the Town will vote to amend the General Bylaw by:

(1) Inserting a new row into the table in Section 1.8, to read as follows:

Bylaw Section:	7.9
Bylaw Title:	Stormwater Management and Erosion Control
Enforcing Person:	Planning Division Building Inspector
Penalty – First Offense:	\$100
Penalty – Second Offense:	\$300
Penalty – Additional Offenses:	\$300

and

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(2) Inserting a new Section 7.9 into Article 7, to read as follows:

**7.9 Stormwater Management and Erosion Control**

**7.9.1 Purpose**

The harmful impacts of soil erosion and sedimentation include impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and overloading or clogging of municipal catch basins and storm drainage systems. Stormwater runoff from developed land uses can have these harmful impacts; it can also increase flooding and decrease groundwater recharge. The purpose of Section 7.9 is to provide for the health, safety and welfare of the citizens of the Town of Reading through the regulation of stormwater runoff from land disturbance and developed and redeveloped land uses.

The provisions of Section 7.9 shall be administered so as to:

- Require practices that reduce soil erosion and sedimentation, and control the volume and rate of stormwater runoff, resulting from land disturbance activities and developed land uses;
- Promote infiltration and the recharge of groundwater;
- Ensure that adequate soil erosion and sedimentation control measures and stormwater runoff control practices are incorporated into the site planning and design process and are implemented and maintained;
- Require practices to control waste associated with construction activities, such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary wastes;
- Ensure adequate long-term operation and maintenance of stormwater management structures;
- Comply with the requirements of the Town of Reading's National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal storm drain system; and
- Ensure compliance through inspection, monitoring, and enforcement.

**7.9.2 Definitions**

Unless the context clearly indicates otherwise, the following words and terms, as used in Section 7.9, shall have the following meanings:

**7.9.2.1 Applicant**

Any person requesting a Stormwater Permit.

**7.9.2.2 Best Management Practice (BMP)**

An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

**7.9.2.3 Common Plan of Development (or Common Plan)**

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Any announcement or documentation (including a contract, public notice or hearing, advertisement, drawing, plan, or permit application) or physical demarcation (including boundary signs, lot stakes, survey or marking) indicating imminent or future plans to disturb earth, regardless of how long the plans will take to complete.

**7.9.2.4 Construction and Waste Materials**

Excess or discarded building or site materials at a construction site, including concrete truck washout, chemicals, litter and sanitary waste, that may adversely impact water quality.

**7.9.2.5 Erosion**

The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

**7.9.2.6 Erosion and Sedimentation Control Plan**

A document prepared by a qualified professional engineer or a Certified Professional in Erosion and Sedimentation Control, that specifies best management practices designed to control surface runoff, erosion and sedimentation during land-disturbing activities prior to or during construction.

**7.9.2.7 Grading**

Changing the level or shape of the ground surface.

**7.9.2.8 Impervious Surface**

Any man-made material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious Surfaces may include roads, paved parking lots, sidewalks, and rooftops.

**7.9.2.9 Land-Disturbing Activity (or Disturbance of Land)**

Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.

**7.9.2.10 Massachusetts Stormwater Management Standards**

The Stormwater Management Standards issued by the Massachusetts Department of Environmental Protection, aimed at encouraging recharge and preventing stormwater discharges from causing or contributing to the pollution of the surface waters or groundwater of the Commonwealth.

**7.9.2.11 Municipal Storm Drain System (or Storm Drain System)**

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The system of conveyances owned by the Town (including roads, catch basins, curbs, gutters, ditches, man-made channels, pipes, and outfalls) by which stormwater is collected or conveyed.

**7.9.2.12 New Development**

Any construction activities or land alteration that disturbs one or more acres of land, on an area that does not contain Impervious Surfaces.

**7.9.2.13 Operation and Maintenance Plan (O&M Plan)**

A plan establishing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a Stormwater Management System.

**7.9.2.14 Owner**

A Person with a legal or equitable interest in property.

**7.9.2.15 Pollutant**

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, and any other material that may cause or contribute to exceedance of water quality standards in the waters to which the Storm Drain System discharges.

**7.9.2.16 Redevelopment**

Any construction, land alteration or improvement of Impervious Surfaces that disturbs one or more acres of land, on an area that already contains Impervious Surfaces.

**7.9.2.17 Runoff**

Rainfall, snowmelt, or irrigation water flowing over the ground surface.

**7.9.2.18 Sediment**

Mineral or organic soil material that is transported, by wind or water, from its origin to another location.

**7.9.2.19 Sedimentation**

The process or act of deposition of sediment.

**7.9.2.20 Site**

Any parcel of land or area of property where land-disturbing activities are, were, or will be performed.

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**7.9.2.21 Soil**

Any earth, sand, loam, clay, rock, gravel, or similar material.

**7.9.2.22 Stabilization**

The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent, reduce or slow erosion.

**7.9.2.23 Stormwater**

Any surface flow, runoff or drainage resulting entirely from any form of natural precipitation.

**7.9.2.24 Stormwater Management Plan**

A document containing sufficient information for the CPDC to evaluate the environmental impact, effectiveness and acceptability of the measures proposed by the applicant for reducing adverse post-construction impacts from stormwater, including controlling stormwater runoff and promoting infiltration.

**7.9.3 Responsibility for Administration**

The Community Planning and Development Commission (CPDC) shall administer, implement and enforce Section 7.9, with assistance from the Building Inspector. Any powers granted to or duties imposed upon the CPDC, except the power to hear appeals, may be delegated in writing by the CPDC to other employees or agents of the Town.

**7.9.3.1 Rules and Regulations**

The CPDC may adopt, and periodically amend, rules and regulations to effectuate the purposes of Section 7.9 or to implement any post-construction design requirements of the Town's NPDES stormwater discharge permit. Failure by the CPDC to promulgate such rules and regulations shall not have the effect of suspending or invalidating the requirements of Section 7.9.

**7.9.3.2 Waiver**

The CPDC may waive strict compliance with any requirement of Section 7.9 or the rules and regulations promulgated hereunder, where such action is in the public interest and is not inconsistent with the purpose and intent of Section 7.9. In making this determination, the CPDC shall consider whether:

- The public health, safety, and the environment will be protected;
- Strict application of the requirement to be waived would undermine the public interest;
- Specific substitute requirements can be adopted that will result in the substantial protection of the Municipal Storm

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Drain System, and the rights of persons affected by the waiver; and

- The action made possible by the waiver will not violate the provisions of federal or state law, other applicable provisions of local bylaws or regulations, or the Town's NPDES stormwater discharge permit.

#### **7.9.4 Applicability**

##### **7.9.4.1 Regulated Activities**

Except as authorized by the CPDC in a stormwater permit or as provided in Section 7.9.4.2, no person shall perform any activity that results in disturbance of one or more acres of land or is part of a larger Common Plan of Development or sale that will ultimately disturb one or more acres of land.

##### **7.9.4.2 Exempt Activities**

The following activities are exempt from the requirements of Section 7.9:

- Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by MGL Chapter 131 Section 40 and 310 CMR 10.04;
- Normal maintenance of lawns and landscaping; and
- Activities that are subject to the jurisdiction of the Conservation Commission under Section 7.1 or MGL Chapter 131 Section 40 and its implementing regulations; demonstrate compliance with the Massachusetts Stormwater Management Standards, as reflected in an Order of Conditions; and are in compliance with the requirements of that Order of Conditions.

#### **7.9.5 Permits and Procedure**

##### **7.9.5.1 Stormwater Permit Application**

Prior to the commencement of any activity regulated by Section 7.9, a stormwater permit application shall be filed with the CPDC, including:

- A completed stormwater permit application Form with original signatures of all owners;
- An Erosion and Sediment Control Plan satisfying the requirements of Section 7.9.6;
- A Stormwater Management Plan satisfying the requirements of Section 7.9.7;
- An Operation and Maintenance Plan satisfying the requirements of Section 7.9.8; and
- Payment of any application fee established by the CPDC pursuant to Section 7.9.5.6.

##### **7.9.5.2 Entry**

Filing a stormwater permit application shall be deemed to grant the CPDC or its agent permission to enter the site to verify the information contained in the application.

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### **7.9.5.3 Public Hearing**

The CPDC shall hold a public hearing on each stormwater permit application that satisfies the requirements of Section 7.9.5.1. The hearing may be combined with the hearing for any other permit or approval for the same project that is within the jurisdiction of the CPDC. The CPDC shall accept comments on the application submitted by any person in writing or at the public hearing.

### **7.9.5.4 Information Requests**

At any time after submission of the stormwater permit application, the CPDC or its designee may request additional information from the Applicant on the proposed activity. The CPDC shall not be required to act on the stormwater permit application until the requested information has been provided.

### **7.9.5.5 Action by the CPDC**

After the close of the public hearing on the application, the CPDC may:

- Approve the stormwater permit application and issue a permit if it finds that the proposed activity will protect water resources and meet the objectives and requirements of Section 7.9;
- Approve the stormwater permit application and issue a permit with conditions, modifications or restrictions that the CPDC determines are required to ensure that the proposed activity will protect water resources and meet the objectives and requirements of Section 7.9; or
- Disapprove the stormwater permit application and deny the permit if it finds that the proposed activity will not protect water resources or will fail to meet the objectives and requirements of Section 7.9.
- Require the permittee to post, before the start of land disturbance activity, a surety bond, irrevocable letter of credit, cash, or other acceptable form of security. The bond shall be in a form acceptable to Town Counsel, and shall be in an amount deemed sufficient by the CPDC to ensure that the work will be completed in accordance with the permit.

### **7.9.5.6 Fee Structure**

Each stormwater permit application shall be accompanied by the appropriate application fee established by the CPDC. In addition, the CPDC may retain a Registered Professional Engineer or other professional consultant to advise it on any aspects of the stormwater permit application. The CPDC may require the applicant to pay the reasonable costs of such engineer or consultant pursuant to rules promulgated by the CPDC pursuant to Section 7.9.3.1 and MGL Chapter 44 Section 53G. The CPDC

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shall not be required to act on the stormwater permit application until the costs of such engineer or consultant have been paid.

**7.9.5.7 Project Changes**

The permittee, or the permittee's agent, shall notify the CPDC in writing prior to any change or alteration of an activity authorized in a stormwater permit. If the CPDC determines that the change or alteration is significant, the permittee shall obtain an amended stormwater permit prior to implementation of the change or alteration.

**7.9.6 Erosion and Sediment Control Plan**

The Erosion and Sediment Control Plan shall contain sufficient information to describe the nature and purpose of the proposed activity, pertinent conditions of the site and adjacent areas, proposed erosion and sedimentation controls, and any other proposed pollution prevention measures.

**7.9.6.1 Design Standards**

The erosion and sediment control and pollution prevention measures set forth in the Erosion and Sediment Control Plan shall be designed to meet Standard 8 of the Massachusetts Stormwater Management Standards, minimize the total area of disturbance, and properly manage construction and waste materials.

**7.9.6.2 Site Plan**

The Erosion and Sediment Control Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts or a Certified Professional in Erosion and Sediment Control, containing the following information:

- The names, addresses, and telephone numbers of the owner, the applicant, and the persons or firms who prepared the plan;
- Title, date, north arrow, scale, legend, and locus map;
- Locations of watercourses and water bodies;
- Lines of existing abutting streets showing drainage (including catch basins), driveway locations and curb cuts;
- Property lines showing the size of the entire site, and a delineation and number of square feet of the land area to be disturbed;
- Drainage patterns and approximate slopes anticipated after major grading activities (construction phase grading plans);
- The location and details of erosion and sediment control measures, including both structural and non-structural measures, interim grading, and material stockpiling areas;
- The location and description of and implementation schedule for temporary and permanent seeding, vegetative controls, and other stabilization measures; and
- Such other information as is required by the CPDC.

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### **7.9.7 Stormwater Management Plan**

The Stormwater Management Plan shall contain sufficient information for the CPDC to evaluate the environmental impact, effectiveness, and acceptability of the measures proposed by the applicant for reducing adverse post-construction impacts from stormwater. The Stormwater Management Plan shall fully describe the proposed activity in drawings and narrative.

#### **7.9.7.1 Design Standards**

The stormwater management measures set forth in the Stormwater Management Plan shall be designed to meet Standards 1-6 (for New Development) or Standard 7 (for Redevelopment) of the Massachusetts Stormwater Management Standards, as well as any post-construction design requirements adopted under Section 7.9.3.1.

#### **7.9.7.2 Site Plan**

The Stormwater Management Plan shall include a site plan, stamped and certified by a qualified Professional Engineer registered in Massachusetts, containing the following information:

- The names, addresses, and telephone numbers of the owner, the applicant, and the persons or firms who prepared the plan;
- Title, date, north arrow, scale, legend, and locus map;
- The site's existing and proposed topography with contours at 2-foot intervals;
- Existing site hydrology, including any existing stormwater conveyances or impoundments;
- Estimated seasonal high groundwater elevation (November to April) in areas to be used for stormwater retention, detention, or infiltration;
- The existing and proposed vegetation and ground surfaces with runoff coefficient for each;
- A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater flow paths;
- Drawings of all components of the proposed drainage system; and
- Such other information as is required by the CPDC.

### **7.9.8 Operation and Maintenance Plan**

Each parcel shall have its own O&M Plan, setting forth operation and maintenance measures designed to ensure that all aspects of the stormwater management system operate as designed throughout the life of the system. The O&M Plan shall remain on file with the CPDC and shall be an ongoing requirement, enforceable against the owner of the parcel to which it applies, pursuant to the provisions of Section 7.9.11.

#### **7.9.8.1 Contents**

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The O&M Plan shall include:

- The name of each owner of the parcel for which the O&M Plan is being submitted;
- Maintenance specifications, including a schedule, for all drainage structures, including swales and ponds, and any other component of the stormwater system that requires maintenance; and
- The signature of each owner.

**7.9.8.2 BMPs Serving More Than One Lot**

In the case of stormwater BMPs that are serving more than one parcel, the applicant shall include a mechanism to ensure that those BMPs are properly operated and maintained. The applicant shall identify the lots or units that will be serviced by the proposed stormwater BMPs. The applicant shall also provide a copy of the legal instrument (deed, declaration of trust, articles of incorporation, etc.) that establishes the terms of and legal responsibility for the operation and maintenance of stormwater BMPs. In the event that the stormwater BMPs will be operated and maintained by an entity or person other than the sole owner of the lot upon which the BMPs are placed, the applicant shall provide a plan and easement deed that provides a right of access for the entity or person to be able to perform said operation and maintenance functions.

**7.9.8.3 Recording**

The CPDC shall, as a condition of any Stormwater Permit, require that notice of the associated O&M Plan be recorded with the Registry of Deeds (for recorded land) or filed with the Registry District of the Land Court (for registered land).

**7.9.8.4 Annual Report**

The CPDC may, as a condition of any Stormwater Permit, require that the property owner submit an annual report documenting maintenance activities.

**7.9.8.5 Changes to Operation and Maintenance Plans**

**7.9.8.5.1** The owner of a parcel to which an O&M Plan applies shall notify the CPDC prior to any proposed change in ownership of the parcel.

**7.9.8.5.2** In the case of a stormwater BMP that serves more than one lot, the owners of the parcels served by the BMP must obtain CPDC approval for any change to the entity or person operating or maintaining the BMP or the legal instrument that establishes terms and legal responsibility for the operation and maintenance of the BMP.

**7.9.8.5.3** The O&M Plan may be amended to achieve the purposes of Section 7.9 by mutual agreement of the CPDC and the parcel owners; provided, however, that all such amendments shall be in writing and signed by all owners and the CPDC.

## **7.9.9 Inspections, As-Built Plan and Access**

### **7.9.9.1 CPDC Inspection**

The CPDC or its designated agent may make inspections to assess compliance with the Stormwater Permit. The CPDC may require the applicant to notify the CPDC before significant site milestones, such as installation of erosion and sediment control measures or completion of site clearing.

### **7.9.9.2 Permittee Inspections**

The CPDC may require the permittee or an agent thereof to conduct and document periodic inspections of all control measures before, during or after construction and to submit reports of the results of such inspections to the CPDC.

### **7.9.9.3 As-Built Plan**

After the stormwater management system has been constructed and before the surety has been released, the applicant must submit to the CPDC a record plan detailing the actual stormwater management system as installed.

## **7.9.10 Surety**

Upon receipt of an As-Built Plan demonstrating compliance with the terms and conditions of the stormwater permit, the CPDC may release any surety required pursuant to Section 7.9.5.5. If the project is phased, the CPDC may release part of such surety as each phase is completed in compliance with the stormwater permit.

## **7.9.11 Enforcement**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of Section 7.9. The CPDC and its authorized agents shall enforce Section 7.9 and may pursue all civil and criminal remedies for violations.

### **7.9.11.1 Enforcement Orders**

If any person violates or fails to comply with any of the requirements of Section 7.9, the CPDC may order compliance by written notice to the responsible person via certified mail or hand delivery. The order shall include the name and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator. In addition, said order may require:

- Cessation of regulated activity until compliance is achieved;
- Maintenance, installation or performance of additional erosion and sediment control measures;

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- Repair, maintenance or replacement of the stormwater management system or portions thereof in accordance with the stormwater permit and/or the O&M Plan;
- Monitoring, analyses, and reporting; and
- Remediation of erosion, sedimentation, or any other adverse impact resulting directly or indirectly from failure to comply with the Erosion and Sediment Control Plan, the Stormwater Management Plan, the O&M Plan, or any other terms or conditions of a stormwater permit or Section 7.9.

#### **7.9.11.2 Appeals**

Any person aggrieved by an enforcement order issued pursuant to Section 7.9.11.1 may request a hearing before the CPDC by submitting to the CPDC, within 30 days of such order, a letter explaining why the order was not justified. The CPDC shall thereupon schedule and hold a hearing regarding such request and, upon the close of such hearing, may uphold, modify or rescind the order as the facts and applicable law may require. The CPDC's decision shall be deemed its final action with respect to the matters determined, and any further appeal shall be to a court of competent jurisdiction.

#### **7.9.11.3 Action by the Town to Remedy a Violation**

If a violator fails to come into compliance by the deadline specified in an enforcement order, the CPDC may undertake the work necessary to resolve the violation at the joint and several expense of the violator and property owner. For situations involving an immediate threat, the CPDC may immediately take such action as is necessary to protect public health, safety or the environment, without first issuing an enforcement order. Written notice of any remediation action undertaken by the CPDC shall be provided to the property owner within 24 hours of the commencement thereof.

#### **7.9.11.4 Recovery of Costs**

If the CPDC undertakes remediation work pursuant to Section 7.9.11.3, it shall, within 30 days after completing the work, notify the violator and the property owner in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner shall be jointly and severally liable to repay the Town for those costs within 30 days of receipt of that notice; provided, however, that the violator or the property owner may file a written protest objecting to the amount or basis of costs with the CPDC within such 30 days. The CPDC shall schedule and hold a hearing regarding such protests and, upon the close of such hearing, may uphold, modify or rescind the costs required to be repaid, as the facts and applicable law may require.

If the amount due is not received by the Town by the expiration of the time in which to file such a protest, or within 60 after the final decision of the CPDC or, if appealed to court, a court of

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competent jurisdiction resolving that protest, the amount of the Town's costs shall constitute a lien on the property pursuant to MGL Chapter 40 Section 58. Interest shall accrue on any unpaid costs at the statutory rate, as provided in MGL Chapter 59 Section 57.

**7.9.11.5 Civil Relief**

If a person violates any provision of Section 7.9 or an order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities that would create further violations or compelling the person to abate or remedy the violation.

**7.9.11.6 Criminal Penalty**

Any person who violates any provision of Section 7.9 or any order issued thereunder may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. A criminal complaint may be filed by the CPDC, with the authorization of the Board of Selectmen.

**7.9.11.7 Non-Criminal Disposition (Ticketing)**

As an alternative to criminal prosecution, the employees of the Planning Division or the Building Inspector may elect to utilize the non-criminal disposition procedure set forth in Section 1.8. The penalty for the first violation shall be \$100.00. The penalty for each subsequent violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**7.9.11.8 Entry to Perform Duties Under this Bylaw**

To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under this Bylaw and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.

**7.9.11.9 Remedies Not Exclusive**

The remedies listed in Section 7.9 are not exclusive of any other remedies available under any applicable federal, state or local law.

or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 20** To see if the Town will vote to amend Article 8 of the General Bylaw by inserting a new Section 8.5.1 as follows:

**8.5.1 Department of Public Works**

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There shall be a Department of Public Works responsible for the performance of all public works activities of the Town placed under its control by statute, bylaw, or otherwise, including the protection of natural resources, water supply and distribution, sanitary sewers and sewerage systems, stormwater drains and sewers, streets and roads, public off-street parking facilities as well as parking lots for municipal buildings, parks and playgrounds, refuse collection and disposal, forestry services, and cemetery services.

**8.5.1.1 Director of Public Works**

The Department of Public Works shall be under the direct control of a Director of Public Works, who shall be appointed by, and directly responsible to the Town Manager. The Director of Public Works shall serve at the pleasure of the Town Manager and shall be a professionally qualified person of proven ability, especially fitted by education, training, and previous experience to perform the duties of the office. The Director of Public Works shall be responsible for the supervision and coordination of all divisions within the Department of Public Works.

**8.5.1.2 Policy Formation**

The Board of Selectmen, acting through the Town Manager, shall be responsible for the establishment of policies and priorities to govern the operation of the Department of Public Works. The Board of Selectmen may adopt rules and regulations setting fees and establishing procedures for the performance of public works activities, as it deems necessary or appropriate.

and by renumbering subsequent provisions of Section 8.5 accordingly; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 21** To see if the Town will vote to amend Article 8 of the General Bylaw by inserting a new Section 8.5.3 as follows:

**8.5.3 Temporary Repairs on Private Ways**

The Town may make temporary repairs to private ways that have been open to the public for at least the previous ten years, as required for the public health or safety, the protection of the environment, or the public convenience and necessity. As used in Section 8.5.3, the term "private way" shall not include driveways, common driveways, parking lots, and ways to which the public does not have access.

**8.5.3.1 Type and Extent of Repair**

Temporary repairs made pursuant to Section 8.5.3 may include

- Filling or patching of potholes or cracks;
- Grading and leveling of surfaces;
- Oiling and tarring of road surfaces and the covering of the oil or tar with sand or gravel;

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- Installation of guardrails or other infrastructure;
- Installation of stormwater drainage infrastructure;
- Cleaning of catch basins and drainage structures;
- Skimcoating or armor coating of road surfaces;
- Reconstructing a way, including the removal of roadway surface and the regrading and installation of fill and roadway surface materials, including asphalt and concrete; and
- Any other temporary repair deemed necessary to protect public safety.

#### **8.5.3.2 Minor Repairs**

The Department of Public Works may make minor temporary repairs to eligible private ways; provided, however, that all minor repairs made to a single private way shall be subject to prior approval of the Town Manager.

#### **8.5.3.3 Petition**

Except as provided in Section 8.5.3.2, the Town may make temporary repairs to eligible private ways only if:

- CPDC or the Director of Public Works petitions the Board of Selectmen to make repairs, and the record owners of at least two-thirds of the lots abutting the portion of the private way to be repaired have assented in writing to the repairs; or
- The record owners of at least two-thirds of the lots abutting the portion of the private way to be repaired petition the Board of Selectmen to make repairs.

Upon receipt of a petition submitted pursuant to Section 8.5.3.3, the Board of Selectmen shall request that the Director of Public Works make an investigation of the condition of the private way and report the results of that investigation to the Board of Selectmen.

#### **8.5.3.4 Hearing**

Upon receipt of the report of the Director of Public Works pursuant to Section 8.5.3.3, the Board of Selectmen shall hold a public hearing on the petition. The record owners of all lots abutting the portion of the private way to be repaired shall be given written notice of the hearing not less than seven days prior thereto.

#### **8.5.3.5 Public Convenience and Necessity**

Following the public hearing held pursuant to Section 8.5.3.4, the Board of Selectmen may authorize temporary repairs to an eligible private way upon a finding that the requested repairs are required for the public health or safety, the protection of the environment, or the public convenience and necessity. In making this determination the Board shall consider:

- The accessibility of the properties abutting the private way to emergency vehicles such as police, fire, ambulance, or other rescue vehicles;
- The volume of traffic that utilizes the private way;
- Any other factors deemed appropriate by the Board.

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**8.5.3.6 Repair Costs**

The Board of Selectmen may authorize repairs pursuant to Section 8.5.3.5 only if the necessary funds therefor have been appropriated or otherwise made available to the Town. If a Town Meeting has made an appropriation specifically for temporary repairs of a specified private way, the Town shall assess betterments pursuant to MGL Chapter 80 to recover the entire direct and indirect costs of such repairs from the record owners of all lots abutting the portion of the private way to be repaired, with all such owners sharing equally. Payment of said betterment may be made in not more than 20 equal annual installments.

**8.5.3.7 Easements**

If any easement is necessary for the completion of temporary repairs authorized pursuant to Section 8.5.3.6, the record owners of all lots abutting the portion of the private way to be repaired and the owners of any land or interest in land upon which such easement would be required, shall be jointly and severally responsible for the cost of the preparation and the grant of such easement to the Town.

**8.5.3.8 Standard of Work and Maintenance**

All temporary repairs to private ways made pursuant to Section 8.5.3 shall be performed in accordance with standards established by the Department of Public Works. No such temporary repair shall be deemed to impose a duty or obligation on the Town to maintain or further repair the private way thereafter.

**8.5.3.9 Acceptance of Private Ways**

No temporary repair to a private way made pursuant to Section 8.5.3 shall be deemed to constitute an acceptance by the Town of the way as a public way.

**8.5.3.10 Liability of Town**

There shall be a \$500 limitation per occurrence on the Town's liability for any damages arising from any negligent repair of a private way pursuant to Section 8.5.3.

and by renumbering subsequent provisions of Section 8.5 accordingly; or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 22** To see if the Town will vote to amend Article 8 of the General Bylaw by inserting a new Section 8.5.9 as follows:

**8.5.9 Stormwater Utility**

Pursuant to MGL Chapter 83 Section 16, the Board of Selectmen shall establish annual stormwater utility fees for the use of main drains and related stormwater facilities.

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**8.5.9.1 Establishing the Stormwater Utility Fee**

The Board of Selectmen shall, from time to time, establish procedures for the calculation of the stormwater utility fee, which shall be calculated to supplement other available funds as may be necessary to plan, construct, operate and maintain stormwater facilities and to conduct stormwater programs. The Board of Selectmen may also establish a grant credit program for those property owners who maintain on-site functioning retention and detention basins or other filtration structures. Any stormwater utility fee shall be assessed in a fair and equitable manner.

**8.5.9.2 Stormwater Enterprise Fund**

All stormwater utility fees received shall be deposited into a Stormwater Enterprise Fund, and may be applied to the payment of the cost of maintenance and repairs of such main drains and related stormwater facilities or of any debt contracted for such facilities.

or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 23** To see if the Town will vote to amend the General Bylaw by:

(1) Inserting a new row into the table in Section 1.8 of Article 1, to read as follows:

Bylaw Section:	8.12
Bylaw Title:	Illicit Connections and Discharges into Municipal Storm Drain System
Enforcing Person:	Department of Public Works Board of Selectmen
Penalty – First Offense:	\$100
Penalty – Second Offense:	\$300
Penalty – Additional Offenses:	\$300

and

(2) Inserting a new Section 8.12 in Article 8, to read as follows:

**8.12 Illicit Connections and Discharges into Municipal Storm Drain System**

**8.12.1 Purpose**

Non-stormwater discharges into the Municipal Storm Drain System can harm water quality and create public health hazards. The purpose of Section 8.12 is to provide for the health, safety, and welfare of the citizens of the Town of Reading through the regulation of non-stormwater discharges into the Municipal Storm Drain System.

The provisions of Section 8.12 shall be administered so as to:

- Prevent pollutants from entering the Municipal Storm Drain System;

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- Prohibit illicit connections and illicit discharges into the storm drain system;
- Comply with the requirements of the Town's National Pollutant Discharge Elimination System (NPDES) permit for discharges from the municipal storm drain system; and
- Ensure compliance through inspection, monitoring, and enforcement.

### **8.12.2 Definitions**

Unless the context clearly indicates otherwise, the following words and terms, as used in Section 8.12, shall have the following meanings:

#### **8.12.2.1 Hazardous Material**

Any solid or liquid substance or combination of substances, including any liquid petroleum products that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water. Any substance deemed to be a "hazardous waste" pursuant to MGL Chapter 21C, or deemed to be a toxic or hazardous substance pursuant to MGL Chapter 94B shall be deemed to be a hazardous material.

#### **8.12.2.2 Illicit Connection**

Any drain or conveyance, whether on the surface or subsurface, that allows an Illicit Discharge into enter the Municipal Storm Drain System, regardless of whether the drain or connection was previously allowed, permitted or approved before the effective date of Section 8.12. An Illicit Connection shall include:

- Any conveyance that allows sewage, process wastewater, wash water or other non-stormwater discharge into the Storm Drain System; and
- Any connection to the Storm Drain System from indoor drains and sinks.

#### **8.12.2.3 Illicit Discharge**

Any direct or indirect non-stormwater discharge, including dumping, into the Municipal Storm Drain System. The following non-stormwater discharges shall not be considered Illicit Discharges:

- Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration (as defined by 40 CFR 35.2005(20)); uncontaminated pumped groundwater; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual resident car washing; flows from riparian habitats and

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wetlands; dechlorinated swimming pool discharges; street wash water; residential building wash waters without detergents; and discharges or flow from firefighting; unless the DPW or the Board of Selectmen determines that the discharge is a significant contributor of pollutants to the Municipal Storm Drain System;

- Discharges associated with dye testing, provided, however, that the discharger shall notify the DPW before any such test; and
- Discharges permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger under the authority of the U.S. Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and that written approval has been granted by the DPW for any discharge to the Municipal Storm Drain System.

**8.12.2.4 Municipal Storm Drain System (or Storm Drain System)**

The system of conveyances owned by the Town (including roads, catch basins, curbs, gutters, ditches, man-made channels, pipes, and outfalls) by which stormwater is collected or conveyed.

**8.12.2.6 Pollutant**

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§2011 *et seq.*), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, and any other material that may cause or contribute to exceedance of water quality standards in the waters to which the Storm Drain System discharges.

**8.12.2.7 Stormwater**

Any surface flow, runoff or drainage resulting entirely from any form of natural precipitation.

**8.12.3 Responsibility for Administration**

The Department of Public Works (DPW) and Board of Selectmen shall administer, implement, and enforce the provisions of Section 8.12. Any powers granted to the DPW or the Board of Selectmen, except the power to hear appeals, may be delegated in writing in writing by (respectively) the DPW Director or the Board of Selectmen to other employees or agents of the Town.

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#### **8.12.4 Prohibitions**

##### **8.12.4.1 Prohibition of Illicit Discharges**

No person shall commence, allow, conduct or continue any Illicit Discharge.

##### **8.12.4.2 Prohibition of Illicit Connections**

No person shall construct, use, allow, maintain or continue any Illicit Connection, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

##### **8.12.4.3 Prohibition of Obstruction of Municipal Storm Drain System**

No person shall obstruct or interfere with the normal flow of stormwater into or out of the Municipal Storm Drain System without prior written approval from the DPW.

#### **8.12.5 Notification of Releases**

Any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, who has information of any known or suspected release of materials at that facility or operation that are resulting or may result in Illicit Discharges shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of a release of Hazardous Material, that person shall immediately notify the Reading Fire Department and shall notify the DPW within two hours. In the event of a release not involving Hazardous Material, that person shall notify the DPW no later than the next business day. For all releases, the initial notification shall be confirmed by written notice addressed and mailed to the DPW within two business days.

#### **8.12.6 Enforcement**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of Section 8.12. The DPW, the Board of Selectmen, and their authorized agents, shall enforce Section 8.12 and may pursue all civil and criminal remedies for violations.

##### **8.12.6.1 Enforcement Orders**

If any person violates or fails to comply with any of the requirements of Section 8.12, the CPDC may order compliance by written notice to the responsible person via certified mail or hand delivery. The order shall include the name and address of the alleged violator, the address at which the violation is occurring or has occurred, a statement specifying the nature of the violation, a description of the actions needed to resolve the violation and come into compliance, the deadline within which such actions must be completed, and a statement that, if the violator fails to come into compliance by the specified deadline, the Town may do the work necessary to resolve the violation at the expense of the violator. In addition, said order may require:

- Elimination of Illicit Connections or Illicit Discharges;
- Performance of monitoring, analyses and reporting;

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- Remediation of contamination caused by the Illicit Connection or Illicit Discharge; and
- The implementation of source control or treatment measures.

#### **8.12.6.2 Appeals**

Any person aggrieved by an enforcement order issued pursuant to Section 8.12.6.1 may request a hearing before the Board of Selectmen by submitting to the DPW and Board of Selectmen, within 30 days of such order, a letter explaining why the order was not justified. The Board of Selectmen shall thereupon schedule and hold a hearing regarding such request and, upon the close of such hearing, may uphold, modify or rescind the order as the facts and applicable law may require. The Board of Selectmen's decision shall be deemed its final action with respect to the matters determined, and any further appeal shall be to a court of competent jurisdiction.

#### **8.12.6.3 Action by the Town to Remedy a Violation**

If a violator fails to come into compliance by the deadline specified in an enforcement order, the DPW may do the work necessary to resolve the violation at the joint and several expense of the violator and property owner. For situations involving an immediate threat, the DPW may remove an Illicit Connection immediately and take such other action as is necessary to protect public health, safety or the environment. Written notice of any remediation action undertaken by the DPW shall be provided to the property owner by hand within 48 hours of the commencement thereof or by certified mail postmarked no later than the next business day.

#### **8.12.6.4 Recovery of Costs**

If the DPW undertakes remediation work pursuant to Section 8.12.6.3, it shall, within 30 days after completing the work, notify the violator and the property owner in writing of the costs incurred by the Town, including administrative costs, associated with that work. The violator and the property owner shall be jointly and severally liable to repay the Town for those costs within 30 days of receipt of that notice; provided, however, that the violator or the property owner may file a written protest objecting to the amount or basis of costs with the DPW and Board of Selectmen within such 30 days. The Board of Selectmen shall schedule and hold a hearing regarding such protests and, upon the close of such hearing, may uphold, modify or rescind the costs required to be repaid, as the facts and applicable law may require.

If the amount due is not received by the Town by the expiration of the time in which to file such a protest, or within 60 after the final decision of the Board of Selectmen or, if appealed to court, a court of competent jurisdiction resolving that protest, the amount of the Town's costs shall constitute a lien on the property pursuant to MGL Chapter 40 Section 58. Interest shall accrue on any unpaid

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costs at the statutory rate, as provided in MGL Chapter 59 Section 57.

**8.12.6.5 Civil Relief**

If a person violates any provision of Section 8.12 or an order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities that would create further violations or compelling the person to abate or remedy the violation.

**8.12.6.6 Criminal Penalty**

Any person who violates any provision of Section 8.12 or any order issued thereunder may be punished by a fine of not more than \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. A criminal complaint may be filed by the DPW or Board of Selectmen, with the authorization of the Board of Selectmen.

**8.12.6.7 Non-Criminal Disposition (Ticketing)**

As an alternative to criminal prosecution, the DPW or Board of Selectmen may elect to utilize the non-criminal disposition procedure set forth in Section 1.8. The penalty for the first violation shall be \$100.00. The penalty for each subsequent violation shall be \$300.00. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

**8.12.6.8 Entry to Perform Duties Under this Bylaw**

To the extent permitted by law, or if authorized by the owner or other party in control of the property, the Town and its agents, officers and employees may enter privately owned property for the purpose of performing their duties under Section 8.12 and may make or cause to be made such examinations, surveys, sampling, or remedial activities as the Town deems reasonably necessary.

**8.12.6.9 Remedies Not Exclusive**

The remedies listed in Section 8.12 are not exclusive of any other remedies available under any applicable federal, state or local law; and

or take any other action with respect thereto.

Board of Selectmen

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**ARTICLE 24** To see if the Town will vote to amend Section 4.3.1 of the Zoning Bylaw by renumbering Sections 4.3.2.2 through 4.3.2.6 thereof as Sections 4.3.1.2 through 4.3.1.6 respectively, and renumbering Section 4.3.3 as Section 4.3.2; or take any other action with respect thereto.

Community Planning and Development Commission

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**ARTICLE 25** To see if the Town will vote to amend the Zoning Bylaw by deleting Section 4.6 thereof in its entirety and inserting, in place thereof, the following:

**4.6 Site Plan Review**

**4.6.1 Purpose and Authority**

**4.6.1.1** Site Plan Review is a means of protecting the public interest through evaluating impacts of new development and redevelopment of land and structures within the Town of Reading. Site plan review is designed to manage aesthetics, minimize the potential for conflicts among uses and limit the impacts, through imposition of reasonable conditions, of uses that are otherwise permitted in the applicable district.

The CPDC administers the Site Plan Review process for the following purposes:

- a** To protect and promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Reading, and to ensure the integrity of its neighborhoods;
- b** To oversee acceptable site planning practices and to promote desirable architectural design within the Town of Reading;
- c** To address development issues comprehensively while ensuring a streamlined and efficient development review process;
- d** To provide for appropriate mitigation measures as a result of increased impacts to municipal services and infrastructure;
- e** To ensure consistency in the application of development standards and guidelines, and;
- f** To ensure proper monitoring and enforcement of Reading zoning and development regulations.

**4.6.1.2 Guidelines, Regulations and Standards**

- a** The CPDC may adopt reasonable Guidelines, Regulations and Standards governing procedures to be used for the administration of Site Plan Review.
- b** The proposed Guidelines, Regulations and Standards shall be submitted to all CPDC members at least 48 hours prior to any vote on their adoption, provided, however, that the CPDC may make such amendments to the proposed Guidelines or Regulations as it deems appropriate at said meeting.
- c** Upon adoption of any Guidelines, Regulations and Standards by the CPDC, a copy thereof shall be filed with the Town Clerk.

**4.6.2 Applicability**

**4.6.2.1** Single-family and two-family structures are exempt from Site Plan Review. Routine maintenance, and in-kind replacement of lighting, mechanical systems and landscape features are exempt from Site Plan Review.

**4.6.2.2** Except as otherwise specified in Section 4.6.2.1, Site Plan Review is required if the proposed construction or site alteration involves any of the following:

- a** An increase in gross floor area of 500 square feet or more; or
- b** A change of use (from one use category to another) within an existing institutional, commercial, or multi-family structure, or that requires the

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addition of 2 or more parking spaces, a change to the layout or location of 2 or more parking spaces, an increase in pavement of more than 300 square feet, or the alteration of any driveway.

**4.6.2.3** Except as otherwise specified in Section 4.6.2.1 or Section 4.6.2.2, Minor Site Plan Review is required if the proposed construction or site alteration involves any of the following:

- a Exterior alteration of 500 square feet or more of horizontal or vertical area that is limited to doors, paint, awnings, railings, step replacement, handicapped ramps or building code compliance measures, for a site within the Business B Zoning District;
- b Redevelopment or alteration of a site, or the interior of a building, in such a manner that the proposed site or building function is anticipated to generate unreasonable visual or auditory impacts to abutters.
- c An existing site that becomes a nuisance to public health, safety or welfare (i.e. due to routine traffic spillover, excessive noise, site illumination beyond the hours of operation, etc.) as evidenced by substantiated complaints to the Police Department and/or Public Services Office.

**4.6.2.4 Coordination with Special Permit**

- a Where proposed construction or site alterations require both site plan review and one or more Special Permits, the CPDC shall be the SPGA.
- b Where both a Special Permit and Site Plan Review are required, the applicant shall seek both forms of relief simultaneously, and the CPDC shall generally conduct its review of both applications contemporaneously.

#### **4.6.3 Minor Site Plan Review**

**4.6.3.1** The CPDC, through regulation, may authorize the Community Development Director to grant Administrative Approval for a Minor Site Plan Review with or without conditions provided the proposed construction, expansion or alteration is not anticipated to result in any adverse impact on surrounding areas.

##### **4.6.3.2 Minor Site Plan Review Procedures**

The Applicant shall submit to the CPDC through the Community Development Director, one electronic copy and six (6) sets of plans showing the following:

- 1 A written narrative explaining the proposed changes;
- 2 Photographs of the existing site or area to be altered; and
- 3 A rendering, site plan, plot plan or sketch.

For Minor Site Plan Review by the CPDC, the Applicant shall also submit one (1) set of stamped addressed envelopes in order for the Community Development Director to mail notification of the Minor Site Plan Review to abutters.

The Minor Site Plan Review shall not be considered complete, and a building permit shall not be issued, until a written approval is issued by the CPDC.

##### **4.6.3.3 Waiver of Loading Zone Space Requirements**

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Upon the applicant's request and submission of supporting documentation, the Community Planning and Development Commission may waive the requirements of Section 9.1 of the Zoning Bylaw as to the number of loading zone spaces upon a finding that there will be no adverse impact on surrounding areas.

#### **4.6.3.4 Waiver of Parking, Loading Space and Related Design Requirements in the Business Districts**

Upon the Applicant's request and submission of supporting documentation, the Community Planning and Development Commission may waive or reduce the requirements of Section 9.1 for a site located in the Business Districts upon a finding that there will be no adverse impact on surrounding areas.

#### **4.6.4 Site Plan Review**

##### **4.6.4.1 Procedures**

- a** An Applicant shall submit to the CPDC through the Community Development Director, for review and decision in accordance with the provisions of Section 4.6, the following:
  - Five (5) full size (24x36) copies of the site plan & architectural drawings;
  - Six (6) half size (11x17) copies of the site plan & architectural drawings;
  - Ten (10) copies of the application, narrative & supporting materials;
  - Four (4) drainage reports; and
  - One (1) electronic version of everything submitted.
- b** The contents of the application shall be as specified in the CPDC Site Plan Review Guidelines, Regulations and Standards. The CPDC may, at its discretion, waive the requirement to submit any required materials that it determines are not needed.
- c** Within ten (10) business days of submitting an application for a Site Plan Review, the Community Development Director shall notify the Applicant of any issues related to the completeness of the application. If all required materials have been submitted, the application shall be date stamped by the Community Development Director. If all required materials have not been submitted, the Applicant shall be issued a written notice identifying which specific items are outstanding. No hearing date shall be scheduled until the Community Development Director deems the application to be complete.
- d** Within five (5) days of the date stamp, the Community Development Director shall transmit one (1) copy of the application and plan to the Building Inspector, Director of Public Works, Fire Chief, Police Chief, and any other Town official whose review is requested. Such officials may, at their discretion, investigate the application and report their recommendations in writing to the CPDC.
- e** The CPDC shall schedule a public hearing for all Site Plan Review applications to be held within forty-five (45) days of the date stamp. This public hearing shall be advertised in the local newspaper once in each of two successive weeks prior to the meeting and a notice shall be sent to property owners within 300 feet of the subject property. Within forty-five (45) days of conclusion of the public hearing, the CPDC shall, approve,

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approve with conditions, or deny the Site Plan Review application and file a written decision with the Town Clerk.

- f** The Applicant may request, and the CPDC may grant, an extension of the time limits set forth herein.
- g** The Applicant shall satisfy or comply with all of the conditions of a Site Plan Approval prior to the issuance of a building permit except for those conditions that, by their terms, are intended to be satisfied during construction or later. The building permit application shall be accompanied by one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector, of the plan that received Site Plan Approval, as well as a letter issued by a registered professional engineer, registered architect or registered landscape architect certifying, under pains and penalties of perjury, that such plan is consistent in all respects with the plan approved by the CPDC, and that all required conditions of Site Plan Approval have been satisfied.
- h** The Applicant shall satisfy or comply with all of the conditions of a Site Plan Approval prior to the issuance of a final certificate of occupancy unless otherwise specifically stated in the Site Plan Approval.

#### **4.6.5 Review Criteria**

**4.6.5.1** All construction and site alterations subject to Site Plan Review shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the proposed construction and/or alteration, so as to:

- a** Minimize the volume of cut and fill, the number of removed trees six inch (6") caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, the amount of soil erosion, and the threat of air and water pollution;
- b** Maximize pedestrian, bicycle and vehicular access and safety, both on the site and entering and exiting the site;
- c** Minimize obstruction of scenic views from publicly accessible locations;
- d** Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or from residential properties;
- e** Minimize glare from headlights and light pollution emitted from on-site lighting fixtures;
- f** Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- g** Ensure compliance with applicable regulations governing on-site wastewater disposal systems;
- h** Minimize contamination of groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances;
- i** Provide appropriate landscaping and other site amenities so as to enhance the visual character of the property;
- j** Minimize environmental and other impacts to adjacent properties through appropriate restrictions of hours of operation, deliveries, noise, rubbish removal and storage, or by other appropriate means.
- k** Provide adequate access to each structure for fire, public safety and emergency service equipment;

- l Provide adequate utilities and water and sewer service;
- m Provide stormwater drainage and roadway and driveway layouts consistent with the functional requirements of the Town of Reading's Subdivision Rules and Regulations, any applicable federal, state and local regulations, and the standards of the Department of Public Works;
- n Minimize impacts to abutting residential development; and
- o Otherwise demonstrate compliance with the Zoning Bylaw.

**4.6.5.2** The CPDC shall apply the criteria set forth in Section 4.6.5.1 to determine whether an application for Site Plan Review should be approved, approved with conditions or denied.

**4.6.6 Lapse**

A Site Plan Approval shall lapse two (2) years after the date of its issuance if construction pursuant thereto has not begun; provided however, that the CPDC may grant an extension of the two (2) year period, for a maximum of one (1) year, upon a finding of good cause, including the need to obtain other local, state, and federal permits duly applied for, at the written request of the applicant, if submitted to the CPDC at least thirty (30) days prior to the expiration of the two (2) year period.

**4.6.7 Approval, Conditions, & Continuation of Site Plan Review**

The CPDC shall file a written decision with the Town Clerk stating that the application is approved as submitted, approved with conditions, or denied in accordance with Section 4.6.4.1 (e). The CPDC may impose conditions on any Site Plan Approval that it deems necessary or desirable.

**4.6.8 Advertising, Consultant Fees and Reports**

In addition to any application or advertisement fees required by the CPDC's Guidelines, Regulations and Standards, the CPDC is authorized, at any point during the hearing or deliberations prior to a final decision, to require an Applicant to pay a consultant fee upon a finding that additional information, available only through an expert consultant, is necessary prior to making a decision.

Any Applicant aggrieved by the CPDC's selection of an outside consultant may appeal such selection to the Board of Selectmen; provided, however, that the grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

Any unused portion of the consultant fee shall be returned to the applicant unless the CPDC decides at a public meeting that additional services will be required.

The CPDC may, at its own discretion, waive any application or filing fee or consultant fee if the application is submitted by a government agency, including the Town and all its departments.

**4.6.9 Modifications to Approved Site Plan**

**4.6.9.1 Major Modification**

If, at any time before or during development, it becomes necessary or desirable for an Applicant to make modifications to a Site Plan, the Applicant shall appear at a regular meeting of the CPDC and submit, if required by the

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CPDC, plans showing the modification. Modification requests shall be processed in accordance with the rules governing Site Plan Review unless, upon review and determination by the Community Development Director, the proposed changes qualify as a Minor Modification pursuant to Section 4.6.9.2.

The following changes shall be deemed to qualify as a Major Modification:

- a** Any relocation or shifting of structures or parking areas;
- b** Any increase in the gross floor area of structures or any changes to the building envelope;
- c** Any change that requires additional water or sewer usage or the relocation of water and sewer utilities;
- d** Any increase in impervious areas, either by changes to structures or paved parking areas;
- e** Substantial changes to the approved architectural drawings, including changes in building materials and color.
- f** A meeting with the Community Development Director prior to filing a modification request is recommended.

#### **4.6.9.2 Minor Modification**

At the discretion of the Community Development Director, Minor Modifications may require that the Applicant appear at a regular meeting of the CPDC, or may be granted through an Administrative Approval.

A proposed change may qualify for Administrative Approval as a Minor Modification if it would not substantially alter the concept of the approved Plan in terms of the qualities of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points, and minor changes in site layout, topography, architectural plans, landscaping plan, traffic circulation, parking, lighting plan, signage or open space.

Upon approval of a Site Plan Modification, the Applicant shall submit one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector, of the modified plan, as well as a letter issued by a registered professional engineer, registered architect or registered landscape architect certifying, under pains and penalties of perjury, that the modified plan is consistent in all aspects with the approved modification and that all conditions of approval have been satisfied.

#### **4.6.10 Appeal**

Any person aggrieved by a decision of the CPDC pursuant to Section 4.6 may appeal such decision to the Zoning Board of Appeals within twenty (20) days of the date filed with the Town Clerk.

or take any other action with respect thereto.

Community Planning and Development Commission

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#### **ARTICLE 26**

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

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

**Pet Grooming:** the hygienic care and cleaning of any domesticated, non-exotic pet.

and

(2) Inserting into the Table of Uses for Business and Industrial Districts, set forth in Section 5.3.1, after the entries for "Animal Kennel," the following:

PRINCIPAL USES	BUS A	BUS B	BUS C	IND	PUD-B Overlay	PUD-I Overlay
Pet Grooming	Yes	Yes	Yes	Yes	Yes	Yes

or take any other action with respect thereto.

Community Planning and Development Commission

**ARTICLE 27** To see if the Town will vote to amend the Zoning Bylaw by:

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

**Special Home Occupation:** A business use conducted within a dwelling unit, or within an accessory structure on a residential property, that is accessory to the primary residential use; provided, however, that not more than one non-resident of the dwelling unit or residential property, exclusive of residents of the dwelling unit or residential property, is employed on the premises.

(2) Inserting into the Table of Uses for Residence Districts, set forth in Section 5.3.2, after the entries for "Home Occupation," the following:

ACCESSORY USES	RES S-15 S-20 S-40	RES A-40	RES A-80	PRD-G PRD-M	PUD-R
Special Home Occupation	SPP	SPP	SPP	SPP	SPP

(3) Inserting a new Section 5.6.7 as follows:

**5.6.7 Special Home Occupation**

The CPDC may, by Special Permit, authorize a Special Home Occupation within a dwelling unit or within an accessory structure on a residential property provided that:

- a. Not more than one non-resident of the dwelling unit or residential property, exclusive of residents of the dwelling unit or residential property, is employed on the premises;
- b. There is no exterior indication that the dwelling is used for anything other than residential purposes, except for signs, and commercial vehicles, as may be approved by the CPDC;
- c. Storage of any equipment used for the home occupation must be within a permanent structure, such as a garage or a shed;

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- d. Off-street parking for the dwelling and home occupation is provided and the CPDC finds the number of vehicles on the premises at any one time and number of vehicle trips per day, exclusive of the residents' vehicles and trips per day, are consistent with the residential character of the property; and
- e. The home occupation is customarily incidental and subordinate to the primary residential use of the premises.

As determined by the CPDC, additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties and areas viewed from the public way.

The CPDC reserves the right to issue a Special Permit for a Special Home Occupation for (one) year, and to deny renewal of such Special Permit if substantiated complaints are made regarding the use to the Public Safety Officer or Public Services Office within that one (1) year period.

or take any other action with respect thereto.

Community Planning and Development Commission

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**ARTICLE 28** To see if the Town will vote to amend the Zoning Bylaw by deleting Section 5.4.7.3.b thereof in its entirety, and inserting, in place thereof, the following:

- b An Accessory Apartment shall have a gross floor area not to exceed the lesser of 1000 square feet or one-third of the gross floor area of the Principal Single-Family Dwelling on the lot, exclusive of any garage, unfinished basement, shed or other accessory structure thereon.

or take any other action with respect thereto.

Community Planning and Development Commission

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**ARTICLE 29** To see if the Town will vote to amend the Zoning Bylaw by deleting Section 5.5.1 thereof in its entirety, and inserting, in place thereof, the following:

**5.5.1 Permitted Accessory Buildings or Structures**

The following requirements shall apply to any accessory buildings or structures permitted in accordance with the Tables of Uses (Sections 5.3.1 and 5.3.2):

**5.5.1.1 General Provisions**

- a. An accessory building or structure shall not be permitted within a Required Front Yard, with the exception of flagpoles and fences.
- b. Flagpoles of a height less than 20 feet and fences shall be exempt from the front, side and rear yard requirements set forth in Section 6.0. A building permit shall be required for a flagpole exceeding 20 feet or a fence exceeding six feet in height.
- c. Accessory buildings may be used for Accessory Apartments only as permitted by Section 5.4.7.
- d. Any accessory building or structure, including a garage, that is less than 10 feet from a principal structure on the lot shall be considered "attached to" the principal structure, and shall be subject to the dimensional limits and requirements applicable to a principal structure.

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- e. Non-residential accessory structures, including vending machines, automated teller machines (ATMs), and electronic game kiosks shall be required to meet the front, side and rear yard requirements for a principal structure in the same zoning district, except as may be authorized by Special Permit from the Zoning Board of Appeals.
- f. An accessory building or structure that is not an Accessory Apartment may have a footprint that is either 600 square feet or 25% of the gross floor area of the principal structure, whichever is greater.
- g. Accessory structures, other than garages and structures used for storage, shall be exempt from lot coverage requirements.

#### **5.5.1.2 Garages**

- a. All garages shall subject to lot coverage requirements.
- b. Any garage that conforms to the Required Side Yard and Required Rear Yard setbacks for a principal structure in the same zoning district shall be permitted up to the maximum height permitted for a principal structure in the same zoning district;
- c. Any detached garage in a residential district or accessory to a single or two-family dwelling in a non-residential district may be located within a Required Side Yard or Required Rear Yard, but shall be no less than five feet from the nearest side or rear lot line, and shall occupy no more than 25% of the Required Side Yard or Required Rear Yard Area.
- d. Detached garages located within a Required Side Yard or Required Rear Yard:
  - i. shall have a slab to top plate height no greater than nine feet;
  - ii. shall not have dormers or windows on the sides of the roof; and
  - iii. shall not have a full staircase.

#### **5.5.1.3 Home Recreational Facilities**

A swimming pool, tennis court, sports court, or similar home recreational facility shall be permitted at any size, provided that it conforms to the Required Side Yard and Required Rear Yard setbacks for a principal structure in the same zoning district. A Home Recreational Facility may be located within a Required Side Yard or Required Rear Yard setback; provided, however, that it shall be no larger than the greater of 600 square feet or 25% of the gross floor area of the principal structure.

#### **5.5.1.4 Other Accessory Buildings or Structures Within Required Side Yards or Required Rear Yards**

- a. Except as otherwise provided in Section 5.5.1, Accessory Buildings or Structures within Required Side Yards or Required Rear Yards shall be limited to one story, or less than 12 feet in height.
- b. Any accessory building or structure in a residence district or accessory to a single or two-family dwelling in a non-residential district may be located within a Required Side Yard or Required Rear Yard, but shall be no less

than five feet from the nearest rear or side lot line, and shall occupy no more than 25% of the Required Side Yard or Required Rear Yard area.

**5.5.1.5 Special Permit**

A Special Permit from the Community Planning and Development Commission (CPDC) may be granted:

- a. For the following uses in all districts, provided that all Required Front Yard, Required Side Yard and Required Rear Yard setbacks are met, or that the CPDC can reasonably determine that relief from one or more setbacks is warranted and will not be detrimental to abutting properties or to the neighborhood:
  - i. A truck trailer used for storage or advertising;
  - ii. A stand-alone shipping or storage container;
  - iii. A steel storage unit.
- b. In residence districts, for a temporary storage unit that will be on a property for more than 30 days, provided that all front, side and rear yard setbacks are met.

or take any other action with respect thereto.

Community Planning and Development Commission

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**ARTICLE 30** To see if the Town will vote to amend the Zoning Bylaw by deleting Section 6.2.1 thereof in its entirety, and inserting, in place thereof, the following:

**6.2.1 Lot Shape**

**6.2.1.1 Minimum Lot Width Specified**

Any newly created lot in a Residential District for which a minimum lot width is specified shall satisfy the following requirements:

- a Each lot shall have, in addition to the required frontage, the required minimum lot width at all points between the required frontage and the nearest point on the front wall of any dwelling on such lot; and
- b The angles formed by the intersection of the side lot lines and the right-of-way providing the minimum frontage shall not be less than 45 degrees.

**6.2.1.2 Minimum Lot Width Not Specified**

Any newly created lot in any Zoning District for which a minimum lot width is not specified shall satisfy the following requirement:

- a The angles formed by the intersection of the side lot lines and the right-of-way providing the minimum frontage shall not be less than 45 degrees.

or take any other action with respect thereto.

Community Planning and Development Commission

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**ARTICLE 31** To see if the Town will vote to amend the Zoning Bylaw by deleting Section 8.0 thereof in its entirety, and inserting, in place thereof, the following:

**8.0 SIGN REGULATIONS**

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**8.1** The sign regulations contained herein are intended to: 1) facilitate efficient communication; 2) avoid conflict between signs and other features of the streetscape; 3) support economic vitality and opportunity; and 4) encourage compatibility and harmony with surrounding buildings, land and land uses.

**8.1.1 Applicability**

Within the territorial borders of the Town, a sign may be erected, placed, established, painted, created or maintained only in conformity with the provisions of this Section. Where required, permits for signs are issued by the Building Inspector.

**8.1.2 Permit Required**

No person shall construct, place, erect, display, alter, repair, or relocate a sign, unless exempted by this Section without a valid sign permit issued pursuant to this bylaw.

**8.1.3 Zoning Districts**

Signage is regulated according to zoning district. Zoning Districts are established in Section 3.1. The zoning districts are as shown on the official zoning map which is on file with the Town Engineer. Note that Reading has adopted a Downtown Smart Growth District (DSGD) and a Gateway Smart Growth District (GSGD). Refer to Section 10.5 for DSGD regulations and Section 10.4 for GSGD regulations. For information about signage permitted within a Planned Unit Development (PUD-I or PUD-B), and a Planned Residential Development (PRD), refer to Section 11.0.

**8.1.4 Navigating the Sign Bylaw**

Any person wishing to construct, place, erect, display, alter, repair or relocate a sign is advised to adhere to the following process:

1. Determine the zoning district of the property containing or to contain such sign (see Zoning Map or Town of Reading online GIS mapping system);
2. Determine the sign regulations within that zoning district (see Table 8.6);
3. Consult with the Town's Community Development Director;
4. Submit a Sign Permit Application to the Building Inspector.

**8.2 Definitions**

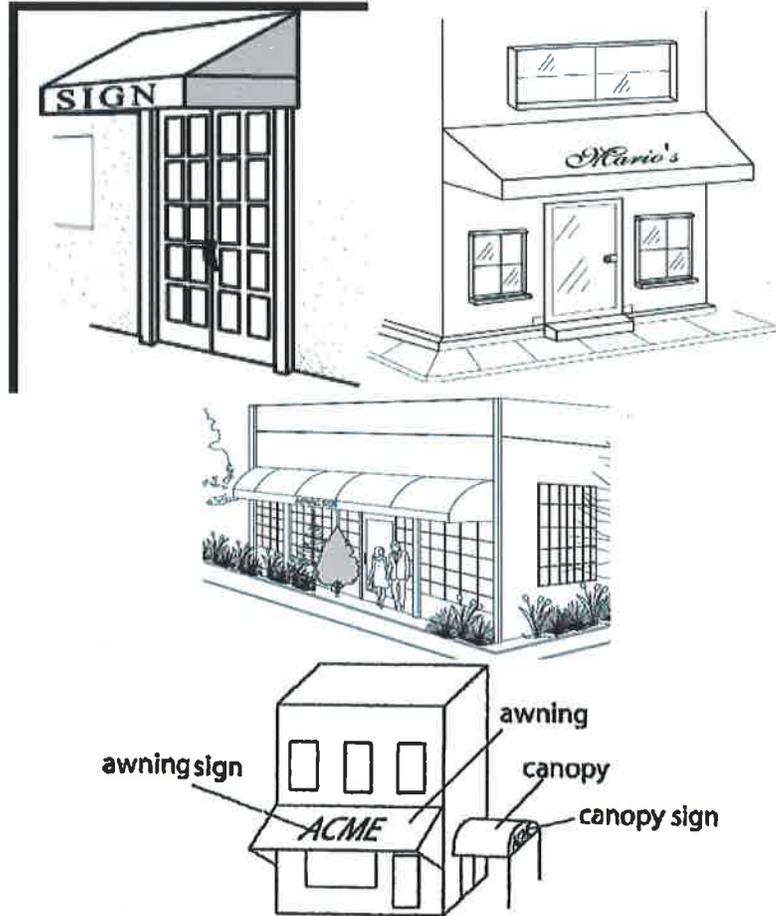
For the purposes of Section 8.0, the following terms shall have the meanings hereby assigned to them:

**A-Frame or Sandwich Board Sign:** A portable sign that can stand upright without additional supports.

**Animated Sign:** A sign or portion thereof with characters, letters or illustrations that change or are rearranged without altering the face or surface of the sign or signboard, on a continuous or periodic basis, more than eight times per day.

**Awning or Canopy Sign:** A sign painted on or attached to the cloth, canvas or metal cover of a fixed, hinged, rolled or folding type of awning or canopy.

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**Banner or Pennant:** Any sign of flexible lightweight fabric or similar material that is mounted or affixed at one or more edges.

**Beacon:** A stationary or revolving light, not primarily illuminating a sign, which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention, except any such fixture which is required by the Federal Aviation Administration or a similar agency, and is installed and operated under the safety regulations of such agency.

**Billboard:** A large, off-premises, outdoor board for displaying advertisements that are either static or animated, and which is subject to regulation by the Office of Outdoor Advertising of the Massachusetts Department of Transportation.

**Bulletin Board:** A permanent non-electronic sign that is located on property that is owned or operated by a charitable, educational, or religious institution or a public body for posting temporary signs.

**Electric Sign:** Any sign containing electric wiring. This does not include signs illuminated by an exterior light source.

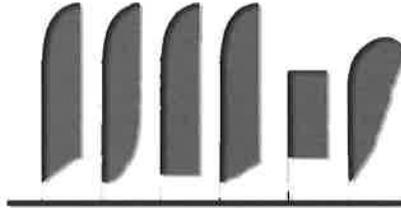
**Electronic Sign:** A sign that changes its message or copy at intervals by digital, electronic or mechanical processes, by remote control or other programming device. Any illuminated sign on which the artificial light is not maintained stationary or constant in

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intensity and color at all times when such sign is in use. Any moving illuminated sign shall be considered a flashing sign.

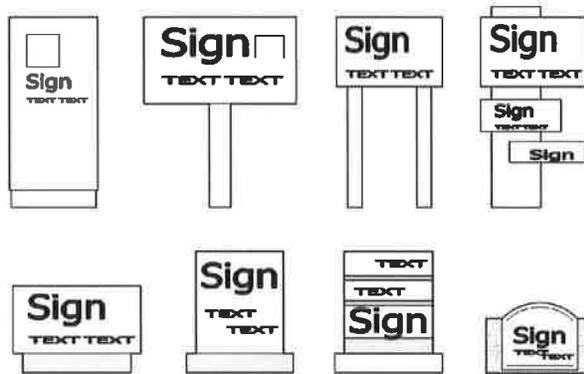
**Façade:** The face of a building, typically the principal or front wall.

**Feather Banner or Wind Flag:** A temporary sign of flexible, lightweight fabric or similar material that is supported along one edge and mounted to a ground base or staked in the ground and intended to blow in the wind to attract attention. Also called a Wind Flag.



*Example of Feather Banner or Wind Flag*

**Free-Standing Sign:** A permanent sign erected and maintained on a freestanding frame, mast or pole not attached to any building.



*Common Free-Standing Sign Types*

**Government Sign:** A sign that is constructed, placed or maintained by the Federal, State, or Local government or a sign that is required to be constructed, placed or maintained by the Federal, State, or Town government either directly or to enforce a property owner's rights.

- i. Traffic control signs and/or devices;
- ii. Numerals that identify the address of a property;
- iii. Fuel pump information signs;
- iv. A flag adopted by the Federal government, this State or the Town of Reading.

**Halo Lighting:** A form of internal illumination in which light is only emitted from the back of or from within a letter or graphic shape out towards the surface on which the letter or graphic is mounted without having any light visible through the face or sides of the letter or graphic.

# HALO LIGHTING

**Identification Sign:** A sign that contains areas that are made available for use by the individual structures or commercial uses operating on the same lot.

**Illuminated Sign:** A sign characterized by the use of artificial light projecting through the letters or graphics of an opaque sign surface(s) [Internally Illuminated], or reflecting off of the sign surface(s) [Externally Illuminated].

**Instructional or Directional Signage:** A Sign that is required by a state or local permit or approval for the safe flow of vehicular or pedestrian traffic or otherwise to protect public safety, health and the environment.

**Marquee:** A canopy or covering structure projecting from and attached to a building and bearing a signboard or copy.

**Marquee Sign:** Any sign attached to or made part of a marquee.

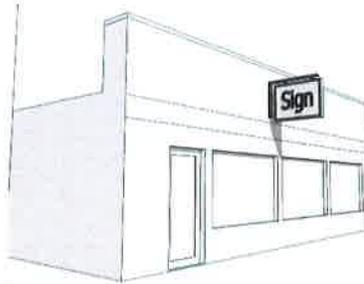


**Off-Premises Sign:** Any sign which directs attention to goods, products, services or commercial uses which are not sold, manufactured or distributed on or from the premises, facility or site on which the sign is located, including any billboard, signs affixed to vehicles, Animated Sign or Electronic Sign on which display space may or may not be leased or rented.

**Original Art Display:** A work of fine art that is displayed in conjunction with a commercial enterprise with the permission of the property owner, but for which the commercial enterprise does not receive direct commercial gain. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

**Portable Sign:** Any sign not permanently attached to the ground or any permanent structure, or any sign primarily designed to be transported in any way, regardless of modifications that limit its movability, including signs converted to "A" or "T" frames and/or menu and sandwich-board signs.

**Projecting or Blade Sign:** A sign that is affixed to a building or other structure where the sign face is approximately perpendicular to the building facade.

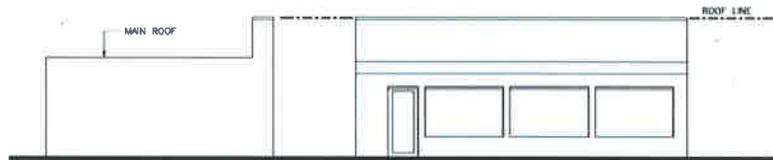


**Reader Board or Menu Board:** A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign or signboard. A sign on which the message changes more than eight times per day shall be considered an Animated or Electronic sign.

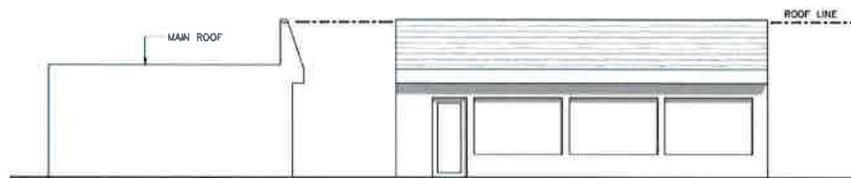
**Roof Line:** the underside of the eave of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.



*Sloping Roof*



*Flat Roof*

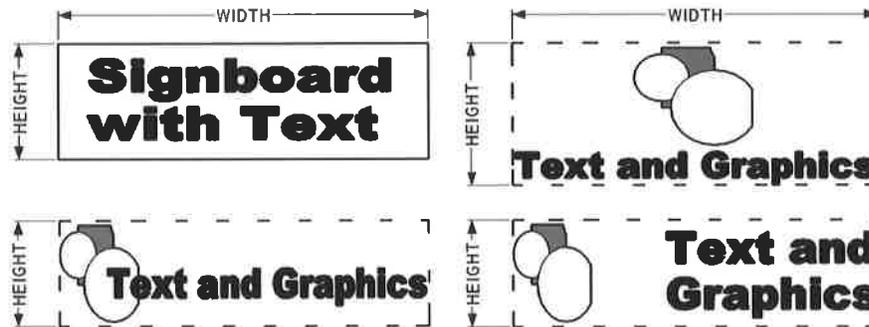


*Mansard Roof*

**Sign:** A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the signboard or to an object, product, place, activity, person, institution, organization or business and where sign area means the space enclosed within the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, the outline enclosing all the characters of the word. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign for the purposes of the bylaw herein. Each display surface of a sign or signboard shall be considered to be a sign.

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**Sign Area:** The area contained entirely within the signboard or if no signboard is present, the area contained entirely within the smallest rectangle that completely encloses the outer extremities of all graphic material of a sign.



*Examples of Sign Area*

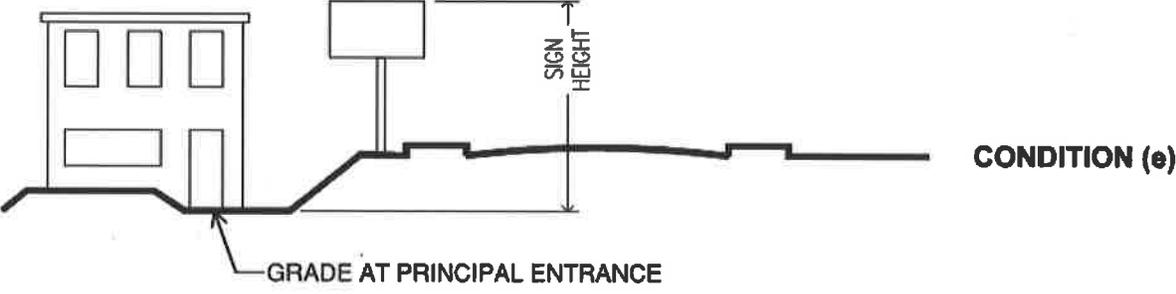
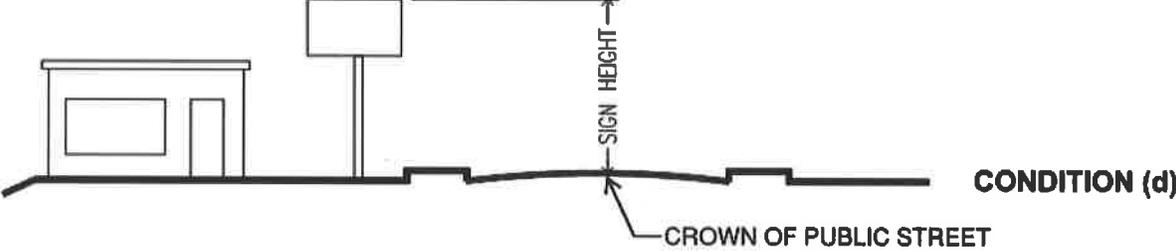
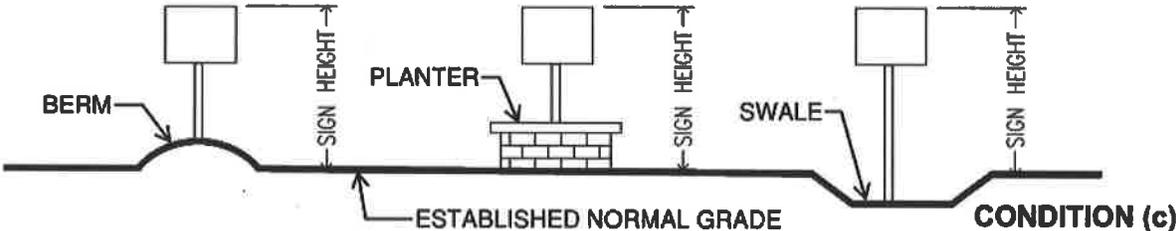
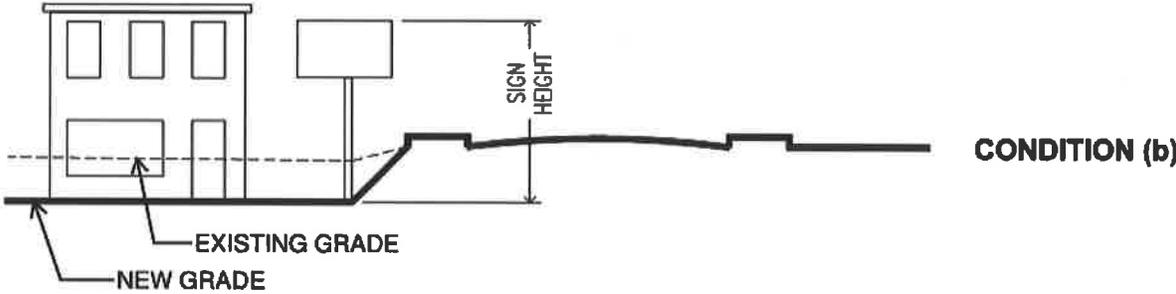
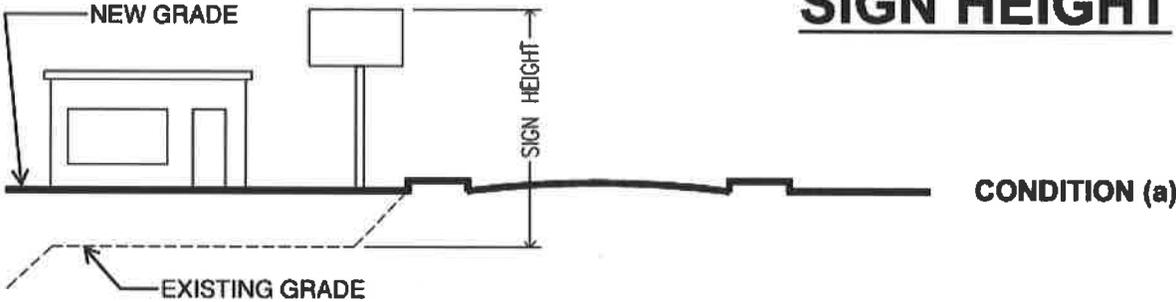
**Signboard:** The surface of durable material upon which letters or other graphic content of a sign is displayed.

**Sign Height:** The distance from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure. Normal grade shall be construed to be the lower of:

- 1 Existing grade prior to construction (a), or
- 2 The newly established grade after construction (b), exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign (c). In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the normal grade is the elevation of the nearest point of the crown of the public street (d) along which the lot has frontage or the grade of the land at the principal entrance (e) to the principal structure on the lot, whichever is lower.

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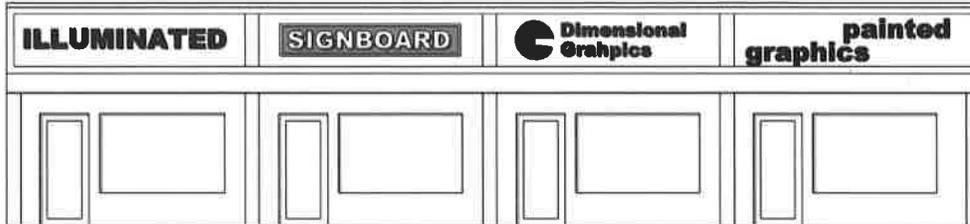
# SIGN HEIGHT



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**Temporary Sign:** An unlit banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that is intended to be displayed for a limited period of time.

**Wall-Mounted Sign:** A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.



*Examples of Wall-Mounted Signs*

**8.3 Authorized Signs**

Signs for which no sign permit is required are identified in Table 8.6 and Section 8.3 herein. The following signs are authorized in every district and may be installed upon receipt of a building permit (as needed), and shall not affect the computation of allowable number of signs or aggregate sign size on a property, provided that the following is complied with:

- a** Government signs in every zoning district that form the expression of the government when erected and maintained according to law. Such signs may be installed or required to be installed by the Town of Reading, the Commonwealth of Massachusetts, or Federal Agencies, or with the express written permission thereof, and shall include the following:
  - i.** Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices (MUTCD) adopted in this state and if not adopted by this state, with the MUTCD adopted by the Federal Highway Administration.
  - ii.** Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier shall be located on the mailbox or other suitable device such that it is visible from the street.
  - iii.** Where a Federal, State, or Local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the Federal, State or Local law to exercise that authority by posting a sign on the property.
  - iv.** A flag that has been adopted by the Federal government, the Commonwealth of Massachusetts or the Town of Reading may be displayed as provided under the law that adopts or regulates its use.
- b** Instructional and Directional Signage that is unlit and either less than 1 square foot in area or required by government regulation or entity.

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- c Signs on property occupied by religious or educational uses protected by M.G.L. Ch. 40A Section 3 (Dover Amendment).
- d Original Art Displays
- e Temporary Signs:
  - Temporary signs are permitted in all zoning districts as follows:
    - 1. Each privately-owned property in Town shall be allowed one (1) temporary sign that is no more than six (6) square feet in area.
    - 2. In addition to the one (1) temporary sign, the following may be allowed:
      - i On a site for which construction has not begun, but which has been issued a building or demolition permit or has an approved site plan, one (1) additional temporary sign not exceeding 32 square feet in area or 8 feet in any dimension may be displayed for a period of up to 1 year. Upon written request and approval of the CPDC the display period for a temporary Redevelopment sign may be extended.
      - ii On a site that is under active construction, where a demolition or building permit has been issued and where at least site preparation work has commenced, one (1) additional temporary sign not exceeding 32 square feet in area or 8 feet in any dimension may be displayed for a period of up to 1 year. Temporary Construction signs shall be removed after the construction, repair or renovation work is completed or within 7 days after the issuance of a final occupancy permit.
      - iii On a site for which a subdivision has been constructed and is for sale through a licensed real estate agent, by owner, or through advertising in a local newspaper of general circulation, one (1) additional temporary sign not exceeding 48 square feet in area or 8 feet in any dimension may be displayed. Temporary Real Estate signs for subdivisions shall be removed within fifteen (15) days following the date on which a contract of sale has been executed.
      - iv On a site that is for sale through a licensed real estate agent, by owner, or through advertising in a local newspaper of general circulation, one (1) additional temporary sign not exceeding six (6) square feet may be displayed. Temporary Real Estate signs shall be removed within fifteen (15) days following the date on which a contract of sale has been executed.
      - v On a day when a property owner is opening the property to the public, signs not exceeding four (4) square feet each, may be placed at a rate of one (1) sign per intersection per property and one (1) additional sign on the open house property.
      - vi For up to seven (7) days before and three (3) days after a garage or yard sale, temporary signs not exceeding six (6) square feet may be displayed. Such signs shall be limited to one (1) additional sign on the property on which the garage or yard sale is taking place, and one (1) at each of no more than two intersections of public streets.
      - vii For a period of time beginning 60 days before a Town of Reading municipal election, a Commonwealth of Massachusetts election, or a federal election, and ending two (2) days after the date of the election, there shall be no maximum number of temporary signs permitted.
    - 3. In addition to flags that are authorized under Section 8.3iv, one (1) flag shall be allowed.

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#### **8.4 Prohibited Signs, General**

The following signs are prohibited in all zoning districts. See Section 8.5 Signs by Zoning District for specific prohibitions.

- a** Privately-owned signs installed or placed on public property, except by express permission of the Town or as otherwise allowed herein.
- b** Signs which interfere with traffic or pedestrian safety, including any which may obstruct traffic or pedestrian visibility or movement at any intersection, along any public sidewalk, into or out of any property, or which by reason of blinking, flashing, or animation by lighting in any fashion can cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance.
- c** Signs placed or painted on any tree, rock, utility pole, traffic safety sign, or similar fixture; painted on any building wall, bench, pavement, parking bumper or curb, or other similar outdoor surface.
- d** Internally illuminated signs, unless the background or signboard completely blocks illumination or glow except through the letters and graphics.
- e** Flashing signs and signs which contain a beacon of any type; which contain a spot light providing direct illumination to the public; which revolve, rotate, move, or blink, or which fluctuate in light intensity; and animated signs.
- f** Any self-illuminated or backlit signs which use LCD, LED, electronic messaging or digital technology, neon or similar signs except as displayed on the inside of windows subject to the provisions of Subsection 8.5.1d.
- g** Banners as permanent signs.
- h** Reader Board Signs except as price displays at gas stations.
- i** Balloons or tethered blimps used as signs, a movable poster or panel sign, umbrellas containing any commercial message; signs attached to or painted on vehicles travelling or parked on, or visible from any public right-of-way, unless such vehicle is used in the normal day-to-day operation of a business.
- j** Off-Premises Signs, with the exception of temporary signs.
- k** Billboards
- l** Signs affixed on or above the roofline of a structure.
- m** Wind Flags and Feather Banners
- n** Signs that contain obscene matter.

#### **8.5 Signs by Zoning District**

Signs are regulated by Zoning District as specified in Table 8.6 and as follows:

##### **8.5.1 Signs in Business and Industrial Zoning Districts**

The following signs are allowed in all Business and Industrial Zoning Districts. In addition, refer to Table 8.6.

- a** During hours of operation, one (1) flag not exceeding four (4) feet by six (6) feet, with a minimum ground clearance of eight (8) feet over walkways, sidewalks and entrances of businesses. Ground clearance shall be defined as the distance between the lowest hanging portion or bottom of the flag and the grade directly below.
- b** All awnings and canopies shall be impervious to light so that no illumination or glow can be seen through it. Awnings may contain letters up to four inches in height for a length not to exceed thirty-six inches without requiring a sign permit. Such lettering shall not count toward allowed sign area. All other awnings or canopies with lettering or graphics shall require a sign permit and

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count as part of the allowed sign area. All awnings and canopies shall have a minimum ground clearance of eight feet. Ground clearance shall be measured between the lowest point of the awning or canopy and the ground or sidewalk.

- c** Bulletin boards are allowed, provided that no free-standing or wall-mounted bulletin board may exceed twelve square feet in size.
- d** Window Signs: Permanently affixed, weather resistant, individual letters that are not subject to wear and tear are permitted on the exterior of the window. Window Signs on the inside surface of the glass are encouraged. Temporary or permanent signs may without permit be attached to the inside of the glass surface of a window (a single structurally supported sheet of glass or a sash) or door, or placed within the premises within five feet of any window or door and situated or designed so that the sign's graphic content is visible from the outside through a window or door, provided that any such sign shall:
  - 1** Be uniformly located only in thirty percent (30%) of the glass sheet or sash;
  - 2** Contain no letters larger than eight (8) inches in height;
  - 3** Be neat and professional in appearance and be maintained at all times;
  - 4** Have a sign area not to exceed six (6) square feet if the sign is not illuminated;
  - 5** In addition to the above, any illuminated sign shall be placed only in a window, and not in a door, and shall also:
    - a** Have a sign area not to exceed four (4) square feet;
    - b** Be placed no closer than ten feet from any other internally illuminated window sign on the premises. In cases where there is a door or other architectural break in the façade this buffer shall be reduced to seven (7) feet;
    - c** Be placed only in a window that contains no other signs of any type; and be illuminated only during hours of operation of the business establishment.
    - d** Be allowed in conformity with the Subsection 8.5.1e below.
    - e** Instructional and directional signs are allowed provided that such signs shall be limited to wall and free-standing signs with a maximum sign area of four square feet per sign. One such sign, not exceeding six (6) feet in height, may be placed at each vehicular entrance or exit on a lot provided such sign does not constitute a traffic hazard; such signs shall not affect the computation of allowable number of signs or aggregate sign size on a property. One such sign, not exceeding six feet in height and four square feet of sign area, may be placed in conjunction with each drive-up bank teller window or machine provided that such sign shall not constitute a traffic hazard.
    - f** Marquee signs are prohibited except when displayed on a property housing a legally permitted indoor movie theater and attached to the marquee of the building, provided that the size of the marquee sign shall not exceed twenty-four (24) square feet, and the bottom of the marquee sign shall not be of a height of less than 8 feet above the grade directly below.
    - g** Menu boards are prohibited except:

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- With an A-Frame sign permit issued by the Board of Selectmen.
  - When located on a lot containing a restaurant having a drive up window: no more than three menu boards are allowed; the maximum aggregate sign area is 100 square feet; no one menu board may exceed 50 square feet; and the illumination shall not project beyond the property line.
- e Temporary signs located on a lot containing a business that is sponsoring an opening or re-opening, open house, a special sale or a promotional event, are allowed, provided that:
- All temporary signs shall have received a sign permit from the Building Inspector;
  - The individual business shall place no more than four (4) such signs per calendar year for an annual total of 56 days (except in conjunction with an organized common special event as specified below);
  - No such sign shall exceed sixteen (16) square feet in sign area or thirty (30) square feet in sign area for businesses that have a setback more than fifty (50) feet from the primary street upon which the business is located;
  - Only one sign for each sponsored opening or reopening per business until the property undergoes a change of use or change of ownership.
  - In cases where renovation or construction includes removal of permanent signs, a temporary sign is allowed as follows:
    - Dimensions shall be the same as allowed for temporary signs
    - May remain during construction provided the construction or renovation is expeditiously pursued
    - Must be removed upon the installation of the permanent sign
    - No such sign shall be placed so as to constitute a hazard to motorists or pedestrians;
    - If placed upon a window, any such sign shall be included in the aggregate window area specified in Paragraph 8.5.1d above.
  - A temporary sign may be used as a permanent sign if it meets the requirements for a permanent sign in the zoning district in which it is located.
  - In the case of common special events organized by a recognized association of businesses for which a license or Civic Function Permit has been granted by the Board of Selectmen, an individual participating business may display a temporary sign.
  - Non-illuminated temporary balloons and streamers are allowed provided that they are mounted in a way that does not pose a hazard to pedestrian or vehicular traffic and sight lines as determined by the Zoning Enforcement Officer.
  - Banners are allowed only as temporary signs four times a year for an annual total of 56 days with a sign permit.
- f Farm Stands and Garden Stands which do not have permanent windows shall be allowed, without permit or limitation as to number or material, to display temporary signs identifying goods offered for sale on the premises,

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provided that such signs are kept in good order and that the aggregate total sign area of all such signs on a lot shall not exceed one square-foot per lineal feet of frontage of such lot.

- g** Clocks, not to exceed eight square feet in surface area per side or twelve feet in height, are allowed.
- h** Clocks and thermometers may be included in any free-standing or wall sign, and no more than twelve additional square feet of sign area may be added to the otherwise allowable sign area of such sign.

#### **8.5.1.1 Master Signage Plan**

In all Business and Industrial Zoning Districts, where a commercial building contains more than one business requiring wall signage, the building owner may submit for approval to the Community Planning and Development Commission (CPDC), a Master Signage Plan. At the owner's discretion, not every business within the building need be provided with a wall sign within the proposed assemblage. So as to provide for a change in business occupancy that may occur within the building, the CPDC will not consider the content of any individual sign contained within the Master Signage Plan.

The Master Signage Plan shall show the size, placement, materials, framing, graphic and design standards for each sign and the assemblage thereof proposed within said allowable maximum sign area, together with proposed lighting and methods of attachment of all such signs.

Once the Master Signage Plan has been approved by the CPDC, the Building Inspector may issue a sign permit for any individual business sign if it conforms to the Master Signage Plan.

#### **8.5.2 Signs in Business-A Zoning Districts**

Refer to Table 8.6 for additional regulations relating to signs in the Business A Zoning Districts.

##### **Allowed Signs**

- Free-Standing
- Wall-Mounted
- Projecting
- Internally or Externally illuminated

##### **Prohibited Signs – Specific to Business A (see also Section 8.4)**

- Single-tenant buildings or lots are not allowed to have both a free-standing sign and a wall-mounted sign
- A Frame and Sandwich Board signs

##### **Special Regulations**

A lot or building which contains only one establishment shall be allowed one free-standing sign OR one wall-mounted sign OR one projecting sign only.

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A lot or building that contains more than one establishment shall be allowed a maximum of the following signs, all of which shall in every respect conform to the requirements of this Section:

- a One free-standing Identification Sign, and
- b One additional Identification Sign not to exceed four (4) square feet in sign area, not to exceed eight (8) feet in height, and not located within a Required Front, Required Side, or Required Rear yard as delineated in Subsection 6.0, and
- c One wall-mounted or projecting sign per business occupying the ground floor and front wall of the building, except in cases where a Master Signage Plan allowing additional signage has been approved.

All internally-illuminated signs shall have a background or signboard that completely blocks illumination or glow such that light is only visible through the letters and graphics. All illuminated signs shall be turned off at the close of business.

### **8.5.3 Signs in Business-B Zoning Districts**

All permanent signs in the Business B Zoning District require a Certificate of Appropriateness (Subsection 8.5.3.1). Refer to Table 8.6 for additional regulations relating to signs in the Business B Zoning Districts.

#### **Allowed Signs**

- Wall-Mounted
- Projecting
- Awning
- Externally Illuminated
- Halo-Lit
- A-Frame and Sandwich Board signs are permitted, but only upon receipt of an annual permit from the Board of Selectmen.

#### **Prohibited Signs – Specific to Business B (see also Section 8.4)**

- Free-Standing (except as permitted at service stations or by special permit)
- Internally Illuminated
- Reader Board

#### **Special Regulations**

A lot or building which contains more than one business, may be granted a Certificate of Appropriateness for more than one sign and a maximum of the following signs:

- a A business occupying the ground floor is allowed two (2) signs if one sign is a wall-mounted sign and the second one is a projecting / blade sign, an awning sign, or a wall-mounted sign located on a different building façade than the first wall-mounted sign.

The allowable sign area for the primary sign is equal to 2 square feet per linear foot of the portion of the wall of the building occupied by the establishment to which the sign relates in accordance with Table 8.6.

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The secondary sign area shall not exceed half of the sign area allowed for the primary sign.

**b** Signage for businesses occupying the second floor may be allowed per a Master Signage Plan submitted for review and approval by the CPDC in accordance with Subsection 8.5.1.1 above.

**c** One Identification Sign is allowed provided the following conditions are met:

- Shall be mounted on the building wall closest to the entrance
- Shall not exceed four (4) square feet in sign area
- Shall not exceed eight (8) feet in height
- Shall not project beyond the property line

#### **8.5.3.1 Certificate of Appropriateness: Community Planning and Development Commission (CPDC)**

The CPDC shall establish procedures for receiving and reviewing applications for signs in the Business B Zoning District, and for providing written decisions to the Building Inspector. The CPDC shall, in reviewing such applications, consider the design, arrangement, location, texture, materials, colors, lighting, and other visual characteristics of each proposed sign and its compatibility with its general surroundings with regard to the purposes outlined in Section 8.1.

If the CPDC shall refuse to issue a Certificate of Appropriateness for any proposed sign, it shall state in writing the reasons therefore, with suggestions as to how the proposal may be modified so as to be approved.

If the CPDC shall fail to issue or refuse to issue a Certificate of Appropriateness within forty-five (45) days of the date of a completed application being submitted, the Certificate shall be deemed to have been issued. An appeal from any decision of the CPDC may be made within twenty days of such decision being filed with the Town Clerk, to the Board of Selectmen, who may uphold, modify or overrule the action of the CPDC and grant a Certificate of Appropriateness.

In such cases where proposed signs are included as part of a Site Plan Review (Section 4.6) or an application for a PRD Special Permit (Section 11.2), a separate Certificate of Appropriateness shall not be required.

#### **8.5.4 Signs in Business-C Zoning Districts**

Refer to Table 8.6 for additional regulations relating to signs in the Business C Zoning Districts.

Signs allowed in Business C Zoning Districts are subject to the corresponding provisions of Paragraph 8.5.2 Signs in Business A Zoning Districts.

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**Allowed Signs**

- Free-Standing
- Wall
- Projecting
- Internally or Externally Illuminated signs

**Prohibited Signs – Specific to Business C (see also Section 8.4)**

- Single-tenant buildings or lots are not allowed to have both a free-standing sign and a wall-mounted sign
- A Frame and Sandwich Board signs

**Special Regulations**

A building located within eighteen hundred (1800) feet of the centerline of an Interstate Highway may have an additional wall sign to be displayed between the top course of windows and the parapet of such building provided that all the following apply:

- The sign area shall not exceed fifty percent of the surface area described by the tops of such windows, the parapet, and the wall corners
- Letters and logo contained in or constituting such sign shall not exceed eight feet in height
- The lowest point of such sign shall not be closer than 48 feet above the ground immediately below
- Such sign shall not be illuminated between the hours of 11:00 p.m. and sunrise, and
- Such sign shall be located on the building wall most directly facing said highway.

**8.5.5 Signs in Industrial Zoning Districts**

Refer to Table 8.6 for additional regulations relating to signs in the Industrial Zoning Districts.

The allowed signs in the Industrial Zoning Districts should conform to the provisions of Section 8.5.4 for Signs in Business C Zoning Districts.

**Allowed Signs**

- Free-Standing
- Wall
- Projecting
- Internally Illuminated

**Prohibited Signs – Specific to Industrial Zones (see also Section 8.4)**

- Single-tenant buildings or lots are not allowed to have both a free-standing sign and a wall-mounted sign
- A Frame and Sandwich Board signs

**Special Regulations**

In conjunction with a PUD Special Permit granted in accordance with Section 11.1 of the Zoning Bylaw, the CPDC may allow modifications to any provision of this Section 8.0.

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The CPDC may allow one additional free-standing sign, not to exceed thirty-five feet in height or 144 square feet in sign area, in that portion of the PUD parcel's landscaped perimeter buffer area most closely adjacent to Route 128 but not closer than 500 feet from any other public street existing at the time of submission of a relevant Preliminary PUD Plan.

Notwithstanding anything in this Section 8.0 to the contrary, signs are allowed or permitted in a PUD only in accordance with Section 11.1.5.6.

#### **8.5.6 Signs in Residential Zoning Districts**

Refer to Table 8.6 for additional regulations relating to signs in the Residential Zoning Districts.

##### **Allowed Signs**

- Wall
- Projecting
- Decorative banners or flags displayed on residential lots shall not be construed as signs for purposes of this bylaw.

##### **Prohibited Signs – Specific to Residential Zones (see also Section 8.4)**

- Internally Illuminated
- Free-Standing (except as allowed by special permit)
- A Frame and Sandwich Board signs

##### **Special Regulations**

In conjunction with a PRD Special Permit granted in accordance with Section 11.2, the CPDC may allow modifications to any provision of this Section 8.0.

#### **8.5.6.1 Business or Commercial Signs in Residential Zoning Districts:**

Legal nonconforming business or commercial operations in any residential zoning district shall follow the Business B-Zoning District regulations as specified in Subsection 8.5.3 except that such signs shall be set back a minimum of twenty feet from any other lot and may be externally illuminated only during hours of operation.

#### **8.5.7 Removal of Defunct Signs**

In the event a business, other than a seasonal business, ceases operations for a period of time in excess of thirty days, the sign owner or lessee, or the property owner, shall immediately remove all associated signage. If the sign conforms to the provisions of this Section, and if a permit has been requested within said thirty-day period for altering the same sign in conformity with this Section to identify a new business in the same location, such alteration shall be allowed.

#### **8.5.8 Nonconforming Signs**

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Should any nonconforming sign be damaged by any means to an extent of more than fifty percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this Section 8.2.

**8.5.9 Signs by Special Permit**

The CPDC may grant a Special Permit for a free-standing sign within the side setbacks identified in Table 8.6 or Table 6.3 if it finds that the sign complies with the purposes of Section 8.0, that abutting properties are not unreasonably impacted by the sign placement, and that the sign will have no detrimental impact on traffic and pedestrian safety.

The CPDC may grant a Special Permit for a free-standing sign in the Business-B or Residential Zoning Districts if it finds that abutting properties are not unreasonably impacted by the sign placement, and that the sign will have no detrimental impact on traffic and pedestrian safety. The CPDC may consider the following when reviewing the Special Permit request: the character of the surrounding neighborhood; the principal use of the property or business; the location of the parking; landscaping in the front yard setback; and the presence of other signs on the property.

**8.6 Table of Signs Permitted by Zoning District**

Type	Sign Permit Req'd	Dimensions		Setbacks		Number	Display Period
		Area (SF)	Height (feet)	Front (feet)	Side (feet)		
<b>All Zoning Districts:</b>							
Government Signs & Flags	N	NA	NA	NA	NA	NA	
Signs on Properties with Uses Protected under M.G.L. Ch. 40A, §3	N	NA	NA	NA	NA	NA	
Unlit Instructional Signs	N	1	NA	NA	NA	NA	
Unlit Identification Signs	N	1	8(a)	NA	NA	NA	
Original Art Displays	N	NA	NA	NA	NA	NA	
<b>Temporary Signs, All Zoning Districts:</b>							
First Temporary Sign	N	6	NA	NA	NA	1/Lot	NA
Site w/Active Building or Demo Permit or Site Plan Approval	N	32 (4x8)	NA	NA	20	+1/Lot	1 year (b)
Site w/Active Building or Demo Permit, Under Active Construction, Where Site Preparation has	N(i)	32 (4x8)	NA	NA	20	+1/Lot	1 year (b), (c)

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Type	Sign Permit Req'd	Dimensions		Setbacks		Number	Display Period
		Area (SF)	Height (feet)	Front (feet)	Side (feet)		
Commenced							
Site having Subdivision or ANR Lots for Sale	N(i)	48 (6x8)	NA	NA	NA	+1/Subdivision or ANR Endorsement	(d)
Site For Sale	N(i)	6(h)	6	NA	NA	+1/Lot	(d)
Day of Open House	N	4	NA	NA	NA	+1/Lot & +1/intersection	1 day
Site w/Garage Sale	N	6	NA	NA	NA	+1/Lot & +1 for each of 2 intersections	7 days before & 3 days after
Municipal, State or Federal Election	N	NA	NA	NA	NA	No Maximum	60 days before & 2 days after
Other Flag	N	NA	NA	NA	NA	1	NA
<b>Business-A, Business-C and Industrial Zoning Districts:</b>							
Free-Standing	Y	50(e)	20	0	20(k)	1/Lot (m)	
Wall-Mounted	Y	2/4(g)	(a)	NA	10	1/business (m)	
Projecting / Blade	Y	8	(a)(j)	NA	10	1/business (m)	
Banners and Pennants	Y	NA	NA	NA	NA	NA	56 days
Temporary Flag	Y	24 (4x6)	Ground clearance of 8 feet required.			1/business	Hours of operation
Temporary Business Sign	Y	16 or 30	See Section 8.5.1e			4/year	56 days
Special Event Sign	Y	NA	See Section 8.5.1e			4/year	14 days
Awnings & Canopies	N	Must be opaque. Letters may not exceed 4" in height or 36" in length.					
<b>Business-A, Business-C and Industrial Zoning Districts, Cont'd:</b>							
Other Awnings & Canopies	Y	Letters greater than 4" in height will count toward sign area. Ground clearance of 8 feet required.					
Bulletin Boards	N	Maximum of 12 SF allowed.					
Window or Door Signs	N	See Section 8.5.1d					
Clocks		May not exceed 8 SF per side or 12 feet in height.					
Clocks / Thermometers as part of sign		May be included as part of a free-standing or wall-mounted sign. May not add more than 12 SF of additional area to sign.					
Farm/Garden Stand Sign	N	See Section 8.5.1f					
<b>Business-B Zoning Districts:</b>							
A-Frame	Y	Regulated by the Board of Selectmen - Annual Permit					
Wall-Mounted	Y	2(f)	(a)	0	0	2/business	
Projecting / Blade	Y	8	(a)(j)	-4	0	1/business	
Free-Standing by SP	SPP(l)	35(e)	10.5	0	20	1/Lot	
Free-Standing (Service Stations only)	Y	35	14	0	20	1/Lot	
Banners and Pennants	Y	NA	NA	NA	NA	NA	56 days
Temporary Flag	Y	24 (4x6)	Ground clearance of 8 feet required.			1/business	Hours of operation
Temporary Business Sign	Y	16 or 30	See Section 8.5.1e			4/year	56 days

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Type	Sign Permit Req'd	Dimensions		Setbacks		Number	Display Period
		Area (SF)	Height (feet)	Front (feet)	Side (feet)		
Special Event Sign	Y	NA	See Section 8.5.1e			4/year	14 days
Awnings & Canopies	N	Must be opaque. Letters may not exceed 4" in height or 36" in length.					
Other Awnings & Canopies	Y	Letters greater than 4" in height will count toward sign area. Ground clearance of 8 feet required.					
Bulletin Boards	N	Maximum of 12 SF allowed.					
Window or Door Signs	N	See Section 8.5.1d					
Clocks		May not exceed 8 SF per side or 12 feet in height.					
Clocks / Thermometers as part of sign		May be included as part of a free-standing or wall-mounted sign. May not add more than 12 SF of additional area to sign.					
Farm/Garden Stand Sign	N	Total of all signs may not exceed 1 SF/linear foot of lot frontage.					
<b>Residential Zoning Districts:</b>							
Wall-Mounted & Projecting Signs		See Section 8.5.6					
Free-Standing by SP	SPP	No parameters specified.					
Banners or Flags	N	No parameters specified. Do not count towards sign area.					
Signs associated with Legal Business or Commercial Operations		Shall comply with Business B Zoning District Sign regulations. Shall be set back at least 20' from adjacent lots. Shall be illuminated only during hours of operation.					

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**NOTES:**

1. No portion of such Sign shall extend higher than the bottom of the sills of the windows of the second floor of a building or higher than the lowest portion of the eaves or, in the case of a gabled wall, no higher than a line equal in Height to the lowest portion of the lower eave of any adjoining Building wall, whichever of the above is lowest.

a With the approval of the CPDC, such display period may be extended.

b Such Sign shall be removed after the construction, repair, or renovation work is completed or within seven (7) days after the issuance of a final occupancy permit.

c Signs shall be removed within fifteen (15) days following the date on which the final contract of sale has been executed.

d In cases where more than one business occupies a Lot, the Sign may be a maximum of 75 square feet in Sign Area.

e If the facade on which the sign is mounted is less than 100 feet from the centerline of the street which the sign faces, the maximum sign area shall be equal to 2 square feet per linear foot of said façade occupied by the establishment to which the sign relates; if such distance is more than 100 feet, the maximum sign area shall be equal to 4 square feet per linear foot of said façade so occupied.

f No Wall-Mounted Sign for a non-residential establishment shall exceed a Sign Area equal to 2 square feet per linear foot of length of the front Façade of the Building occupied by the establishment to which the Sign relates.

g On a site in an Industrial Zoning District that is advertised for sale or listed through a licensed real estate agent, one (1) additional Temporary Sign is allowed per business with a maximum Sign Area equal to 2 square feet per linear foot of the Building Façade occupied by the business to which the Sign relates.

h Only as shown on a Plan approved by the CPDC.

Projecting/Blade Signs shall be at least eight (8) feet from the ground and may project no more than four (4) feet from the structure.

A Special Permit may be granted by the CPDC.

i Free-Standing Signs shall be permitted only where the principal business entrance is located more than 40 feet from the centerline of the street in front of the Lot. The CPDC may waive the 40' business entrance Setback requirement for Signs in existence as of the effective date of this amendment. See Subsection 8.5.9.

Single-tenant Buildings or Lots are not allowed to have both a Free-Standing Sign and a Wall-Mounted Sign.

or take any other action with respect thereto.

Community Planning and Development Commission

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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 14, 2016, 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 \_\_\_\_\_, 2016.

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

\_\_\_\_\_  
Kevin Sexton, Vice Chairman

\_\_\_\_\_  
Barry Berman, Secretary

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

\_\_\_\_\_  
Daniel Ensminger

SELECTMEN OF READING

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

5d65



## Town of Reading Meeting Minutes

### Board - Committee - Commission - Council:

Board of Selectmen

Date: 2016-09-06

Time: 7:00 PM

Building: Reading Town Hall

Location: Selectmen Meeting Room

Address: 16 Lowell Street

Session: Open Session

Purpose: General Business

Version:

Attendees: **Members - Present:**

Vice Chairman Kevin Sexton, Secretary Barry Berman, John Arena and Daniel Ensminger

**Members - Not Present:**

Chairman John Halsey

**Others Present:**

Town Manager Bob LeLacheur, Fire Chief Greg Burns, Executive Assistant Paula Schena, Stephen Crook, Virginia Adams, Jonathan Barnes, Al Sylvia, Carl McFadden, Brian O'Mara, Joe Zucchero

**Minutes Respectfully Submitted By:** Secretary Barry Berman

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### Topics of Discussion:

#### Reports and Comments

Selectmen's Reports and Comments - Daniel Ensminger noted that he attended the September 1<sup>st</sup> Financial Forum and about 100 people attended. He noted the video of the meeting is on RCTV You Tube and it contains some good information.

Barry Berman noted that he will be in jail at the Fall Street Faire to raise money for Understanding Disabilities and he hopes people will bail him out.

John Arena noted that he attended Girl Scout Gold Award Ceremony and presented Tessa Senders with the certificate. It was a great evening at Rice Moody.

Kevin Sexton noted that he attended the Financial Forum and there was a good turnout and good presentation.

Public Comment - Will Finch, a resident on Mill Street and former Conservation Commission member spoke about the activities on the Mill Street Bridge. He encourages better communication with North Reading because they did not follow the same steps of notification as we do. Turns out they didn't need to notify us about the work they were doing, but it seems they brought a legal notice to Town Hall but it didn't go any further.

Jonathan Barnes spoke on behalf of the Historical Commission and noted that bridge is a significant historical bridge and archaeological site. That bridge is part of the process of the MWRA project. The Historical Commission has not been contacted on anything else regarding the MWRA project and he asks the Board of Selectmen to ask North Reading to communicate.

Virginia Adams noted that the equipment was huge.

Daniel Ensminger noted that they are in the design phase now.

The Town Manager noted that he can't pass along information he doesn't know. All of the work was being done in North Reading. The contractor parked the vehicles in Reading. This was not part of the MWRA project. He also noted that Town Engineer Ryan Percival spent most of the day up there.

Gina Snyder noted that they took rocks out of the river bed to do the work.

Jonathan Barnes asked the Board of Selectmen to not wait until after the design phase to communicate with them.

Daniel Ensminger noted that the Town Manager will draft a letter.

Bill Brown noted there is an acute need for veteran's housing and he asked the status of the Oakland Road property. The Town Manager noted that Town Counsel is trying to get a clear title to move forward. There might be someone in to see the Selectmen in a couple of weeks regarding that property.

Town Manager's Report – The Town Manager noted there is an invitation to the Morton Field dedication in tonight's handout. Also, residents are receiving phone calls regarding a fundraiser for the Reading Fire Fighters but it is a scam. The Reading Fire Department is not doing any fundraising and the Police are aware of it.

#### **Personnel and Appointments**

Fire Department Badge Pinnings – Fire Chief Greg Burns noted that it has been 12 years since there were any promotions in the Fire Department. He introduced Assistant Chief Paul Jackson, Captain Mark Dwyer, Captain Rick Nelson, Lt. Tony Delsignore, Fire Fighter Brian Roche and Fire Fighter Eric Beaulieu. Each person was pinned by a family member.

Cultural Council – Daniel Ensminger noted that Beth Mosier is a very qualified applicant.

#### **A motion by Berman seconded by Ensminger that the Board of Selectmen accept the recommendation of the Volunteer Appointment Subcommittee as follows:**

- **Beth Mosier to the Cultural Council with a term expiring June 30, 2018 was approved by a vote of 4-0-0.**

#### **Discussion/Action Items**

Continued Hearing – Transfer of Liquor License from Brooks Brew and Fine Wines, 676 Main Street to Anastasi Brookline, 25 Walkers Brook Drive – Attorney Andrew Upton was present. He noted that Anastasi Giannopoulos seeks approval of the transfer to be located at Stop and Shop. He will be a tenant of Stop and Shop and there will be a strong separation. This license comes out of the bankruptcy of Brooks Brew and Fine Wines. He is an enthusiastic owner with no previous violations. The trend is for supermarkets to have liquor as a convenience – one stop shopping. This will also put a dormant license back into circulation.

Mr. Giannopoulos noted that he owns package stores in Boston, Brookline, Newton and Somerville and they are all different. He has had good experience with stores inside supermarkets. He will be onsite from construction until completion and will be the Manager of record.

John Arena asked what he will do after the opening and Mr. Giannopoulos noted he will stay on. John Arena noted he is interested in giving it a try and he is interested to see if any negatives come out of it since it might lend itself to abuse. Mr. Giannopoulos noted that it is a small area and a safe environment. There is only one entrance/exit and he will have full view of the site all of the time.

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Barry Berman asked how people get in and out of the store and it was noted that you cannot enter the store from the outside, you have to be in the store. Barry Berman asked if he will do wine tastings and it was noted he might pair with food in honor of certain holidays.

John Arena asked what the co-marketing will look like and Mr. Giannopolous noted it will be within the dotted lines.

Attorney Andrew Upton noted that they have secured an individual lender so they will not be doing the pledge.

**A motion by Berman seconded by Arena to close the hearing on the transfer of the liquor license, change of location and appointment of Manager from Brooks Brew and Fine Wines, 676 Main Street to Anastasi Brookline Inc. d/b/a Reading Fine Wine and Spirits, 25 Walkers Brook Drive was approved by a vote of 4-0-0.**

**A motion by Berman seconded by Ensminger that the Board of Selectmen, approve the transfer of the liquor license, change of location and appointment of Manager from Brooks Brew and Fine Wines, 676 Main Street to Anastasi Brookline Inc. d/b/a Reading Fine Wine and Spirits, 25 Walkers Brook Drive with a term expiring December 31, 2016 subject to the following conditions:**

- **All Bylaws, Rules and Regulations of the Town of Reading and of the Commonwealth of Massachusetts shall be followed and also subject to a satisfactory inspection of the establishment by the Town Manager or his designee.**

**The motion was approved by a vote of 4-0-0.**

Chipotle Request for Liquor Policy Waiver – The Town Manager noted the Chipotle is serving margaritas in plastic cups and that is against the Selectmen’s Policy. When we notified them they stopped right away. The Selectmen’s Policies are under review by Town Counsel to be brought to the Board in November. The Selectmen need to either waive that portion of the policy or tell them to stop using plastic cups.

John Arena noted plastic saves water and breakage for outdoor use. He has no problem with a waiver.

**A motion by Berman seconded by Arena that the Board of Selectmen grant a waiver of Section 3.2.2.2 of the Selectmen’s Policies for Chipotle to serve alcohol in plastic cups through December 31, 2016 was approved by a vote of 4-0-0.**

Train Depot Roof Repairs – 32 Lincoln Street – The Town Manager noted that the 1985 deed indicates that the “present slate will be maintained and well-kept as long as possible.” The owner has done that for 30 years and it is time to replace it. The owner wants to use an alternative because slate is dangerous.

Kevin Sexton noted that the roof is in tough shape and all four sides need repair.

Virginia Adams noted that she believes that building is on the National Register. She noted that slate is very character defining on the building and slate roofs will last for 100 years. She noted that the Historical Commission is meeting tomorrow night and it would be nice if the owner would come in and they can talk about some possible alternatives.

Barry Berman asked if the library replace slate with real slate and Virginia Adams noted she didn’t know.

Bill Brown noted that North Reading did an artificial slate roof and it was a disaster.

6a3

John Arena noted that the alternative is to do or not and he can't afford to do real slate.

The Town Manager noted he will ask the owner if he is available to meet with the Historical Commission tomorrow night.

Abandon Drainage Easements – 21 Hunt Street and 26 Lee Street – The Town Manager noted that the Engineers noticed that we were originally abandoning too much of the easement so it was worked out as shown on the map on page 4. If the Selectmen approve this it will go to the November Town Meeting. The easement consists of two narrow bands. Staff and Engineering have no objection.

**A motion by Berman seconded by Arena that the Board of Selectmen vote, pursuant to the procedures established by M.G.L. c.40, §15, that a portion of a certain drainage easement, shown as crossing Lots 43 and 44 on a plan of land entitled "Easement Through Private Property for Drainage and Sewerage Purposes, Lee Street" prepared by the Town of Reading, Board of Public Works, Philip Welch, Superintendent, Engineering Division, dated September, 1963, said plan being recorded at the Middlesex South District Registry of Deeds as Plan Number 1513 of 1963, is no longer required for public purposes was approved by a vote of 4-0-0.**

Close Warrant for October 18, 2016 Special Election – The Town Manager noted that he will change the date July first to July 1 in the question that is listed on the ballot.

**Move that the Board of Selectmen close the warrant for the October 18, 2016 Special Election consisting of the following question:**

**Shall the Town of Reading be allowed to assess an additional \$7.5 million in real estate and personal property taxes for the purposes of general operation of the Town and public schools for the fiscal year beginning July first, 2017?**

Yes \_\_\_\_\_ No \_\_\_\_\_

**The motion was approved by a vote of 4-0-0.**

Preview Warrant for the 2016 November Subsequent Town Meeting – The Town Manager noted that there are 29 Articles at this moment.

Article 1 is reports; Article 3 is the CIP; Article 4 is to dispose of surplus property; Article 5 is to rescind Library debt authorization; Article 6 to rescind prior debt; Article 7 is to transfer previous debt authorization – the big one is the RMHS wall; Article 8 is to increase the size of the Library project; Article 9 is to amend the budget; Article 10 is to pay prior year bills – we have one from the MBTA; Article 11 is retirement increase in COLA; Article 12 is the drainage easement; Article 13 is for Oakland Road to abandon the streets; Article 14 will authorize the Board of Selectmen to sell Oakland Road; Articles 15 - 21 are changes to the General Bylaws; Articles 22 – 29 are changes to Zoning Articles.

Barry Berman asked if any of these could be delayed and the Town Manager noted that we could be, staff has run into problems and needs answers.

John Arena asked if there is any way to template the changes.

FY17 Goals and Reading 2020 Updates – The Town Manager noted that there are five groups with five goals each. Under Financial Sustainability the first goal is complete; the second goal is complete; the third is 50% done; the fourth is complete and the fifth is 75% complete.

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Under Operational Efficiency the Town Accountant has been doing two jobs because she is helping out the schools. The Master Plan for Human/Elder Services is 25% complete. Jessie Wilson is doing a project on Peer Comparisons.

Under Communications the liquor policy is under review. Improving communications between appointed Boards and both the Selectmen and community is 5% complete. The website has too much information and we are continuously making improvements. The Library project is 75% complete.

Under Policy complete legal review of all union contracts is just starting. Personnel Policies review is 50% complete.

Under Planning he suggests delaying the October 4, 2016 meeting with CPDC. We should do more regionally with the priority development areas. Assessing the Town's infrastructure is 25% complete. Assessing status of Town owned land including Oakland Road is 50% complete.

Discuss Town Manager Performance Evaluation Process – The Town Manager noted that there is a copy of the employee performance review in the packet. He noted that this form takes care of a lot of what the Selectmen want. The Selectmen need to review him within the next two months. John Arena noted that he likes the form.

Approval of Amplified Sound Permit – Flag Football – The Town Manager noted that the request is also to authorize the Recreation Committee to grant variances for this event in the future.

Daniel Ensminger asked what kind of variances they are talking about and the Town Manager noted in the past they asked for extra speakers, etc.

Kevin Sexton noted that there have never been any complaints and the Town Manager noted that's right because half of the Town was there.

John Arena noted that he is not in favor of giving the Recreation Committee the authority to grant future variances because they will defer to the Selectmen anyway. There were a couple of instances when it ended up with the Selectmen.

Carl McFadden noted that the rain date goes to the following Saturday. They have 750 kids this year and Chili's will give each child a free meal.

Kevin Vendt, an abutter, noted that he can't hear the amplified sound.

Carl McFadden noted that he has 42 RMHS kids working this year.

**A motion by Berman seconded by Arena that the Board of Selectmen approve the amplified sound permit for the Flag Football program from September 10 – November 15, 2016 was approved by a vote of 4-0-0.**

Review Warrant Articles for the September 12, 2016 Special Town Meeting – Daniel Ensminger noted that this was not on the agenda but should be done before the Special Town Meeting.

**A motion by Ensminger seconded by Arena to recommend Article 3 of the September 12, 2016 Special Town Meeting Warrant was approved by a vote of 4-0-0.**

The Town Manager noted that if the cemetery garage is \$2.5 million then it has to go to the voters per our Finance Committee policy.

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**A motion by Ensminger seconded by Berman to recommend Article 4 of the September 12, 2016 Special Town Meeting Warrant was approved by a vote of 4-0-0.** The Town Manager noted that \$1000 is the common amount.

**A motion by Ensminger seconded by Berman to recommend Article 5 of the September 12, 2016 Special Town Meeting Warrant was approved by a vote of 4-0-0.**

**A motion by Ensminger seconded by Arena to recommend Article 6 of the September 12, 2016 Special Town Meeting Warrant was approved by a vote of 4-0-0.**

**A motion by Ensminger seconded by Arena to recommend Article 7 of the September 12, 2016 Special Town Meeting Warrant was approved by a vote of 4-0-0.**

**Approval of Minutes**

**A motion by Berman seconded by Arena to approve the minutes of August 9, 2016 as amended was approved by a vote of 4-0-0.**

**A motion by Berman seconded by Ensminger to approve the minutes of August 19, 2016 was approved by a vote of 4-0-0.**

**A motion by Berman seconded by Ensminger to adjourn the meeting at 10:00 p.m. was approved by a vote of 4-0-0.**

Respectfully submitted,

Secretary

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4c BOS

## Schena, Paula

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**From:** LeLacheur, Bob  
**Sent:** Wednesday, September 14, 2016 10:55 PM  
**To:** Schena, Paula  
**Subject:** FW: Notice by telephone Cascade regarding the Election, October 18, 2016

BOS packet

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**From:** LeLacheur, Bob  
**Sent:** Wednesday, September 14, 2016 10:55 PM  
**To:** 'Marie Ferrari'  
**Cc:** Forwarding Account for John Halsey  
**Subject:** RE: Notice by telephone Cascade regarding the Election, October 18, 2016

Hi Marie,

I have included only Selectmen Chair John Halsey, but will include your email and my brief reply in the next meeting packet for the Board, next week.

Our Everbridge community notification system has different components. On one side there are some topics that folks may choose to receive information about by signing up online; on the other side the town broadcasts public safety or public health messages, even if you did not sign up, provided we have contact information from the telephone vendors that support the 911 service. Such public safety or public health messages may be targeted, for example if a road is to be repaved, or broadcast to the entire community.

Under no circumstances would I agree to broadcast election information under the guise of public safety or public health. We will, however, broadcast information for those that have signed up for financial updates from the community using this method. I can guarantee if we used the emergency approach that the Police, Selectmen and Town Hall would receive well over 1,000 complaints from our residents that it was an inappropriate use. I note your comments below and would welcome your thoughts as to what messages we have sent out broadly that did not address road construction/closure/detours, water/sewer/gas work, isolated instances of Police activity, or public health risks. Certainly we may have and I missed something?

We have used a wide variety of other channels of communication available to us, including public meetings, print media and electronic social media. In addition some Town Meeting members have set up their own way to communicate with their constituents. As I mentioned last Monday night at Town Meeting, we have held over 20 public meetings, just since Annual Town Meeting last April/May.

Despite any approach we have and will take – and we've tried to be as broad and creative as possible - we know that after such an election there will be folks in the community that are surprised at the results (regardless of the outcome) as they were unaware. One need not look further than the discouragingly low 5% turnout last week for the state primary for evidence. I simply don't know how to reach folks as a government organization through other means? As was mentioned on Monday night, thirteen years ago during the last Override request, resident groups both in favor of and opposed to the ballot question were quite vocal. That is not something we can have a hand in, either by ethics laws or by desire. I am told there are several very active Facebook pages for example, both pro- and con – but I do not follow those groups.

People may ascribe whatever intention to the Town that they wish when they examine our wide-ranging approaches to providing information. Of area communities north of Boston, you will not find a single one where the government has spent more time discussing the issue in public in an effort to provide background to the community.

Thanks,  
Bob

**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)

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:** Marie Ferrari [<mailto:marieferrari@verizon.net>]  
**Sent:** Wednesday, September 14, 2016 3:30 PM  
**To:** LeLacheur, Bob  
**Subject:** Notice by telephone Cascade regarding the Election, October 18, 2016  
**Importance:** High

Good Afternoon, Bob,

It would be a service to the residents of Reading if the Cascade Calling that has been used extensively this year for all manner of issues to be used to notify ALL residents that there will be a Special Election on October 18, 2016 for the Specific Purposes of Overriding Proposition 2 ½ to permanently increase the tax base for the Town of Reading property owners.

I have spoken with many people all over town and they do not know that an election is taking place and if they do, they have some vague notion about it. Other than a concerted signage campaign that vaguely hints at the election by those in favor "VOTE YES for the schools and Town", the general populace is unaware.

I cannot believe that this is by design of the Selectmen or Town officials, but it really does give a very strong impression and perception that a low turnout heavily stacked in favor of those who are for the measure is wanted by the Town Officials. Interest in Town Government and meeting attendance, official posting and newspaper coverage claims cannot be the crutch used to deny any or all Reading residents, and especially property owners, their right to know when, where and why there will be this special election and then go out to vote "YES" or "NO" on this measure.

I suggest, when you do this, it not be just before the election. It should be a period of time long before the election so that interested community and property owners can reach out to Town Officials for more information, concerns, and or comments. I know it may be something that could be unwelcome for busy elected and appointed Town Officials, but it is an American, State, and Town citizen right.

The citizenry will be distressed if the election is held and a majority of voters claim they were not informed about the need for an override, the permanence of the increased tax burden, and/or did not know the election was being held. The timely Cascade Calling notification to all residents is the right thing to do!

Thank you.

Marie Ferrari  
Town Meeting Member, Precinct 5  
20 Crosby Road,  
Reading, MA 01867