

**COMMONWEALTH OF MASSACHUSETTS**

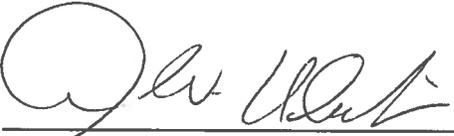
Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, Alan Ulrich on October 11, 2012 notified and warned the inhabitants of the Town of Reading, qualified to vote on 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:

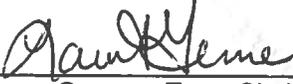
- Precinct 1      J. Warren Killam School, 333 Charles Street
- Precinct 2      Reading Police Station, 15 Union Street
- Precinct 3      Reading Municipal Light Department, 230 Ash Street
- Precinct 4      Joshua Eaton School, 365 Summer Avenue
- Precinct 5      Reading Library, Local History Room, 64 Middlesex Avenue
- 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 13, 2012 the date set for the Town Meeting in this Warrant.

I also caused a posting of this Warrant to be published on the Town of Reading website on October 11, 2012.

  
\_\_\_\_\_  
Alan Ulrich, Constable

A true copy Attest:

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

# 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 elections and Town affairs, to meet at the Reading Memorial High School Auditorium, 62 Oakland Road, in said Reading, on Tuesday, November 13, 2012, 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, Town Accountant, Treasurer-Collector, Board of Assessors, Director of Public Works, Town Clerk, Tree Warden, Board of Health, School Committee, Contributory Retirement Board, Library Trustees, Municipal Light Board, Finance Committee, Cemetery Trustees, Community Planning & Development Commission, Conservation Commission, Town' Manager and any other Board or Special Committee.

Board of Selectmen

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

Board of Selectmen

**ARTICLE 3** To see if the Town will vote to amend the FY 2013 - FY 2022, Capital Improvements Program as provided for in Section 7-7 of the Reading Home Rule Charter, or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 4** To see if the Town will vote to amend one or more of the votes taken under Article 13 of the April 23, 2012 Annual Town Meeting relating to the Fiscal Year 2013 Municipal Budget, and see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate as the result of any such amended votes for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

**ARTICLE 5** To see if the Town will vote to authorize the payment during Fiscal Year 2013 of bills remaining unpaid for previous fiscal years for goods and services actually rendered to the Town, or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 6** To see if the Town will vote to transfer funds received from the Commonwealth of Massachusetts in payment for development within the Town's 40R Smart Growth Zoning Districts from Free Cash into the Smart Growth Stabilization Fund, or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 7** To see if the Town will vote to transfer funds into the Sick Leave Stabilization Fund, or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 8** To see if the Town will vote to authorize the Board of Selectmen to accept the conveyance of drainage easements located at 152 and 156 Walnut Street which easements are shown on a plan entitled: " Drainage Easement located at 152 and 156 Walnut Street, Reading Ma" upon such terms and conditions and for such consideration as the Board of Selectmen deems to be in the best interest of the Town, or take any other action with respect thereto

Board of Selectmen

**ARTICLE 9** To see what sum the Town will raise by borrowing pursuant to G.L. Chapter 44, §7(1) or transfer from available funds, or otherwise, and appropriate for the purpose of reconstructing surface drains, sewers and sewerage systems, including the costs of engineering services, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be spent under the direction of the Town Manager; and to see if the Town will authorize the Town Manager, the Board of Selectmen, or any other agency of the Town to apply for a grant or grants to be used to defray all or any part of said sewer construction and/or reconstruction and related matters; and to see if the Town will vote to authorize the Town Manager to enter into any or all agreements as may be necessary to carry out the purposes of this Article, and to see if the Town will authorize the Town Manager, the Board of Selectmen, or any other agency of the Town to apply for a non-interest bearing loan from the Massachusetts Water Resources Authority, and to authorize the Treasurer-Collector, with the approval of the Board of Selectmen, to borrow pursuant to said loan, or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 10** To see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate 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 and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Board of Library Trustees and 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, subject to approval by the voters of the Town of a Proposition 2 ½ debt exclusion for the Town portion of the cost of the project, or take any other action with respect thereto..

Board of Library Trustees

**ARTICLE 11** To see if the Town will vote to accept the following roads as public ways pursuant to M.G.L. c.82, and to discontinue portions of the following roads, both in accordance with the layouts adopted by the Board of Selectmen and on file with the Office of the Town Clerk:

Jacob Way  
South Street

and to authorize the Board of Selectmen to accept deeds of easement and for the fee in said roads; and to authorize the Board of Selectmen to purchase, or take such ways in fee or rights of easement by eminent domain under the provisions of M.G.L. c.79;, or to acquire said lands in fee or rights of easement therein by purchase, gift or otherwise, and to assess betterments therefore pursuant to M.G.L. c.80; and to see what sum the Town will raise by borrowing, or from the tax levy, or transfer from available funds, or otherwise, and appropriate for the acquisition of said lands or easements therein or for payment of any eminent domain damages and for the construction of said ways, or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 12** To see if the Town will vote to amend the Reading General Bylaw by adding the following section 8.11:

**Section 8.11 Trash Collection**

No person shall collect, or cause others to collect trash, rubbish, garbage, recycling, offal or other offensive substances (whether from dumpsters, barrels, or otherwise, and whether on the public way, a private way or any lot) after 9:00 PM and before 6:30 AM in any residential district of the Town or within 100 yards of such a district as shown on the then current Zoning Map. or take any other action with respect thereto

Board of Selectmen

**ARTICLE 13** To see if the Town will vote to rescind the entirety of Section 7.2 of the Reading General Bylaw and replace it with the following,

**7.2 Historic Demolition Delay**

**7.2.1 Purpose**

The purpose of this bylaw is to provide the Reading Historical Commission with a tool to assist the Commission in its efforts to preserve the Town's heritage and to protect historically significant structures within the Town, which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the Town.

The purpose of this bylaw, even if it ultimately cannot prevent demolition, is to find a reasonable option to prevent complete demolition, and to provide owners of such structures with time to consider alternatives, by encouraging owners to seek out ways to preserve, rehabilitate, or restore such structures

To achieve these purposes, the Reading Historical Commission is empowered to create a List of Historic Structures, and to provide a copy of that List, as it may be updated from

time to time, to the Building Inspector. With the Building Inspector, the Reading Historical Commission will implement the provisions of this bylaw with respect to the issuance of permits for demolition of structures that are included on the List of Historic Structures

## **7.2.2 Definitions**

The following terms when used in this bylaw shall have the meanings set forth below.

### **7.2.2.1 Commission**

Reading Historical Commission.

### **7.2.2.2 Demolition**

Any act of pulling down, destroying, removing or razing a structure or commencing the work of total destruction with the intent of completing the same which work would require a Demolition Permit.

### **7.2.2.3 Demolition Application**

An official application form provided by the Building Inspector for an application for a Demolition Permit.

### **7.2.2.4 Hearing**

A public hearing conducted by the Commission after due public notice as provided in this bylaw.

### **7.2.2.5 Legal Representative**

A person or persons legally authorized to represent the owner of a structure that is or is proposed to be subject to this bylaw.

### **7.2.2.6 List**

The List of Historic Structures as it is constituted pursuant to this bylaw.

### **7.2.2.7 Owner**

Current owner of record of a structure that is included in or proposed to be included in the List of Historic Structures.

### **7.2.2.8 Premises**

The parcel of land upon which a demolished structure that appears on the List as defined in 7.2.2.6 was located and all adjoining parcels of land under common ownership or control.

### **7.2.2.9 Structure**

Materials assembled at a fixed location to give support or shelter, such as a building.

## **7.2.3 Commission to Establish a List of Historic Structures**

The Commission will provide a List of Historic Structures to the Building Inspector. This List shall be updated from time to time as needed when properties are added to or subtracted from the List of Historic Structures. The List shall also be provided on the Town's web site or other electronic means of publishing information to the community.

This List shall be made up of:

- all structures listed on, or located within an area listed on, the National Register of Historic Places, or the Massachusetts Historical Register of Historic Places ; and
- all structures included in the Town of Reading Historical and Architectural Inventory, as of September 1, 1995, maintained by the Commission; and

- all structures that were added in 2010 pursuant to the processes in existence at that time; and
- following the procedures included in Section 7.2.3.1 of this bylaw, all structures that have been determined from time to time by the Commission to be historically or architecturally significant.

### **7.2.3.1 Procedures for expanding the List**

In considering additional structures to be included on the List, pursuant to section 7.2.3, the following process shall be followed:

- The Commission shall prepare, or cause to be prepared, an inventory form for each structure considered for addition to the List. The inventory form for each property shall be prepared using a standard form provided by the Massachusetts Historical Commission. The criteria to be used for consideration for inclusion on the List will include:
  - The structure is determined to be importantly associated with one or more historic persons or events, or
  - The structure is determined to be associated with the broad architectural, cultural, economic or social history of the Town or Commonwealth, or
  - The structure is believed to be historically or architecturally significant in terms of:
    - Period,
    - Style,
    - Method of building construction,
    - Association with a significant architect, builder or resident either by itself or as part of a group of buildings;
- The Commission will inform by regular US mail each property owner whose structure is being considered for preparation of an inventory form
- The owner of each structure for which an inventory form has been prepared shall be sent a notice of a public hearing at least 30 days in advance of the hearing. The notice shall be sent by Certified Mail – return receipt requested – or by service by a Constable. The notice shall include the following information:
  - that the structure that they own is being considered for inclusion on the List,
  - a copy of the inventory form for the structure,
  - a statement as to the criteria considered in including additional structures on the List, and
  - a copy of this bylaw.

In addition to the notice of the hearing delivered to each owner, legal notice of the hearing including the street address of all structures proposed to be added to the List shall be published at the Commission's expense at least 14 days in advance of the hearing in a newspaper of general circulation in the community. Additionally, at least 7 days prior to the hearing a copy of the newspaper notice will be mailed by regular U.S. mail to all property owners within 300 feet of each property containing a structure to be considered for inclusion on the List.

At the hearing, the Commission will hear comment from all owners and abutters who wish to be heard, and following the close of the hearing the Commission will make a determination as to which of the structures proposed for inclusion on the List of Historic Structures shall be voted onto that List. The decision as to what properties to include shall be made by the Commission, with the inclusion of a property on the List requiring the affirmative vote of at least 4 members of the Commission. The vote shall be taken at a public meeting, and the vote may be made either the same day as the close of the hearing, or at a later meeting of the

Commission. If at a later meeting, the Commission shall inform each owner either upon closing the hearing or by regular US mail at least 3 days in advance of a public meeting, of the date of the meeting at which the matter is to be further discussed. Nothing shall preclude the Commission from voting to add structures onto the List at different meetings.

#### **7.2.3.2 Owner's Appeal of addition of a structure to the List**

An owner, at the public hearing at which additions to the List are to be considered, may object to inclusion of their structure onto the List. At the hearing or such later date as agreed by the Commission, the owner shall submit information or documentation in support of their objection. The Commission may consider their objection at the hearing and/or subsequent public meetings, and the Commission shall not vote to include the structure in question onto the List until all information supplied by the owner can be fully considered by the Commission. In considering whether to finally vote to include a structure on the List the Commission will consider the information provided by the owner, and particularly how the structure meets the criteria established in 7.2.3.1. In addition to those criteria, the Commission will consider the uniqueness of the structure, quality of the materials remaining on the outside of the structure, and financial or other hardship that might be created to the owner by inclusion of the structure onto the List. A structure whose owner objects may only be included on the List if all 5 members of the Commission vote to do so.

#### **7.2.4 Referral of Demolition Applications of structures on the List by the Building Inspector to the Commission**

Upon the receipt of a completed Demolition Application for a structure on the List, the Building Inspector shall

- As soon as possible but not later than 30 days from the submission of a complete Demolition Application, notify the owner that the structure they want to demolish is on the List, and therefore subject to this bylaw.
- Provide the owner with a packet to apply to the Commission for demolition approval, along with a copy of the inventory of their structure, a copy of this bylaw, and a copy of any guidelines that the Commission has adopted regarding the demolition delay process.
- Inform the Chairman of the Commission of a pending application under this bylaw.
- Obtain an abutters list, at the expense of the owner, of all properties within 300 feet.
- Upon receipt of a completed application for Commission demolition approval, determine the completeness of the application.
- Notify the Chairman of the Commission who will provide the Building Inspector with alternative dates for a public hearing not sooner than 7 days nor more than 21 days from the determination that the application to the Commission is complete
- Arrange for the publication of a legal notice of the hearing, at the owner's expense, in a newspaper of general circulation in the community including the street address of all structures proposed to be demolished. The notice shall be published not later than 14 days prior to the hearing.
- Arrange for a mailing not later than 7 days prior to the hearing, at the owner's expense, of a copy of the newspaper notice to all property owners within 300 feet of the property containing a structure to be considered for demolition.
- Immediately forward a copy of the application to each of the members of the Commission.

##### **7.2.4.1 Completed Application**

The Owner shall be responsible for submitting seven sets of the following information as a completed application prior to the scheduling of the public hearing:

- Completed application form (if any)
- Description of the structure to be demolished (the inventory is an acceptable document for this purpose);
- A demolition plan
- Assessor's map or plot plan showing the location of the structure to be demolished on its property with reference to the neighboring properties;
- Photographs of all facade elevations;
- Statement of reasons for the proposed demolition and data supporting said reasons;
- Description of the proposed reuse of the premises on which the structure to be demolished is located.
- If applicable, the name and contact information of the Legal Representative;

### **7.2.5 Public Hearing**

The Commission will hold a hearing to allow all interested parties to voice their opinions and to present pertinent information concerning the structure, as well as its value and importance to the neighborhood and the Town. The Owner or the Legal Representative will present the requested demolition plan and supporting documentation. The public may present their opinions and additional relevant information. After the presentation and the public comments, the Commission will make one of two decisions:

- The presented information is insufficient for the Commission to make a final determination on requested demolition of the Structure. Therefore, the Commission may continue the hearing. A continued hearing shall be not later than 21 days from the initial hearing and the hearing shall be closed within 30 days of the initial hearing.
- The presented information is sufficient to make a final determination on the requested demolition of the Structure. Therefore, the Commission shall close the hearing.

### **7.2.6 Determination of whether the Demolition Delay is imposed**

Once the Hearing is closed, a motion shall be made to determine if the loss of the structure would be detrimental to the Town when considering the purpose of this bylaw as detailed in section 7.2.1:

- An affirmative vote by 4 members of the Commission will declare that the structure is protected by this Bylaw, and therefore, a demolition delay of up to six (6) months is imposed beginning the date of the vote.
- A negative vote by the Commission (affirmative vote of less than 4 members of the Commission) will declare that the structure is not protected by this Bylaw, and the Building Inspector may issue a permit to demolish the structure.

The Commission will notify the Building Inspector within seven (7) days of the Commission's decision. If the notice is not received within the expiration of seven (7) days of the close of the hearing, the Building Inspector may act on the Demolition Permit Application with no further restrictions of this bylaw.

#### **7.2.6.1 Demolition Delay imposed**

The Commission shall advise the Owner and the Building Inspector of the determination that the Demolition Permit will be delayed up to six (6) months. During this time, alternatives to demolition shall be considered. The Commission shall offer to the Owner information about options other than demolition, including but not limited to resources in the preservation field, the Massachusetts Historical Commission, the Town Planner, and other interested parties that might provide assistance in preservation or adaptive reuse.

#### **7.2.6.2 Responsibilities of Owner if Demolition Delay is imposed**

The Owner shall be responsible for participating in the investigation of options to demolition by:

- Actively pursuing alternatives with the Commission and any interested parties;
- Providing any necessary information;
- Allowing reasonable access to the property; and
- Securing the premises.

#### **7.2.6.3 Release of Delay**

Notwithstanding the preceding section of this bylaw, the Building Inspector may issue a Demolition Permit at any time after receipt of written notice from the Commission to the effect that the Commission is satisfied that one of the following conditions has been met:

- There is no reasonable likelihood that either the Owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the structure;
- The Owner, during the delay period, has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate or restore the structure, and that such efforts have been unsuccessful;
- The Owner has agreed in writing to accept a demolition permit on specified conditions, including mitigation measures approved by the Commission. Such mitigation could include a demolition of only a portion of the structure; or
- A period of six (6) months has elapsed since the conclusion of the Hearing referenced in section 7.2.5.

#### **7.2.6.4 Appeal of the imposition of Demolition Delay**

The owner of a structure for which the Commission has imposed a demolition delay may appeal from the imposition of the delay, and/or conditions of the imposition of the delay, by filing with the Board of Selectmen a written notice of appeal within fourteen (14) days of the date of the decision of the Commission to impose the Demolition Delay. Filing of an appeal will not extend the delay of up to 6 months imposed under section 7.2.6.1 of this bylaw.

Within twenty-one (21) days of receipt of the notice of appeal, the Board of Selectman shall convene an appeal hearing. Notice of the hearing shall be sent to the Chairman of the Historical Commission and to the owner or the owner's Legal Representative, for the purpose of adjudicating the appeal. The Board of Selectmen at the hearing shall review the record of the proceedings before the Commission and input provided by the owner and by Commission representatives.

Notice of the hearing shall be given to the owner, to the Commission, and to abutters within 300 feet of the property.

Within fourteen (14) days of the conclusion of the hearing, the Board of Selectmen will render a decision on the appeal. The decision shall be based on the record of the Commission's hearing at which the Demolitions Delay was imposed; information provided by the owner or the Commission at the Board of Selectmen hearing; consideration of the purpose of the bylaw as stated in section 7.2.1; how the structure meets the criteria established in 7.2.3.1.; the uniqueness of the structure; quality of the materials remaining on the-outside of the structure; and financial or other hardship that might be created to the owner

#### **7.2.7 Emergency Demolition**

Nothing in this Section shall be construed to prevent the Building Inspector from ordering pursuant to M.G.L. Chapter 143 the emergency demolition of a structure included in the List of Historic Structures. Before issuing an order for an emergency demolition of such a

structure, the Building Inspector shall make reasonable efforts to inform the Chairperson of the Commission of his intent to issue such an order.

**7.2.8 Enforcement and Remedies**

In the event a structure on the List of Historic Structures is demolished in violation of this bylaw, then no building permit shall be issued for the premises for a period of two (2) years after the date of such demolition.

or take any other action with respect thereto.

Board of Selectmen

**ARTICLE 14** To see if the Town will vote to amend Article 1, Section 1.8 Non-Criminal Civil Disposition of Certain Violations of the Bylaw, by:

- changing the title to read: Non-Criminal Civil Disposition of Certain Violations of the Bylaws and any Rule or Regulation of a town officer, board or department”;
- amending the first sentence to add after the word “bylaw” the following: and any rule or regulation of any town officer, board or department; and
- deleting the monetary penalties set out in Section 7.1 and adding the following subsections so that Section 7.1 Wetlands Protection should read as follows:

Bylaw Section	Bylaw Title	Enforcing Person	Penalty First Offense	Penalty Second Offense	Penalty Additional Offenses
7.1	Wetlands Protection	Conservation Commission Conservation Administrator			
Regulation Section 2.H.	a. Failure to file a Notice of Intent or Request for Determination of Applicability and to receive a valid Order of Conditions or Determination of applicability prior to activity.		\$300.00		
	b. Failure to promptly comply with an Enforcement Order		\$300.00		
	c. Failure to record Order of Conditions at the Registry of Deeds prior to activity.		\$ 25.00		
	d. Failure to notify the Commission prior to activity where a Condition of an Order of Conditions or a Request for Determination or a Minor Project permit requires such notice.		\$ 25.00		
	e. Failure to install and/or property maintain erosion controls (per project).		Warning	\$ 25.00	\$100.00
	f. Failure to comply with any Condition of an Order of Conditions or Determination of applicability or Minor Project permit		\$ 25.00		
	g. Failure to apply for a Certificate of		Warning	\$ 50.00	

Compliance in a timely manner.	
h. Conducting an activity subject to the Bylaw and Regulations after the expiration of a valid Order of Conditions or Determination of Applicability.	\$ 50.00

or take any other action with respect thereto.

Conservation Commission

**ARTICLE 15** To see if the Town will vote to amend Section 2.0 "Definitions", Section 4.2.2 "Table of Uses" of the Town of Reading Zoning By-Laws as follows: (note – cross-through represents language to be eliminated and **bold** represents new language)

Section 2.0 Definitions:

**2.2.21.2 Medical Marijuana Treatment Center: a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana products containing marijuana, related supplies, or educational material to qualifying patients or their personal caregivers.**

**2.2.21.3 Mixed Use: The combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site.** (Note: this change is as a result of renumbering)

Section 4.2.2. Table of Uses by adding "*Medical Marijuana Treatment Center*" as a use classified under Business and Services and listed after "Adult Uses".

4.2.2 Table of Uses

PRINCIPAL USES	Res S-15 S-20 S-40	RES A-40	RES A-80	BUS A	BUS B	BUS C	IND
<b>Medical Marijuana Treatment Center</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Or take any other action with respect thereto.

Community Planning and  
Development Commission

**ARTICLE 16** To see if the Town will vote to amend Section 2.0 "Definitions", Section 6.1 "Off Street Parking and Loading Areas" of the Town of Reading Zoning By-Laws as follows: (note – cross-through represents language to be eliminated and **bold** represents new language)

2.0 Definitions:

**2.2.26.1 Public Off-Street Parking Facility:** Parking areas which are owned and maintained by the Town that are open to the general public for the use of public parking. This does not include parking facilities which are owned by the Town with the primary use of providing parking for municipal employees or customers doing business with the Town during normal hours of operation.

**2.2.26.2 Remote Parking Facility:** Parking areas which are not located on the same lot for the use the parking facility serves.

## 6.0 GENERAL PROVISIONS AFFECTING ALL DISTRICTS

### 6.1 Off-Street Parking and Loading Areas

**6.1.1 Required Spaces:** Off-street Parking and Loading Spaces are required to be provided in accordance with the following provisions:

**6.1.1.1** No land shall be used and no building shall be erected, enlarged or used unless off-street parking areas, and off-street loading and unloading areas, conforming in amount and type to that described herein, are provided except that retail stores, offices and consumer service establishments located within three hundred (300) feet of a public off-street parking facility shall be exempted from off-street parking requirements.

**6.1.1.2** Off-street parking areas, or loading and unloading areas shall be provided on the same lot as the use they serve, except that the Board of Appeals may permit off-street parking areas to be provided on another lot, but in no event shall such areas be more than three hundred (300) feet distance from the use they serve; provided, however, that in a Business C District, off-street parking areas or loading and unloading areas may be provided on or off the same lot more than three hundred (300) feet distance from the use they serve without such permission from the Board of Appeals so long as they are located within the Business C District and provided such parking and loading rights are evidenced by legally sufficient instruments approved as to form by Town Counsel and filed with the Town Clerk." **except the CPDC, by Special Permit, may allow remote parking lots or shared parking.**

**6.1.1.3 (Note this section is deleted under 6.1.1.3 and renumbered as 6.1.1.7)**

Off-street parking areas, or loading and unloading areas shall be provided in the amounts set forth in the following table. Where the computation of required spaces results in a fractional number, a fraction of one-half or more shall be counted as one. In the event of a conflict of interpretation as to the category of the principal use, the Board of Appeals shall determine the proper interpretation.

#### **Special Permit Criteria:**

**The CPDC may grant a Special Permit for remote parking or shared parking based on the following criteria and other applicable provisions presented in this subsection:**

- (a) The capacity, location and current level of use of existing parking facilities, both public and private;**
- (b) The efficient and maximum use in terms of parking needs and services provided;**
- (c) The relief of traffic and parking congestion;**
- (d) The safety of pedestrians;**
- (e) The provision of reasonable access either by walking distance or shuttle vehicle arrangements;**
- (f) The maintenance of the character of the area.**

#### **6.1.1.4 Procedure:**

**Filing for a special permit shall follow all procedures required for Site Plan Review under 4.3.3 of this Bylaw.**

#### **6.1.1.5 Remote Parking:**

**The CPDC may grant a Special Permit for an alternative location for nonresidential parking subject to the following provisions:**

**(a) the property to be occupied as parking shall be in the same possession by deed, by easement or by written agreement (e.g. long-term lease) as the facility served. All written agreements shall be subject to CPDC approval as to form and length of time and a copy of the agreement shall be filed with and made part of the application for a building or occupancy permit.**

**(b) Except where valet parking or other transportation between sites is provided, the distance between the site of use and its parking area shall be recommended to be four hundred (400) feet with a maximum of six hundred (600) feet.**

**(c) The remote parking area shall not create unreasonable traffic congestion or create a hazard to pedestrians or vehicular traffic.**

**(d) The remote parking area shall be located on property zoned for the same or other non-residential uses as the principal use being served by the parking.**

#### **6.1.1.6 Shared Parking Lots:**

**The CPDC may grant a Special Permit for shared parking facilities for nonresidential parking subject to the following provisions:**

**(a) Up to fifty percent (50%) of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility. The approval may be rescinded and additional parking may be required by the owners in the event that the CPDC, after notice and public hearing thereon, determines the joint use is resulting in a public nuisance or other adverse effects on public health and safety.**

**(b) A written agreement acceptable to the CPDC defining the joint use of the common parking facility shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. Such agreement shall be recorded at the Middlesex Registry of Deeds.**

**(c) Any subsequent change in land uses for which the shared parking proposal was approved, and which results in the need for additional parking spaces, shall require review and approval by the CPDC under this subsection.**

**6.1.1.7 Off-street parking areas, or loading and unloading areas shall be provided in the amounts set forth in the following table. Where the computation of required spaces results in a fractional number, a fraction of one-half or more shall be counted as one. In the event of a conflict of interpretation as to the category of the principal use, the Board of Appeals shall determine the proper interpretation.**

**Off-Street Parking and Loading/Unloading Requirements:**

(Note: Parking table does not change, is not repeated here.)

**6.1.1.8 Phased Parking Spaces:**

The CPDC may grant a Special Permit for the phasing of parking space construction upon sufficient documentation of circumstance such as building size or use with the following provisions:

(a) The total number of required spaces shall be in accordance with the standards set forth in Table 6.1.1.3 and clearly identified on the site plan.

(b) The spaces which are not intended for immediate construction shall be labeled “phased reserve parking” on the site plan and shall be properly designed into the overall parking lot layout.

(c) No more than 50% of the total required spaces may be designated for future construction.

(d) If at any time the Building Inspector and/or CPDC determines that additional spaces may be needed, the “phased spaces” shall be constructed upon formal approval from the CPDC.

Or take any other action with respect thereto.

Community Planning and  
Development Commission

**ARTICLE 17** To see if the Town will amend the Town of Reading General Bylaws by adding the following to section 8.9.4 Public Buildings, Public Property and Public Ways

**8.9.4.4 Display of the United States Flag**

The flag of the United States shall be displayed in or on all Town of Reading, owned buildings or property, The Burbank Ice Arena, The Municipal Light Department, Reading Housing and any other semi government agency in accordance with US Law 94-344 as may be amended from time to time.

No Board, Committee, Commission, Authority, Department, employee or otherwise shall have the Authority to deviate from said law except by order of the President of the United States or the Governor of the Commonwealth if he or she is so allowed by Presidential Order.

Petition

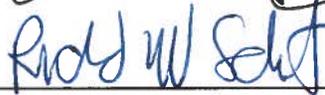
and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to November 13, 2012, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested 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.

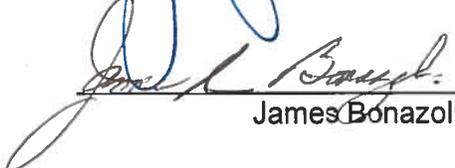
Given under our hands this 25th day of September, 2012.

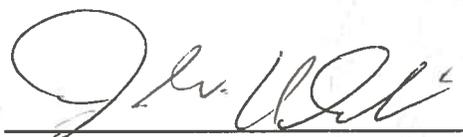
  
\_\_\_\_\_  
Stephen A. Goldy, Chairman

  
\_\_\_\_\_  
Ben Tafoya, Vice Chairman

  
\_\_\_\_\_  
Richard W. Schubert, Secretary

  
\_\_\_\_\_  
John J. Arena

  
\_\_\_\_\_  
James Bonazoli

  
\_\_\_\_\_  
Alan Ulrich, Constable

SELECTMEN OF READING