

**LEGAL NOTICE**



**TOWN OF READING**

To the Inhabitants of the  
Town of Reading:

Please take notice that the  
Board of Selectmen of the  
Town of Reading will hold pub-  
lic hearings on September 23,  
2014 in the Selectmen's  
Meeting Room, 16 Lowell  
Street, Reading,  
Massachusetts on the follow-  
ing:

•Town Forest Committee  
Rules and Regulations 7:50  
p.m.

•Order of Taking – 87 and 93  
Belmont Street Water  
Easements 8:15 p.m.

•Application for Waiver of  
Hours of Operation for  
Cumberland Farms, 303 Salem  
Street 8:45 p.m.

Copies of the proposed doc-  
uments regarding these topics  
are available in the Town  
Manager's office, 16 Lowell  
Street, Reading, MA, M-W  
Thurs from 7:30 a.m. - 3:30  
p.m., Tues from 7:30 a.m. -  
7:00 p.m. and are attached to  
the hearing notice on the web  
site at [www.readingma.gov](http://www.readingma.gov)

All interested parties are  
invited to attend the hearing, or  
may submit their comments in  
writing or by email prior to 6:00  
p.m. on September 23, 2014 to  
[townmanager@ci.reading.ma.us](mailto:townmanager@ci.reading.ma.us)

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By order of  
Robert W. LeLachur,  
Town Manager

OLD

**Rules of the Town Forest :**

1. The use of any weapon for any purpose in the Town Forest is prohibited.
2. No Fires without permission.
3. No dumping of rubbish or litter.
4. Motor vehicles excluded from roads.
5. No person shall cut down, dig up or destroy any tree, shrub, bush or plant, remove vegetation, soil, or stones from the Town Forest , except with the written permission of the Town Forest Committee.
6. No camping by groups or individuals without written permission of the Town Forest Committee.
7. The Town Forest Committee cannot assume the Town liability for injuries, damage to property, or other loss to persons on such areas, whom assume all risks involved.

NEW

Rev 6/2/14

## Reading Town Forest

### *A Carry-In, Carry-Out Facility*

#### **Mission Statement**

The Town Forest is a multi-use resource created by the people of Reading in 1930 for the protection of plants, animals and the natural environment and for the enjoyment by individuals and groups for nature study, walking and camping. Users of the Town Forest must respect each other and the natural environment as they enjoy the Town Forest in their own way.

#### **Rules & Regulations *Effective [insert date here]***

1. Everyone is welcome to enjoy the Reading Town Forest at no charge from dawn to dusk.
2. Any alteration, construction, or other work in the Town Forest shall require prior written permission from the Town Forest Committee.
3. Permission must be approved by the Fire Chief for any fires, BBQ grill, and camp stove use. Smoking is prohibited as per town by-law.
4. No person shall cut, break, remove, deface, defile, or ill-use any structure, fence, sign, or map, or have possession of any part thereof. No plants (including trees, bushes, grasses, or flowers) shall be defaced, cut or removed without prior approval of the Town Forest Committee. Firewood may not be brought into or out of, the Town Forest. Those with permitted fire use are limited to collecting dead wood from the forest floor or from the Town Compost area consistent with Town regulations.
5. Discharge of firearms is prohibited in the Town of Reading, including in the Town Forest. Discharge or carrying of BB guns, pellet guns, paintball guns, airsoft guns, and similar non-lethal weapons is prohibited in the Town Forest.
6. No hunting is allowed in the Town Forest.
7. The Town Forest is closed to motor-powered vehicles except:
  - for emergency response by the Reading Police and Fire Departments,
  - for maintenance of the Town Forest or wells, or
  - with prior written permission of the Town Forest Committee.

Motorized wheelchairs are allowed. Snowmobiles, ATVs, motorcycles, and other off-road vehicles are prohibited.

8. Responsible bicycle use is allowed in the Town Forest. The Town Forest Committee may close trails to bicycle use temporarily, seasonally, or permanently to prevent overuse or to protect natural resources.

9. Alcoholic beverages are prohibited. Glass containers for any purpose are prohibited in the Town Forest.
10. Dumping, littering, filling or any other deposition of imported materials--including but not limited to garbage, debris, earth, leaves or brush-- is prohibited in the Town Forest.
11. Users must carry out everything that they carry in.
12. Dogs may enter the Town Forest provided that they are accompanied by, and under the effective voice control, of some person. -The person accompanying the dog shall promptly remove feces deposited by the dog in the Town Forest. Dogs must be leashed within 200 feet of paved roads or parking areas.
13. Violations of these rules and regulations may be punished by fines up to \$100 per violation under Massachusetts General Laws, Chapter 40, Section 8C, which is administered by the Reading Police and Fire Departments.
14. The Town Forest Committee cannot assume liability for injuries, damage to property, or other loss to persons within the Town Forest or its vicinity; such visitors assume all associated risks.

***Additional Notes for Group Use<sup>1</sup>***

15. Camping, cook-outs, any group use is allowed by non-commercial, Reading-based groups, or by groups authorized by the RTF committee.
16. Town police must be notified in advance of group use.
17. Approved vehicles shall follow designated roads only. Vehicle speed must not exceed 5 miles per hour. Vehicle parking shall be in designated areas only, and accessed by designated routes. Parking shall allow access by emergency vehicles at all times.
18. A portable toilet must be on site for overnight group use. It must be removed within four days of the event.
19. Violation of any Town Forest rule or violation of conditions imposed for group use may result in denial of future use of the area by that group.

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<sup>1</sup> Group defined as 20 or more people

See  
Town  
Council  
Opinion  
(next  
page)

## LeLacheur, Bob

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**From:** J. Raymond Miyares <ray@miyares-harrington.com>  
**Sent:** Wednesday, September 17, 2014 6:11 PM  
**To:** LeLacheur, Bob  
**Cc:** Maggie Carter  
**Subject:** Re: Town Forest

Bob:

The only provision that poses an issue for me is Rule 13, which states "Violations of these rules and regulations may be punished by fines up to \$100 per violation under Massachusetts General Laws, Chapter 40, Section 8C, which is administered by the Reading Police and Fire Departments."

*M.G.L. c. 40, § 8C* does not apply to any fine or penalty assessed by the Town Forest Committee; rather, it governs actions by the Conservation Commission. This section states, in pertinent part, "The [conservation] commission may adopt rules and regulations governing the use of land and waters under its control, and prescribe penalties, not exceeding a fine of one hundred dollars, for any violation thereof."

Moreover, it is not obvious to me that the Town Forest Committee has any other authority to impose a fine on someone who violates its rules and regulations. *M.G.L. c. 40, § 21* authorizes towns to adopt bylaws and to "affix penalties for breaches thereof not exceeding three hundred dollars for each offense." This statute does not authorize a board or committee to impose fines for violations of its rules and/or regulations without a bylaw or other specific authorization.

Ray

J. Raymond Miyares  
MIYARES AND HARRINGTON LLP  
50 Leonard Street • Suite Three • Belmont, MA 02478  
Tel 617-489-1600 • Fax 617-489-1630  
[www.miyares-harrington.com](http://www.miyares-harrington.com)

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On Sep 17, 2014, at 1:34 PM, LeLacheur, Bob <[blelacheur@ci.reading.ma.us](mailto:blelacheur@ci.reading.ma.us)> wrote:

Hi Ray – anything on this? I apologize if you answered on the phone as I don't recall anything.

Thanks,  
Bob