

4.11. GATEWAY SMART GROWTH DISTRICT (the “GSGD”)

4.11.1 Purposes. The purposes of the GSGD are:

- 4.11.1.1. To establish a Smart Growth Overlay District to encourage smart growth in accordance with the purposes of Chapter 40R of the General Laws. The GSGD will allow for multi-family housing, which will help provide additional affordable housing opportunities within the Town of Reading.
- 4.11.1.2. To implement the objectives of both the EO 418 Reading Community Development Plan (2004) and the Reading Master Plan (2005), which identified the area within the GSGD for mixed-use development.
- 4.11.1.3. To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Reading and provides an environment with safety, convenience and appropriate amenities.
- 4.11.1.4. To provide for a diversified housing stock within Reading, including affordable housing and housing types that meet the needs of the Town’s population, all as identified in the EO 418 Reading Community Development Plan (2004), the Reading Master Plan (2005), and the Reading Housing Plan (2006).
- 4.11.1.5. To generate positive tax revenue, and to benefit from the financial incentives provided by Chapter 40R of the General Laws, while providing the opportunity for new residential development.

4.11.2. Authority and applicability. The GSGD is established pursuant to the authority of Chapter 40R of the General Laws and 760 CMR 59.00. At the option of the Applicant, development of land within the GSGD may be undertaken by means of a Plan Approval pursuant to the zoning controls set forth in this Section 4.11, or by complying with all applicable Underlying Zoning controls set forth in the Town of Reading Zoning By-Laws. Notwithstanding anything to the contrary in the Zoning By-Laws, Development Projects proceeding under this Section 4.11 shall be governed solely by the provisions of this Section 4.11 and the standards and/or procedures of the Underlying Zoning shall not apply. Development Projects proposed pursuant to this Section 4.11 shall not be subject to any other provisions of the Zoning By-Laws, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations.

4.11.3. Establishment and delineation of GSGD. The GSGD is an overlay district that is superimposed over the Underlying Zoning district. The boundaries of the GSGD are delineated as the “Gateway Smart Growth District ‘GSGD’” on the Reading Zoning Map on file in the office of the Town Clerk, said map hereby made a part of the Zoning By-Laws.

4.11.4. Definitions. As used in this Section 4.11, the following terms shall have the meanings set forth below:

ACCESSORY BUILDING – A detached single story building the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building. An Accessory Building shall not be used to house people, domestic animals, or livestock. Nor shall it be used as an independent commercial enterprise. An Accessory Building located within 10 feet of the principal building shall be subject to the dimensional requirements applicable to the principal building.

ADMINISTERING AGENCY – An organization designated by the Reading Board of Selectmen, which may be the Reading Housing Authority or other qualified housing entity, with the power to monitor and to enforce compliance with the provisions of this By-Law related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the GSGD. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Reading Board of Selectmen or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Reading Board of Selectmen or, in the absence of such timely designation, by an entity designated by the DHCD.

AFFORDABLE UNIT - An Affordable Rental Unit or an Affordable Homeownership Unit that is affordable to and occupied by an Eligible Household.

AFFORDABLE HOUSING RESTRICTION – A deed restriction of an Affordable Unit meeting statutory requirements in Section 31 of Chapter 184 of the General Laws and the requirements of Section 4.11.10 of this By-Law.

AFFORDABLE RENTAL UNIT – A Dwelling Unit required to be rented to an Eligible Household in accordance with the requirements of Section 4.11.10 of this By-Law.

AFFORDABLE HOMEOWNERSHIP UNIT – A Dwelling Unit required to be sold to an Eligible Household in accordance with the requirements of Section 4.11.10 of this By-Law.

APPLICANT – A landowner or other petitioner who files a plan for a Development Project subject to the provisions of this By-Law.

APPLICATION – A petition for Plan Approval filed with the Approving Authority by an Applicant and inclusive of all required documentation as specified in administrative rules adopted pursuant to Section 4.11.11.

APPROVING AUTHORITY – The Community Planning and Development Commission (CPDC) of the Town of Reading acting as the authority designated to review projects and issue approvals under this Section 4.11.

AS-OF-RIGHT DEVELOPMENT - A Development Project allowable under this Section 4.11 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this Section 4.11 shall be considered an As-of-Right Development.

BASEMENT - The lowest floor level of a building which is either fully or partially below grade, whether or not fully enclosed.

BUILDING – A structure enclosed within exterior walls whether portable or fixed, having a roof or other coverings for the shelter of persons, animals or property.

CONSERVATION USE - Any woodland, grassland, wetland, agricultural or horticultural use of land, any use of land for the construction and use of ponds or storm water management facilities.

DEPARTMENT – The Massachusetts Department of Housing and Community Development (DHCD) or any successor agency.

DESIGN STANDARDS – Design Standards included in Sec. 4.11.9 of this By-Law and made applicable to Projects within the GSGD that are subject to the Plan Approval process. The Design Standards are applicable to all Development Projects within the GSGD that are subject to Plan Review by the Approving Authority.

DEVELOPABLE LAND – All land within the GSGD that can be feasibly developed into Development Projects. Developable Land shall not include: the rights-of-way of existing public streets and ways; or areas that are: (1) protected wetland resources (including buffer zones) under federal, state, or local laws; (2) land located within the Flood Plain Zoning District in the Town of Reading and subject to seasonal or periodic flooding; or (3) rare species habitat designated under federal or state law. The foregoing definition shall be for purposes of calculating density under Section 4.11.7.1 and shall not limit development activities in such excluded areas if otherwise allowed by applicable law.

DEVELOPMENT LOT – One or more lots which are designated as a Development Lot on a plan for a development proposed within the GSGD and for which Plan Approval is required under the provisions of this Section 4.11. The lots comprising a Development Lot need not be in the same ownership. Where the Development Lot consists of more than a single lot, the lots, in combination, shall be treated as the Development Lot, may be contiguous or non-contiguous and shall be considered as one lot for the purpose of calculating parking requirements and Dwelling Units per acre. Any development undertaken on a Development Lot is subject to the Design Standards established under Section 4.11.9 of this By-Law.

DEVELOPMENT PROJECT or PROJECT– A residential development undertaken under this Section 4.11. A Development Project shall be identified on the Plan which is submitted to the Approving Authority for Plan Review.

DWELLING – Any building or structure used in whole or in part for human habitation.

DWELLING UNIT — A structure or a portion of a structure containing in a self sufficient and exclusive manner facilities for sleeping, bathing, and cooking, including one full kitchen and full bathroom facilities as defined by the Massachusetts State Building Code. The following types of Dwelling Units are specifically defined:

MULTI-FAMILY DWELLING UNITS – A residential building containing four or more Dwelling Units designed for occupancy by the same number of families as the number of Dwelling Units.

ONE-FAMILY DWELLING– A detached dwelling arranged, intended or designed to be occupied by a single family.

ELIGIBLE HOUSEHOLD, LOW INCOME – An individual or household whose annual income is below fifty percent (50%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

ELIGIBLE HOUSEHOLD, MODERATE INCOME – An individual or household whose annual income is below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

FAMILY – One (1) or more persons living together in one (1) dwelling unit as a single house-keeping unit, but not including fraternities, sororities or other fraternal or communal living arrangements.

FRONTAGE - The continuous length of a lot line along a street line or Traveled Way across which access is legally and physically available for pedestrians and vehicles. The end of a street without a cul-de-sac may be considered frontage, and may be extended into one or more Traveled Ways for the purpose of providing frontage.

FLOOR AREA, GROSS – The sum of the areas on the several floors of a building or buildings measured from the outside surfaces of the exterior walls so as to include the full thickness thereof.

FLOOR AREA, NET – The actual occupied area of a building or buildings not including hallways, stairs, mechanical spaces and other non-habitable spaces, and not including thickness of exterior or interior walls.

GARAGE, DETACHED – A detached single story accessory building serving as storage for personal vehicles or other items belonging to the occupants of the premises that is used for residential purposes. Such building shall be fully enclosed. A detached garage located within ten (10) feet of the principal building shall be subject to the dimensional requirements applicable to the principal building.

GATEWAY SMART GROWTH DISTRICT or GSGD – An overlay zoning district adopted pursuant to Chapter 40R of the General Laws, in accordance with the procedures for zoning adoption and amendment as set forth in Chapter 40A of the General Laws and approved by the Department of Housing and Community Development pursuant to Chapter 40R of the General Laws and 760 CMR 59.00.

HEIGHT OF BUILDING - The vertical distance measured at the center line of its principal front from the established grade or from the natural grade if higher than the established grade, or from the natural grade if no grade has been established: to the level of the highest point of the roof beams in the case of flat roof or roofs inclining not more than one inch to the foot, and to the mean height level between the top of the main plate and the highest ridge in the case of other roofs. For buildings with more than one principal front, said vertical distance shall be measured from the average of the established grade or natural grade, as applicable, measured at the centerline of each principal front.

HOUSEHOLD INCOME, MEDIAN – The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

IMPERMEABLE SURFACE – Natural or manmade material on the ground that does not allow surface water to penetrate into the soil.

INFRASTRUCTURE LETTERS - The letters issued on behalf of the Town in fulfillment of Section 6(a)(11) of Chapter 40R of the General Laws and 760 CMR 59.04(1)(h) identifying infrastructure improvements to be made incident to the construction of one or more Development Projects in the GSGD.

LANDSCAPED AREA – Land area not covered by building, parking spaces and driveways.

LOT – A parcel of land occupied or designed to be occupied by principal and accessory buildings or uses, including such open spaces as are arranged and designed to be used in connection with such buildings.

LOT COVERAGE – The percentage of the total lot area covered by principal and accessory buildings and including any detached garages.

PEDESTRIAN WAY - A way intended for use by the general public for the movement of pedestrians which may include provision for use by cyclists. Pedestrian Ways include:

PATH – A way that is not located immediately adjacent to and incorporated within the design of a Traveled Way. A Path may proceed in a meandering fashion where appropriate to site design rather than the strictly linear configuration expected of a Sidewalk.

SIDEWALK – A way that is located immediately adjacent to and incorporated within the design of a Traveled Way.

PLAN – A plan depicting a proposed Development Project for all or a portion of the GSGD and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of Section 4.11.11 of this By-Law.

PLAN APPROVAL – The Approving Authority’s authorization for a proposed Development Project based on a finding of compliance with this Section 4.11 of the By-Law and Design Standards after the conduct of a Plan Review.

PLAN REVIEW – The review procedure established by this Section 4.11 and administered by the Approving Authority.

RECREATIONAL ACCESSORY USE – A use subordinate to a Principal Residential Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Residential Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the GSGD. Recreational Accessory Uses may include, but are not limited to, greenhouse, tool shed, clubhouse, swimming pool, tennis court, basketball court, and playground.

SERVICE AREA – Exterior locations of a building including, but not limited to, dumpsters or containerized trash receptacles, metering stations and utilities.

SHARED PARKING FACILITIES – Parking facilities designed and intended to serve more than a single use as shown on a Plan.

SIGN – Any word, number, emblem, picture, design, trademark or other device to attract attention.

SINGLE FAMILY RESIDENCE DISTRICT – A zoning district allowing One-Family Dwelling uses per the Zoning By-Law.

STRUCTURED PARKING – Two or more levels of parking, vertically stacked, either alone or integrated into a building.

TRAVELED WAYS – A way intended for use by the general public for the movement of vehicles which may include provision for use by pedestrians and cyclists through the use of bicycle lanes, sidewalks, shoulders and/or dedicated travel lanes.

UNDERLYING ZONING – The zoning requirements adopted pursuant to Chapter 40A of the General Laws that are otherwise applicable to the geographic area in which the GSGD is located, as said requirements may be amended from time to time.

UNDULY RESTRICT – A provision of the GSGD or a Design Standard adopted pursuant to Chapter 40R of the General Laws and 760 CMR 59.00 that adds unreasonable costs or unreasonably impairs the economic feasibility of a proposed Development Project in the GSGD.

UNRESTRICTED UNIT – A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE, ACCESSORY – The use of a building or premises for purposes customarily incidental to a permitted principal use.

USE, PRINCIPAL – The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Section 4.11.

VILLAGE GREEN – An area of publicly accessible open space in the District that may be landscaped with greenery or hardscape.

YARD – An open space on the same lot with a building.

YARD, FRONT – The yard extending between the building and the street line and extending across the full width of the lot.

YARD, REAR – The yard extending between the building and the rear line of the lot and extending across the full width of the lot.

YARD, SIDE – The yard extending between the building and the side line of the lot and extending from the front yard to the rear yard.

4.11.5 Permitted Uses.

4.11.5.1 The following principal uses shall be permitted in the GSGD As-of-Right upon Plan Approval pursuant to the provisions of this Section 4.11.:

	Multi-Family Dwelling Unit	Retail and Restaurant	Office	Conservation	Recreational Use, Accessory
GSGD	Yes	No	No	Yes	Yes

4.11.5.2 Parking accessory to any of the above permitted uses, including surface parking, garage, parking under buildings, and above and below grade structured parking, subject to the dimensional requirements of this Section 4.11.

4.11.5.3 Accessory uses customarily incidental to any of the above permitted uses.

4.11.6 Prohibited uses or activities in the GSGD. All uses not expressly allowed are prohibited.

4.11.7 Dimensional and other requirements. Notwithstanding anything to the contrary in this Section 4.11, the dimensional requirements applicable in the GSGD are as follows:

4.11.7.1 Density. Subject to the limit on Maximum Residential Development in Section 4.11.7.4 below, Multi-family residential uses shall be permitted As-of-Right at a density of at least twenty (20) Dwelling Units per acre of Developable Land.

4.11.7.2 Table of Dimensional Regulations.

Table of Dimensional Regulations.	
	Dimensional Control
Minimum Lot Area	N/A
Minimum Frontage (min.)	10 feet
Front Yard (min.)	10 feet
Side Yard (min.)	10 feet
Rear Yard (min.)	10 feet
Lot Coverage (max.)	60 %
Landscaped Area (min.)	25 %
Building Height (max.)	4 stories, not to exceed 55 feet
Required Structure Setback from a Single Family Residence District	100 feet (see Section 4.11.9.12)
Required Width of a Vegetative Buffer Strip Adjacent to a Single Family Residence District	30 feet (see Section 4.11.9.12)

4.11.7.3 Number of buildings on a lot. In the GSGD, more than one principal building may be erected on a lot.

4.11.7.4 Maximum Residential Development. The aggregate number of Dwelling Units that shall be permitted pursuant to this Section 4.11 shall be two hundred and two (202).

4.11.7.5 Structured parking. Structured parking allowable pursuant to Section 4.11.5(2) shall be governed by this Section 4.11 and by Design Standards in Section 4.11.9., and shall not exceed forty-five (45) feet in height and shall be approved as to capacity and location by the Approving Authority.

4.11.8 Parking.

4.11.8.1 Parking shall be provided in order to meet or exceed the following minimum requirements: at least 1.6 parking spaces shall be provided for each Dwelling Unit. When application of this requirement results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

4.11.8.2 Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the Approving Authority through the Plan Approval process if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

4.11.8.3 Reduction in parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the Approving Authority through the Plan Approval process if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that a lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- 4.11.8.3.1 The availability of surplus off-street parking within the Business C zoning district;
- 4.11.8.3.2 The availability of on-street, public or commercial parking facilities within the Business C zoning district;
- 4.11.8.3.3 Shared use of parking spaces serving other uses having peak user demands at different times;
- 4.11.8.3.4 Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- 4.11.8.3.5 Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in open space, destruction of significant existing trees and other vegetation, or loss of pedestrian amenities along public ways; and
- 4.11.8.3.6 Such other factors as may be considered by the Approving Authority.

Where such reduction is authorized, the Approving Authority may impose conditions of use or occupancy appropriate to such reductions.

4.11.8.4 Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act (ADA) and the regulations of the Massachusetts Architectural Access Board (AAB).

4.11.9 Design Standards. To ensure that new development shall be of high quality, and shall meet the standards envisioned by the Town of Reading in adopting this By-Law, the physical character of a Development Project within the GSGD shall comply with the following Design Standards in the issuance of Plan Approval for a Development Project within the GSGD. The Design Standards include standards as authorized at 760 CMR 59.04(1)(f) not only governing the design of buildings but also the dimensions and layouts of roadways and parking areas, consistent with the character of building types, streetscapes and other features traditionally found in densely settled areas of the Town of Reading, the protection of natural site features, the location and design of on-site open spaces, exterior signage and landscaping and other buffering in relation to adjacent properties, and the standards for the construction and maintenance of drainage facilities within the Development Project.

4.11.9.1 Scale, Proportion and Exterior Appearance of Buildings.

4.11.9.1.1 Building Facades.

4.11.9.1.1.1 Building design shall maintain the distinction between upper and lower floors for multi-story buildings using horizontal elements such as varied building materials.

4.11.9.1.1.2 Projecting bays, columns, recessed balconies and roof shape variation should be utilized. Building facades may also include appurtenances such as cupolas, gables, turrets, spires, widow walks, trellises, etc.

- 4.11.9.1.1.3 The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street or circulation road.
- 4.11.9.1.1.4 Building facades shall vary in height or vary the planes of exterior walls in depth and direction to break up the box-like mass and scale of new buildings.
- 4.11.9.1.1.5 No uninterrupted length of any facade should exceed 40% of the façade's total length, or 85 horizontal feet, whichever is less, without incorporating one of the following: color change, material change, texture change; and one of the following: plane projections or recesses, trellises, balconies, or windows.
- 4.11.9.1.1.6 The architecture facing a public space or Traveled Way or Sidewalk should incorporate features such as moldings, pilasters and other architectural details.
- 4.11.9.1.1.7 Balconies and porches. Residential balconies and porches are encouraged where practical, particularly on building facades fronting on a Traveled Way, Sidewalk or the Village Green.
- 4.11.9.1.2 Roof Profiles.
 - 4.11.9.1.2.1 Roof profiles should employ varied vertical and horizontal planes for visual relief to the tops of buildings. Design elements such as parapets, cornices, towers and piers may also be used. HVAC equipment shall be screened.
 - 4.11.9.1.2.2 Design elements such as false mansard roofing may be used to create the appearance that the fourth floor of a building is incorporated into the roof line.
- 4.11.9.1.3 Windows and Doorways.
 - 4.11.9.1.3.1 Fenestration patterns may vary from building to building, but overall the development should exhibit general consistency of proportions along a Traveled Way.
 - 4.11.9.1.3.2 Windows should be designed to add visual relief to a wall, which may include inseting the window pane a minimum of three (3) inches from the exterior wall surface.
 - 4.11.9.1.3.3 In general, all windows should be taller than they are wide; provided however, that several vertically-oriented windows may be placed consecutively such that the combined width exceeds the height and excluding specific sections of glass (or "storefront") used at building entrances, offices or common areas.
 - 4.11.9.1.3.4 Windows on top floors should not be wider than windows on the first floor.
 - 4.11.9.1.3.5 Windows on the top and bottom floors should generally align vertically.

4.11.9.1.3.6 Recessed doorways are preferred, in order to break up the building façade, provide a welcoming space, and provide protection from sun and rain. Where a recessed doorway is not used, an awning or vestibule can have a similar effect and may be used. Adequate lighting for the doorway shall be provided at night.

4.11.9.1.4 Materials and Color.

4.11.9.1.4.1 Building façade materials including, but not limited to, brick, wood, cementitious fiber board, manufactured limestone, cast stone, masonry, stone, glass, terra cotta, cellular PVC trim, tile and sustainable materials are permitted within the District.

4.11.9.1.4.2 A combination of materials should be used within a building.

4.11.9.1.5 Sustainable Design. Sustainable design principles shall be considered for all buildings and site design elements to the maximum extent practical. Sustainable design elements intended to reduce energy consumption may include skylights and “day lighting,” windows with low solar-gain factors, landscaping, as well as system and material selections that meet or exceed Energy Star standards.

4.11.9.1.6 Protection of public safety. Site design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall meet the access needs of emergency and public safety vehicles. The adequacy of the foregoing shall be based on the reasonable requirements of the Reading Chief of Police and Fire Chief, in their respective fields.

4.11.9.1.7 Service Areas shall be screened from view from adjacent residential districts with materials consistent with the primary building façade, fencing and/or vegetation.

4.11.9.2 Placement, Alignment, Width and Grade of Streets and Sidewalks.

4.11.9.2.1 Design and location. The overall site design shall include a transportation network providing for vehicular and pedestrian circulation to and within the GSGD. Design and construction shall incorporate sound engineering and construction standards including adequate provisions for drainage.

4.11.9.2.2 Traveled Ways. There are two categories of Traveled Ways: Circulation Roads and Driveways.

4.11.9.2.2.1 Circulation Roads shall be a maximum of 26 feet wide for a two-way road (20 feet for those roads that are one-way). Circulation Roads may allow for parallel parking, and shall have granite curbing or edging, and shall contain Sidewalks on at least one side.

4.11.9.2.2.2 Driveways serving parking areas should be a maximum of 24 feet wide for a two-way Driveway (18 feet wide for a one-way) and may have access to perpendicular parking.

4.11.9.2.3 Pedestrian Ways.

4.11.9.2.3.1 Pedestrian Ways shall be a minimum of five (5) feet wide. Pedestrian Ways may include street lamps or street trees that encroach on the sidewalk, provided that a minimum width of 42” must be maintained.

- 4.11.9.2.3.2 Sidewalks shall be constructed of concrete, masonry, bituminous concrete, stone dust, or stone.
 - 4.11.9.2.3.3 Sidewalks may be separated from Traveled Ways by a landscaped strip no less than five (5) feet wide including street trees with permeable grates sufficient for proper irrigation of the tree's root system.
 - 4.11.9.2.3.4 Lighted walkways shall be provided to link buildings with public spaces, parking areas, recreation facilities and Sidewalks on adjacent land wherever practical.
 - 4.11.9.2.3.5 Where pedestrian connections cross Traveled Ways, a crosswalk or change in paving shall delineate the pedestrian connection.
 - 4.11.9.2.3.6 Sidewalks and Paths shall be accessible to the handicapped in accordance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board.
 - 4.11.9.2.3.7 All Sidewalks and Paths shall be open to the public.
 - 4.11.9.2.3.8 A pedestrian connection shall be provided from the District, and through adjacent land as necessary, to allow direct pedestrian access from the District to South Street.
- 4.11.9.2.4 Vehicular curb cuts may be limited to intersections with other Traveled Ways or access drives to parking or loading areas for commercial, civic or multifamily residential uses.

4.11.9.3 Type and Location of Infrastructure.

- 4.11.9.3.1 Plans. The plans and any necessary supporting documents submitted with an application for Plan Approval within the GSGD shall show the general location, size, character, and general area of Traveled Ways and public spaces or facilities.
- 4.11.9.3.2 Ownership and maintenance. The plans and documentation submitted to the Approving Authority shall include a description of proposed private ownership and maintenance of all Traveled Ways, including vehicular ways and Sidewalks, and all proposed public spaces or facilities. As a condition of Plan Approval, the Approving Authority may require provision of an Operations and Maintenance Plan for Traveled Ways and drainage facilities associated with the Traveled Ways. If applicable, a homeowners' association, a condominium association or a business association may be established to ensure that all Traveled Ways and associated drainage facilities shall be properly maintained by a private party, and that the Town of Reading shall incur no expense related to such operations and maintenance.
- 4.11.9.3.3 Underground Utilities. All new utilities (except water and wastewater treatment structures and other facilities that require above grade access) shall be installed underground.
- 4.11.9.3.4 Stormwater management shall incorporate "Best Management Practices" (BMP) as prescribed by the Massachusetts Department of Environmental Protection.

4.11.9.4 Location of Building and Garage Entrances.

- 4.11.9.4.1 Entrances to residential units that are not required to be handicap accessible or adaptable may be vertically separated from the public Sidewalk by at least 12" and by at least 24" where the front façade of the house or front porch is within 10' of the public Sidewalk.
- 4.11.9.4.2 Building entrances shall provide direct access to one or more Pedestrian Ways.
- 4.11.9.4.3 Garages. If garages are proposed, they should be designed in such a way that they do not front on a Circulation Road. Detached garage banks, or recessed locations behind, under or in the side yard of a dwelling unit, may be used where practical.

4.11.9.5 Off-Street Parking & Loading.

- 4.11.9.5.1 Parking may be provided within or below residential structures. Surface parking lots shall be located to the side and the rear of buildings as oriented toward a Circulation Road with no more than 4 rows of parking including 2 driveways located between a building and a Circulation Road.
- 4.11.9.5.2 No parking area shall be located within thirty (30) feet of the Single Family Residence District, and no parking area or building shall be allowed in Restricted Area "A" as shown on the plan entitled: "Plan Showing Height Limitation and Setback Areas, Business C District in Reading, Mass.", dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk.
- 4.11.9.5.3 Curb side loading spaces may be provided.
- 4.11.9.5.4 Typical parking spaces in a parking lot shall have minimum dimensions of 9 feet x 18 feet.
- 4.11.9.5.5 Parallel parking shall have minimum dimensions of 8 feet x 22 feet.
- 4.11.9.5.6 Compact car spaces may be provided to a maximum of 30% of all non-parallel parking spaces. The minimum stall size for compact cars is 8 feet x 16 feet and signage and pavement markings shall be installed identifying compact car spaces.
- 4.11.9.5.7 Handicapped parking spaces shall be provided in compliance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board.
- 4.11.9.5.8 Large parking areas shall be landscaped to minimize their visibility from Traveled Ways and from areas outside the District. Continuous parking areas, or lots, of 50-200 spaces shall have 5% of the area landscaped; lots over 200 parking spaces shall have 7% of the total area landscaped. (See Section 4.11.9.13 Design Standards Summary Table.)

4.11.9.6 Protection of Significant Natural Site Features.

- 4.11.9.6.1 Plans submitted to the Approving Authority shall identify trees to be preserved within the Project. Trees shall be tagged in the field and appropriately designated on project plans.

- 4.11.9.6.2 Roadways and lots shall be designed and located in such a manner as to maintain and preserve, to the maximum extent practical, existing tree cover, wetlands, natural topography and significant natural resources, and to minimize cut and fill.
 - 4.11.9.6.3 The area in the northwest corner of the District shall be preserved as existing open space and the existing mature vegetation in that location shall not be cut. No parking, building or construction of any structure or impervious surface shall be allowed in the portion of the District within Restricted Area "A" as shown on the plan entitled: "Plan Showing Height Limitation and Setback Areas, Business C District in Reading, Mass.," dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk.
- 4.11.9.7 Location and Design of On-Site Open Space Areas.
- 4.11.9.7.1 Open spaces shall be landscaped to allow for a variety of uses. Open spaces may include sidewalk furniture and small structures such as a gazebo or trellis to increase the options for use and enjoyment of the spaces.
 - 4.11.9.7.2 A Project shall include a central Village Green, a minimum of 15,000 square feet in area measured from curb to curb and inclusive of Sidewalks oriented to and directly accessible from a Traveled Way. The Village Green shall be adjacent to the residential uses in the Project. Additional gathering spaces may be located throughout the Project.
 - 4.11.9.7.3 The Village Green shall be located at a vehicular intersection in the Project, and shall be pedestrian accessible from two or more sides. Where practical, buildings and uses may front on the Village Green.
 - 4.11.9.7.4 Circulation shall be provided with a continuous Path through parks. Surfaces may include gravel, concrete, stone dust or bituminous concrete. Access shall be continuous from all points of interest and allow free passage through the space on foot and bicycle.
 - 4.11.9.7.5 The Village Green shall be landscaped with a variety of ground coverings, flowers, plants, shrubs, and trees, and may incorporate one or more "hard" elements such as fencing, gazebo, seating areas, and decorative paving.
 - 4.11.9.7.6 Open Spaces shall be served by direct pedestrian access.
- 4.11.9.8 Landscaping.
- 4.11.9.8.1 Plantings shall include a variety of species and should consider the local climate, site conditions, salt level, and water level.
 - 4.11.9.8.2 Circulation Roads shall include a minimum of one shade tree every 50 linear feet. Additional trees and landscaping is encouraged.
 - 4.11.9.8.3 Parking Area Landscaping. Surface parking lots shall have landscaped islands to divide large parking areas.
 - 4.11.9.8.4 Landscaping of Traveled Ways. Landscape plantings for all the Traveled Ways in a Development Project shall include deciduous shade trees. These plantings may be in either linear rows or informal groupings. Regular rows

shall be used in cases where the Traveled Way abuts walkways, parking lots and buildings. Informal groupings may be used where the Traveled Way abuts existing vegetation.

4.11.9.9 Screening/ Fencing.

4.11.9.9.1 Fences. Fences may be used to provide continuity to a streetscape, privacy for homeowners and their guests from passers by, to help differentiate private space from public space and to reinforce the pedestrian scale of the streetscape.

4.11.9.9.2 All fencing or walls utilized to screen parking and/or service areas shall meet the following specifications:

4.11.9.9.2.1 Ornamental metal fencing, decorative wood fencing, or masonry walls shall be allowed. Wood picket fences, decorative metal fences and stone walls are encouraged. Concrete retaining walls with a fascia may be used if permitted by the Approving Authority.

4.11.9.9.2.2 Concrete walls and chain link fences should not be used. Chain link fencing is prohibited for screening purposes. Black, vinyl-coated chain link fencing is permissible for non-screening purposes including safety, security and access restriction.

4.11.9.9.2.3 Fencing or walls shall be a minimum of three (3) feet high.

4.11.9.10 Lighting.

4.11.9.10.1 For lighting fixture heights and spacing dimensions, please see Section 4.11.9.13 Design Standards Summary Table.

4.11.9.10.2 All outdoor lighting in a Project shall comply with the following shielding provision: Direct light emitted by exterior luminaire shall not emit directly by a lamp, off a reflector, or through a refractor above a horizontal plane (90 degrees) through the fixture's lowest light-emitting part. Light from outdoor fixtures is prohibited from spilling into abutting single-family residential districts.

4.11.9.10.3 Prevention of light pollution. A Development Project within the District shall employ outdoor illuminating devices, lighting practices, and systems which will conserve energy while maintaining reasonable nighttime safety and security. All outdoor lighting in a Project, except those regulated by Federal, State, or municipal authorities, whether ground, pole, or wall-mounted, shall comply with the following provisions:

4.11.9.10.3.1 Maximum height requirements are as defined in Section 4.11.9.13 Design Standards Summary Table.

4.11.9.10.3.2 The height of a light fixture shall be measured from the ground to the light emitting flat glass of the luminaire; pole height may be higher than this light-emitting height.

4.11.9.10.3.3 If the Sidewalk includes street trees, locate streetlights between the trees so that the tree canopy does not interfere with illumination coverage.

- 4.11.9.10.3.4 Street poles and lighting fixtures shall be dark in color to reduce light reflectivity.
- 4.11.9.10.3.5 Shielding. Direct light emitted by an outdoor light fixture shall not emit directly by a lamp, off a reflector or through a refractor above a horizontal plane through the fixture's lowest light-emitting part.
- 4.11.9.10.3.6 All light fixtures shall emit a steady and constant light and shall not emit a flashing or irregular light, unless specifically required by Federal, State, or municipal authorities.
- 4.11.9.10.3.7 Prohibited light sources.
 - 4.11.9.10.3.7.1 Mercury Vapor and Quartz Lamps. For the purposes of these Design Standards, quartz lamps shall not be considered an incandescent light source.
 - 4.11.9.10.3.7.2 Laser Source Light. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.
 - 4.11.9.10.3.7.3 Searchlights. The operation of searchlights is prohibited.
 - 4.11.9.10.3.7.4 Internally lit signs and flashing signs, including neon signs, are prohibited.
 - 4.11.9.10.3.7.5 Metal Halide Lighting. All outdoor light fixtures utilizing a metal halide lamp or lamps shall be shielded and filtered. Filtering using quartz glass does not meet this requirement.
- 4.11.9.10.3.8 Exemptions.
 - 4.11.9.10.3.8.1 Fossil fuel light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this By-Law.
 - 4.11.9.10.3.8.2 Other light sources. All outdoor light fixtures using an incandescent lamp or lamps of 150 watts or less are exempt from all requirements of this bylaw. All outdoor light fixtures using any lamp or lamps of 50 total watts or less are exempt from all requirements of these Design Standards.
 - 4.11.9.10.3.8.3 Specialty lights. Alternative outdoor light fixtures may be allowed if it is found that the fixture's design and appearance are superior, significant light pollution will not be created, and glare is minimal.
- 4.11.9.10.4 Exterior Light Timing. Exterior lighting may be controlled by a photo sensor or time switch that automatically reduces light levels, decreasing light levels during nighttime hours while still maintaining necessary security lighting.
- 4.11.9.10.5 Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA).
- 4.11.9.11 Exterior Signs.
 - 4.11.9.11.1 A Project may include one residential access sign not in excess of forty (40) square feet at each vehicular access point to the Project and one residential

building sign not in excess of sixteen (16) square feet located flat against the wall of each residential building, subject to approval by Reading public safety officials.

4.11.9.11.2 Wayfinding Signs. Installation of small, externally illuminated wayfinding signs not to exceed two square feet in area per side is encouraged to assist visitors to locate sites of interest within the District. Wayfinding signs should not exceed seven (7) feet in height, and should be installed for the benefit of both automotive and pedestrian traffic.

4.11.9.11.3 Non-commercial flags are permitted within the District and shall not be regulated as signs.

4.11.9.11.4 In no case shall signage project above the roof line.

4.11.9.11.5 Signage must be externally lighted. The fixtures should either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines. Lighting should be mounted at an oblique angle to eliminate glare.

4.11.9.11.6 Prohibited Sign Types. Commercial signage is prohibited.

4.11.9.12 Buffering in Relation to Adjacent Properties.

4.11.9.12.1 Buffer from adjacent existing residential development. No building shall be located within one hundred (100) feet of a Single Family Residence District.

4.11.9.12.2 There shall be a landscaped buffer strip of a minimum width of thirty (30) feet along the full abutting length of a Single Family Residence District.

4.11.9.12.2.1 The landscaped buffer shall have, at a minimum, a staggered double row of a 70%/30% mixture of evergreen/deciduous trees. Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Trunks of deciduous trees shall be a minimum of 3 inches caliper at the time of planting. Plant material shall be maintained in a healthy condition or replaced to attain required height. Buffer edge shall be planted a minimum of two (2) feet off of the property line abutting a residential district.

4.11.9.12.2.2 In lieu of the requirements of Sec. 4.11.9.12.2.1, the Approving Authority may require construction of a combination of fencing, raised berm or berms and planted materials in the landscaped buffer strip in order to screen adjacent properties from visual impacts associated with automobiles and automobile headlights within the District. In their determination of the need for screening as it varies along the District boundary, the Approving Authority shall consider the preservation of existing vegetation and the anticipated visibility of buildings in the District from abutting properties, including whether such fencing, berm or berms, and planted materials will provide greater screening than the preservation of existing vegetation.

4.11.9.13 Design Standards Summary Table

	Circulation Road	Driveways	Paths	Village Green	Surface Parking
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Dimensions	2 lanes, 26 Ft. maximum width plus parallel parking (20 Ft. max for one way)	2 lanes, 24 Ft. maximum (18 Ft. maximum for one-way driveway)	5' minimum width	15,000 sf minimum	Minimums: 9' x 18' typical. 8' x 22' parallel. 8' x 16' compact (30% maximum)
Curbing	Granite, concrete, bituminous concrete, and/or landscape swale.	Granite, concrete, bituminous concrete, and/or landscape swale.	None required.	Granite, concrete, bituminous concrete, and/or landscape swale.	Granite, concrete, bituminous concrete, and/or landscape swale.
	Circulation Road	Driveways	Paths	Village Green	Surface Parking
On-Street Parking	Parallel parking allowed on one or both sides at 8 x 22 Ft. minimum	Parallel parking, head-in or angled parking permitted	N/A	None required on Village Green edge	N/A
Landscaping	Deciduous Trees, Evergreen Trees every 50 Ft. O.C. minimum Shrub Material. Plus Seasonal Plantings.		Deciduous Trees, Evergreen Trees, and/or Shrub Material. Plus Seasonal Plantings.	Deciduous Trees, Shrub Material, Street Furniture, and Seasonal Plantings.	Lots of 50-200 spaces must have 5% landscaped; 200 spaces or more must have 7% landscaped. All islands shall be minimum of 100 SF.
Sidewalk Width, Location	5 Ft. Minimum (One or Two Sides)		5 Ft. Minimum	5 Ft. Minimum	N/A
Sidewalk Material	Poured or bituminous concrete, crushed stone, stone dust or similar materials.	N/A	Poured or bituminous concrete, crushed stone, stone dust or similar materials.	Poured or bituminous concrete, crushed stone, stone dust or similar materials.	N/A
Height of Lighting Fixtures "Cut-Off" to 90 degrees or less	18 Ft. maximum	18 Ft. maximum	18 Ft. maximum	18 Ft. maximum	25 Ft. maximum
Signage	Traffic, Wayfinding, Residential Access	Traffic, Wayfinding	Wayfinding	Wayfinding	Traffic, Wayfinding

4.11.10 Affordable Housing.

4.11.10.1 Number of affordable units. Twenty percent (20%) of all Dwelling Units constructed in a Development Project shall be maintained as Affordable Units. Twenty-five percent (25%) of all rental Dwelling Units in a Development Project shall be Affordable Units provided, however, that this requirement may be satisfied if twenty percent (20%) of all rental Dwelling Units in a Development Project are priced for and made available to Eligible Households, Low Income in accordance with the requirements of this Section 4.11.10. In Development Projects in which all of the Dwelling Units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the Dwelling Units shall be Affordable Units, whether the Dwelling Units are rental or ownership units.

4.11.10.2 Fractional Units. When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

4.11.10.3 Affordable Units shall comply with the following requirements:

4.11.10.3.1 The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by DHCD shall apply;

4.11.10.3.2 For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one; and

4.11.10.3.3 Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4.11.10.4 Design and construction.

4.11.10.4.1 Design. Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units; and

4.11.10.4.2 Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units and, for Development Projects that are constructed and approved in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

4.11.10.5 Unit mix. The total number of bedrooms in the Affordable Units shall, insofar as practicable, be in the same proportion to the total number of bedrooms in the Unrestricted Units.

4.11.10.6 Affordable housing restriction. Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the Middlesex South

District Registry of Deeds or the Middlesex South Registry District of the Land Court. The Affordable Housing Restriction shall provide for the implementation of the requirements of this Section 4.11. All Affordable Housing Restrictions must include, at minimum, the following:

- 4.11.10.6.1 Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied;
- 4.11.10.6.2 A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification;
- 4.11.10.6.3 The term of the Affordable Housing Restriction shall be in perpetuity or the longest period customarily allowed by law but shall be no less than thirty (30) years;
- 4.11.10.6.4 The name and address of an Administering Agency with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- 4.11.10.6.5 Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan shall provide for local preferences in resident selection to the maximum extent permitted under applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size;
- 4.11.10.6.6 A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- 4.11.10.6.7 Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
- 4.11.10.6.8 A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit to another Eligible Household shall be given to the Administering Agency;
- 4.11.10.6.9 Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency;
- 4.11.10.6.10 Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town of Reading, in a form approved by municipal counsel, and shall limit initial sale and re-sale to, and occupancy by, an Eligible Household;
- 4.11.10.6.11 Provision that the restriction on Affordable Rental Units in a rental Development Project or rental portion of a Development Project shall run with the rental Development Project or rental portion of a Development

Project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

- 4.11.10.6.12 Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form acceptable to the agency, certifying compliance with the provisions of this By-Law and containing such other information as may be reasonably requested in order to ensure affordability;
 - 4.11.10.6.13 A requirement that residents in Affordable Units provide such information as the Administering Agency may reasonably request in order to ensure affordability; and
 - 4.11.10.6.14 Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.
- 4.11.10.7 Administration.
- 4.11.10.7.1 Administering Agency. An Administering Agency for Affordable Units, which may be the Reading Housing Authority or other qualified housing entity, shall be designated by the Reading Board of Selectmen and shall ensure the following:
 - 4.11.10.7.1.1 Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
 - 4.11.10.7.1.2 Income eligibility of households applying for Affordable Units is properly and reliably determined;
 - 4.11.10.7.1.3 The housing marketing and resident selection plan conforms to all requirements and is properly administered;
 - 4.11.10.7.1.4 Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
 - 4.11.10.7.1.5 Affordable Housing Restrictions meeting the requirements of this section are recorded with the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court.
 - 4.11.10.7.2 Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.
 - 4.11.10.7.3 Failure of the Administering Agency. In the case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Board of Selectmen or by the Department of Housing and Community Development, the administrative duties shall devolve to, and thereafter be administered by, a qualified housing entity designated by the Board of Selectmen or, in the absence of such designation, by an entity designated by the Department of Housing and Community Development.

4.11.11 Plan Review. The CPDC shall be the Approving Authority for Plan Approvals in the GSGD, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Plan Review. Such administrative rules and any amendment thereto must be approved by the Department of Housing and Community Development. The Plan Review process encompasses the following:

4.11.11.1 Pre-application review. The Applicant is encouraged to participate in a pre-application review at a regular meeting of the Approving Authority. The purpose of the pre-application review is to minimize the Applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Approving Authority prior to filing the application. At the pre-application review, the Applicant shall outline the proposal and seek preliminary feedback from the Approving Authority, other municipal review entities, and members of the public. The Applicant is also encouraged to request a site visit by the Approving Authority and/or its designee in order to facilitate pre-application review.

4.11.11.2 Application procedures.

4.11.11.2.1 An application for Plan Approval shall be filed by the Applicant with the Town Clerk. A copy of the application, including the date of filing certified by the Town Clerk, as well as the required number of copies of the application, shall be filed forthwith by the Applicant with the Approving Authority. Application submissions must include a hard copy as well as an electronic copy in PDF or CAD format. Said filing shall include any required forms provided by the Approving Authority. As part of any application for Plan Approval for a Development Project, the Applicant must submit the following documents to the Approving Authority and the Administering Agency:

4.11.11.2.1.1 Evidence that the Development Project complies with the cost and eligibility requirements of Section 4.11.10;

4.11.11.2.1.2 Development Project plans that demonstrate compliance with the design and construction standards of Section 4.11.9; and

4.11.11.2.1.3 A form of Affordable Housing Restriction that satisfies the requirements of Section 4.11.10.

4.11.11.2.2 Review fees. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Approving Authority. Such fees shall be held by the Town of Reading in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith;

4.11.11.2.3 Upon receipt by the Approving Authority, applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Board of Health, Conservation Commission, the Board of Selectmen, Housing Authority and the Department of Public Works. Any reports from these parties shall be submitted to the Approving Authority within sixty (60) days of filing of the application; and

4.11.11.2.4 Within thirty (30) days of filing of an application with the Approving Authority, the Approving Authority or its designee shall evaluate the proposal with

regard to its completeness and shall submit an advisory report in writing to the Applicant certifying the completeness of the application. The Approving Authority or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.

4.11.11.3 Public hearing. The Approving Authority shall hold a public hearing and review all applications according to the procedure specified in Section 11 of Chapter 40R of the General Laws and 760 CMR 59.04(1)(f) and shall, at the Applicant's expense, provide mailed notice of said hearing to all parties in interest in accordance with the procedures set forth in Section 11 of Chapter 40A of the General Laws.

4.11.11.4 Prior to the granting of any Plan Approval for a Development Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Reading. Upon this finding, the Administering Agency must submit in writing to the Approving Authority that these affordability components of the Development Project are consistent with applicable state or federal guidelines for affordability.

4.11.11.5 Plan Approval decision.

4.11.11.5.1 The Approving Authority shall make a decision on the Plan application, and shall file said decision, together with the detailed reasons therefore, with the Town Clerk, within one hundred twenty (120) days of the date the application was received by the Town Clerk. The time limit for public hearings and taking of action by the Approving Authority may be extended by written agreement between the Applicant and the Approving Authority. A copy of such agreement shall be filed with the Town Clerk;

4.11.11.5.2 Failure of the Approving Authority to take action within one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval of the application;

4.11.11.5.3 An Applicant who seeks approval because of the Approving Authority's failure to act on an application within the one hundred twenty (120) days or extended time, if applicable, must notify the Town Clerk in writing of such approval, within fourteen (14) days from the expiration of said time limit for a decision, and that a copy of that notice has been sent by the Applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to Chapter 40R of the General Laws and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the Applicant that the Approving Authority failed to act within the time prescribed;

4.11.11.5.4 The Approving Authority's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the application for Plan Approval. The written decision shall contain the name and address of the Applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Approving Authority;

- 4.11.11.5.5 The decision of the Approving Authority, together with the detailed reasons therefore, shall also be filed with the Board of Appeals and the Building Inspector. A copy of the decision shall be mailed to the owner and to the Applicant, if other than the owner, by the Approving Authority certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Approving Authority. A notice of the decision shall be sent to the parties in interest and to persons who requested a notice at the public hearing; and
- 4.11.11.5.6 Effective date. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Approving Authority to timely act, the Town Clerk shall make such certification on a copy of the notice of application. A copy of the decision or notice of application shall be recorded with the title of the land in question in the Middlesex South District Registry of Deeds, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the Applicant.
- 4.11.11.6 Criteria for approval. The Approving Authority shall approve the Development Project upon the following findings:
- 4.11.11.6.1 The Applicant has submitted the required fees and information as set forth in applicable regulations;
- 4.11.11.6.2 The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section 4.11 and applicable Design Standards, or a waiver has been granted therefrom; and
- 4.11.11.6.3 Any extraordinary adverse potential impacts of the Development Project on nearby properties have been adequately mitigated.

For a Development Project subject to the Affordability requirements of Section 4.11.10, compliance with Section 4.11.11.6.2. above shall include written confirmation by the Approving Authority that all requirements of that Section have been satisfied. Prior to the granting of Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Reading.

- 4.11.11.7 Criteria for conditional approval. The Approving Authority may impose conditions on a Development Project as necessary to ensure compliance with the GSGD requirements of this Section 4.11 and applicable Design Standards, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of Chapter 40R of the General Laws and applicable regulations and do not Unduly Restrict opportunities for development. The Approving Authority may require construction of an approved Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address extraordinary adverse Development Project impacts on nearby properties and with the implementation of the infrastructure improvements by the party designated as responsible under the Infrastructure Letters.

- 4.11.11.8 Criteria for denial. The Approving Authority may deny an application for Plan Approval pursuant to this Section 4.11 of the By-Law only if the Approving Authority finds one or more of the following:
- 4.11.11.8.1 The Development Project does not meet the requirements and standards set forth in this Section 4.11 and the applicable Design Standards;
 - 4.11.11.8.2 The Applicant failed to submit information and fees required by this Section 4.11 and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts; or
 - 4.11.11.8.3 It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.
- 4.11.11.9 Time limit. A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two (2) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.
- 4.11.11.10 Appeals. Pursuant to Section 11 of Chapter 40R of the General Laws, any person aggrieved by a decision of the Approving Authority may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within twenty (20) days after the Plan decision has been filed in the office of the Town Clerk.
- 4.11.11.11 Upon approval of a Development Project by the Approving Authority, but prior to construction, a pre-construction conference must be held with Town staff. Prior to first occupancy, a pre-Certificate of Occupancy meeting must be held with Town staff.
- 4.11.11.12 Waivers. The Approving Authority may authorize waivers with respect to the dimensional and other standards set forth in this Section 4.11 in the Plan Approval upon a finding that such waiver will allow the Development Project to achieve the affordability and/or physical character allowable under this By-Law. However, the Approving Authority may not waive any portion of the Affordable Housing requirements in Section 4.11.10 except insofar as such waiver results in the creation of a number of Affordable Units in excess of the minimum number of required Affordable Units.
- 4.11.11.13 Project Phasing. The Approving Authority, as a condition of any Plan Approval, may allow a Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address any extraordinary adverse Development Project impacts on nearby properties and with the implementation of the infrastructure improvements by the party designated as responsible under the Infrastructure Letters.
- 4.11.11.14 Change in plans after approval by Approving Authority.
- 4.11.11.14.1 Minor Change. After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need

or affordability features. Such minor changes must be submitted to the Approving Authority on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Approving Authority. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

- 4.11.11.14.2 **Major Change.** Those changes deemed by the Approving Authority to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Approving Authority as a new application for Plan Approval pursuant to this Section 4.11.
- 4.11.15 **Fair Housing Requirement.** All Development Projects within the GSGD shall comply with applicable federal, state and local fair housing laws.
- 4.11.16 **Annual Update.** On or before July 31 of each year, the Board of Selectmen shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to Chapter 40S of the General Laws and accompanying regulations. The Town Clerk of the Town of Reading shall maintain a copy of all updates transmitted to DHCD pursuant to this By-Law, with said copies to be made available upon request for public review.
- 4.11.17 **Notification of issuance of building permits.** Upon issuance of a residential building permit within the GSGD, the Building Inspector of the Town of Reading shall cause to be filed an application to the Department of Housing and Community Development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to Chapter 40R of the General Laws. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to Chapter 40S of the General Laws and accompanying regulations. The Town Clerk of the Town of Reading shall maintain a copy of all such applications transmitted to DHCD pursuant to this By-Law, with said copies to be made available upon request for public review.
- 4.11.18 **Date of Effect.** The effective date of this By-Law shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of Section 5 of Chapter 40A of the General Laws and Chapter 40R of the General Laws; provided, however, that an Applicant may not proceed with construction pursuant to this By-Law prior to the receipt of final approval of this By-Law and accompanying Zoning Map by both the Department of Housing and Community Development and the Office of the Massachusetts Attorney General.
- 4.11.19 **Severability.** If any provision of this Section 4.11 is found to be invalid by a court of competent jurisdiction, the remainder of Section 4.11 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 4.11 shall not affect the validity of the remainder of the Zoning By-Laws of the Town of Reading.