

COMMONWEALTH OF MASSACHUSETTS


Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on September 22 2015 notified and warned the inhabitants of the Town of Reading, qualified to vote in Town elections and Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

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

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

I also caused a posting of this Warrant to be published on the Town of Reading website on September 22, 2015.


Thomas H. Freeman Jr, 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 Town elections and Town affairs, to meet at the Reading Memorial High School Performing Arts Center, 62 Oakland Road, in said Reading, on Monday, November 9, 2015, at seven-thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

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

Board of Selectmen

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

Board of Selectmen

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

Board of Selectmen

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

Board of Selectmen

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

Finance Committee

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

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

or take any other action with respect thereto.

Board of Selectmen

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

1.0 PURPOSE

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

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

- ~~a To promote the health, safety and general welfare of the inhabitants of the Town of Reading;~~

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

or take any other action with respect thereto.

Community Planning and Development Commission

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

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

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

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

Personal Wireless Service Facilities (PWSFs)

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

5.6.3.1. Preferences—Siting and Facility Type.

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

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

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

1. **First Preference:** The following PWSF Installation Types are of equal preference to one another:
 - a. **PWSF Collocation.** A new PWSF may Collocate on any existing PWSF to the extent that such Collocation is found by the CPDC to be consistent with the purposes and standards established in this bylaw.
 - b. **PWSF on Existing Electrical Utility Infrastructure.** A PWSF may Collocate on existing electrical utility infrastructure such as utility poles or streetlights using unobtrusive architectures such as Distributed Antenna Systems (DAS). With respect to the use of utility poles, Collocation on existing electrical utility poles (and replacements thereof) is preferred above the installation of new electrical utility poles in public/private ways. In neighborhoods with underground electrical utilities, pole-mounted PWSF on existing electrical utility infrastructure are discouraged in favor of less visually obtrusive alternatives, such as placing a small antenna installation on existing electrical utility poles on a nearby street.
 - c. **Other Implementations.** A PWSF may be located using innovative alternatives that are in keeping with the purpose and intent of this Bylaw and that may become available after the adoption of this Bylaw.
2. **Second Preference: PWSF Site Sharing.** A new PWSF may share the same parcel with existing PWSFs, to the extent that such site-sharing is found by the CPDC to be consistent with the purposes and standards established in this bylaw.
3. **Third Preference:** A new PWSF installation on any existing structure, to the extent that such installation is found by the CPDC to be consistent with the purposes and standards established in this bylaw.

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

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

5.6.3.2. General Special Permit Requirements.

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

B. Demonstration of need.

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

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

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

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

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

e. network performance factors; and

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

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

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

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

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

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

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

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

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

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

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

8. Prohibitions. The following are specifically prohibited:

- a. Lattice style antenna towers and facilities requiring three or more legs and/or guy wires for support; and
- b. Fences utilizing razor wire or barbed wire or similar wire types.

D. Height:

1. Height General

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

2. Height, Ground-Mounted Facilities

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

3. Height, Side-and Roof-Mounted Facilities

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

4. Height, Preexistent Structures (Utility)

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

E. Setbacks:

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

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

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

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

5.6.3.3. Application Procedures.

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

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

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

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

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

5.6.3.4. Decision.

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

1. That the Applicant or co-Applicant has:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or take any other action with respect thereto.

Community Planning and Development Commission

ARTICLE 9 To see if the Town will vote to amend the Zoning Bylaws by:

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

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

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

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

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

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

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

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

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

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

"Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading

entitled "100 Acre Wellfield Zone II Study" dated July 1996, which shows certain aquifer protection areas consisting of aquifers or recharge areas.

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

10.3 Aquifer Protection District

10.3.1 Establishment and Delineation of Aquifer Protection Overlay District

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

10.3.24 Purpose of District

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

- ~~10.3.1~~ **A. To promote the health, safety, and general welfare of the community by ensuring adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Reading;**
- ~~10.3.2~~ **B. To preserve and protect existing and potential sources of drinking water supplies;**
- ~~10.3.3~~ **C. To conserve the natural resources of the Town of Reading; and**
- ~~10.3.4~~ **D. To prevent temporary and permanent contamination of the environment.**

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

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

~~10.3.3~~ Definitions

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

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

~~Aquifer Protection District: The zoning district delineated and established by Section 10.3 of the Zoning Bylaw. defined to overlay other zoning districts in the Town~~

~~of Reading. The aquifer protection district may include specifically designated recharge areas. **[TO BE MOVED TO SECTION 2.0 DEFINITIONS]**~~

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

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

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

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

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

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

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

~~**10.3.5 Boundary Disputes**~~

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

~~and review the documentation presented by the owner(s). The SPGA may charge the owner(s) for the cost of such investigation.~~

10.3.3.6 Use Regulations

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

10.3.3.6-1. Permitted Uses

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

- ~~10.3.6.1.1~~ **A. Conservation of soil, water, plants and wildlife;**
- ~~10.3.6.1.2~~ **B. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;**
- ~~10.3.6.1.3~~ **C. Foot, bicycle and/or horse paths and bridges;**
- ~~10.3.6.1.4~~ **D. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;**
- ~~10.3.6.1.5~~ **E. Maintenance, repair, and enlargement of any existing structure, except as prohibited by subject to Section 10.3.3.240.36.2 of the Zoning Bylaw;**
- ~~10.3.6.1.6~~ **F. Residential development, except as prohibited by subject to Section 10.3.2 of the Zoning Bylaw 10.3.6.2;**
- ~~10.3.6.1.7~~ **G. Farming, gardening, nursery, conservation, forestry, harvesting and grazing, except as restricted by subject to Section 10.3.2. 10.3.6.2;**
- ~~10.3.6.1.8~~ **H. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts and tunnels and other facilities related to drinking water supply;**
- ~~10.3.6.1.9~~ **I. Land uses that alter a lot such that the total amount of Impervious Surface on the lot within the district would not exceed result in the rendering impervious of more than 15% of 2,500 square feet or 15% of any that portion of the lot located within the District, whichever is greater, unless a system of artificial recharge of precipitation is designed with the applicable design standards established by the Massachusetts Department of Environmental Protection Stormwater Regulations and approved by the Town Engineer is provided;**
- ~~10.3.6.1.10~~ **When artificial recharge is required to meet the limitation established in Section 10.3.6.1.9, a system for the recharge of precipitation shall be provided that will not result in the degradation of groundwater quality. Recharge plans shall comply**

~~with the DEP Stormwater Guidelines and shall be submitted to the Town Engineer for review and approval;~~

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

10.3.36.2

Prohibited Uses

The following uses are prohibited:

~~10.3.6.2.1~~

~~A. Landfills and open dumps, as defined in 310-CMR 19.006;~~

~~10.3.6.2.2~~

~~B. Automobile graveyards and junkyards, as defined in Massachusetts General Law c. 140B, Section 1;~~

~~10.3.6.2.3~~

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

~~10.3.6.2.4~~

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

~~10.3.6.2.4.1~~

~~1. Very small quantity generators as defined under 310 CMR 30.000;~~

~~10.3.6.2.4.2~~

~~2. Household hazardous waste centers and events under 310 CMR 30.390;~~

- ~~10.3.6.2.4.3~~ **3. Waste oil retention facilities required by Massachusetts General Law 6-24, Section 52A of Chapter 21 of the Massachusetts General Laws, and;**
- ~~10.3.6.2.4.4~~ **4. Water remediation treatment works approved by MassDEP for the treatment of contaminated ground or surface waters;**
- ~~10.3.6.2.4.5~~ **E. Petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983;**
- ~~10.3.6.2.4.6~~ **F. Storage of liquid hazardous Toxic or Hazardous Materials materials or as defined in Section 10.3.3 and liquid petroleum products, with the exception of liquid propane products for normal household use, allowed and used in accordance with all local, state and federal laws and regulations; unless such storage is permitted by Section 10.3.3.1(K).**
~~a above ground level; and~~
~~b on an impervious surface; and~~
~~c either~~
~~i in container(s) or above ground container(s) within a building; or;~~
~~ii outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed to hold either; 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;~~
- ~~10.3.6.2.4.7~~ **G. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;**
- ~~10.3.6.2.4.8~~ **H. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;**
- ~~10.3.6.2.4.9~~ **I. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service; within a structure designed to prevent the generation and escape of contaminated runoff or leachate.**
- J. Storage of commercial fertilizers, as defined in Massachusetts General Law Chapter 128, Section 64, unless such storage is within a structure designated designed to prevent the generation and escape of contaminated runoff or leachate;**
- K. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;**
- ~~10.3.6.2.4.10~~ **L. Earth removal, except for excavations for building foundations, roads utility works or wetlands restoration work conducted in accordance with a valid Order of Conditions Issued pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws; consisting of the removal of soil, loam, sand, gravel, or any other earth**

~~material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;~~

~~10.3.6.2.4.11~~ **M. Treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for: discharge to the ground of non-sanitary waste water including industrial and commercial process waste water, except:**

~~a the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;~~

~~b1. Treatment works approved by MassDEP the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and~~

~~c 2. Publicly owned treatment works.~~

~~10.3.6.2.4.12~~ ~~stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district; [MOVED TO K ABOVE]~~

~~10.3.6.2.4.13~~ ~~storage of commercial fertilizers, as defined in Massachusetts General Law Chapter 128, Section 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate; [MOVED TO J ABOVE]~~

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

10.3.7 Nonconforming Uses and Structures

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

10.3.48 Administration Rules and Regulations

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

10.3.9 Violation Notice

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

or take any other action with respect thereto.

Community Planning and Development Commission

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

(a) Adding a new Section 4.3.3 as follows:

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

(b) Adding a new Section 4.5.3 as follows:

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

or take any other action with respect thereto.

Community Planning and Development Commission

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

3.3.1.4 Removal for Absence

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

or take any other action with respect thereto.

Board of Selectmen

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

Board of Selectmen

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

Board of Cemetery Trustees

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

8.9.1 Firearms

8.9.1.1. Definitions

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

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

8.9.1.2. Discharges Prohibited

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

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

8.9.1.3. Authorized Discharges

The prohibition set forth in Section 8.9.1.2 shall not apply to

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

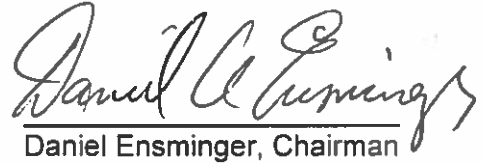
or take any other action with respect thereto.

Board of Selectmen

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

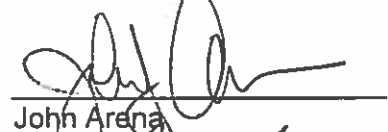
Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time appointed for said meeting.

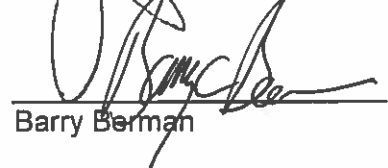
Given under our hands this 15th day of September, 2015.


Daniel Ensminger, Chairman

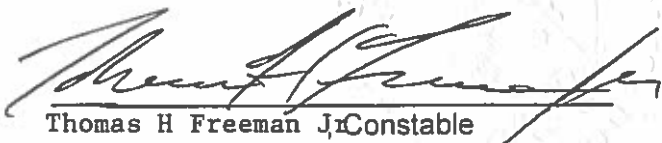
John R. Halsey, Vice Chairman


Kevin Sexton, Secretary


John Arena


Barry Berman

SELECTMEN OF READING


Thomas H. Freeman Jr. Constable

