

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Town of Reading:

By virtue of this Warrant, I Laura A Gemme, on March 24, 2021 notified and warned the inhabitants of the Town of Reading, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant, along with the written request of Town Moderator Alan Foulds dated February 17, 2021 asking that this Town Meeting be held by remote participation pursuant to St. 2020, c. 92, §8, in the following public places within the Town of Reading:

- Precinct 1 J. Warren Killam School, 333 Charles Street
- Precinct 2 Reading Police Station, 15 Union Street
- Precinct 3 Reading Municipal Light Department, 230 Ash Street
- Precinct 4 Joshua Eaton School, 365 Summer Avenue
- Precinct 5 Reading Public Library, 64 Middlesex Avenue
- Precinct 6 Barrows School, 16 Edgemont Avenue
- Precinct 7 Birch Meadow School, 27 Arthur B Lord Drive
- Precinct 8 Wood End School, 85 Sunset Rock Lane
- Town Hall, 16 Lowell Street

The date of posting being not less than fourteen (14) days prior to April 6, 2021, the date set for Town Meeting in this Warrant.

I also caused a posting of this Warrant, and the Town Moderator's request for a remote Town Meeting, to be published on the Town of Reading website on March 24, 2021.



~~Constable~~ Town Clerk

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 the Local Elections and Town affairs, to meet in the following place designated for the eight precincts in said Town, namely:

Precincts 1, 2, 3, 4, 5, 6, 7 and 8
Reading Memorial High School, Hawkes Field House, Oakland Road

TUESDAY, the SIXTH DAY OF APRIL, A.D., 2021
from 7:00 a.m. to 8:00 p.m. to act on the following Articles, viz:

ARTICLE 1 To elect by ballot the following Town Officers:

A Moderator for one year;
One member of the Select Board for three years;
Two members of the Board of Library Trustees for three years;
Two members of the Municipal Light Board for three years;
Two members of the School Committee for three years;

Sixty-Six Town Meeting Members shall be elected to represent each of the following precincts:

Precinct 1 Eight members for three years;
Precinct 2 Eight members for three years;
Precinct 3 Eight members for three years; one member for two years; and one member for one year;
Precinct 4 Eight members for three years;
Precinct 5 Eight members for three years;
Precinct 6 Eight members for three years;
Precinct 7 Eight members for three years; and
Precinct 8 Eight members for three years

and to meet in accordance with Chapter 92 of the Acts of 2020 and through the Zoom platform on

MONDAY, the TWENTY-SIXTH DAY of APRIL A.D., 2021

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.

Members of the public may access and witness the deliberations and actions taken at the Annual Town Meeting in the following manner: RCTV Facebook or on local public access television. Town Meeting members and Town officials shall receive a link to join the Zoom video conferencing platform to participate in the Annual Town Meeting. Non-Town Meeting Members who are registered voters residing in the Town who wish to participate in the Annual Town Meeting must submit a request to participate to the Town Clerk not less than 48 hours in advance of the Annual Town Meeting, and when submitting this request, non-Town Meeting Members who wish to make a comment, ask a question, or otherwise address Town Meeting, should contact Town Clerk Laura Gemme (lgemme@ci.reading.ma.us or 781-942-6647) with the following information: (a) First and Last Name, (b) Street Address, (c) Phone Number, (d) Email Address, and (e) Article(s) he or she would like to speak to, and once verified, shall receive follow up information with specific participation instructions for the meeting.

If, on April 26, 2021, the Town Meeting elects not to hold the Annual Town Meeting remotely, then the Town Meeting shall adjourn to Reading Memorial High School Performing Arts Center, 62 Oakland Road, Reading on Thursday April 29, 2021 at seven-thirty o'clock in the evening.

ARTICLE 2 To hear and act on the reports of the Select Board, School Committee, Library Trustees, Municipal Light Board, Finance Committee, Bylaw Committee, Town Manager, Town Accountant and any other Town Official, Board or Committee.

Select Board

ARTICLE 3 To choose all other necessary Town Officers and Boards or Committees and determine what instructions shall be given to 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.

Select Board

ARTICLE 4 To see if the Town will vote to amend the FY 2021-31 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.

Select Board

ARTICLE 5 To see if the Town will vote to amend the Town's Operating Budget for the Fiscal Year commencing July 1, 2020, as adopted under Article 17 of the Annual Town Meeting of June 15, 2020 and amended under Article 4 of the Subsequent Town Meeting of November 9, 2020; 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 see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money to 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.

Select Board

ARTICLE 7 To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the purpose of funding the irrevocable trust for "Other Post-Employment Benefits Liabilities" or take any other action with respect thereto.

Select Board

ARTICLE 8 To see if the Town will vote to amend the Zoning Bylaw as follows, with additions being shown in bold italics and deletions being struck through, except for Part 5 below:

1. By modifying, in Section 2.0, Definitions, the following definition:

~~Open Storage~~***Outdoor Commerce, Dining, Programming, or Storage: An***
~~accessory use involving t~~***The relocation or extension of indoor***
commerce, dining, programming, or storage outdoors to outdoor areas,
as an accessory use, on the same lot as a lawful principal use~~storage~~
~~or display of retail goods for sale.~~

2. By adding a new trigger for Minor Site Plan Review, in Section 4.6.2.3:

4.6.2 Applicability

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

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

3. By modifying, in Section 4.6.3.2, Minor Site Plan Review Procedures:

4.6.3 Minor Site Plan Review

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

4.6.3.2 Minor Site Plan Review Procedures

The Applicant shall submit to the CPDC through the Community Development Director, one electronic copy and ~~six~~ **two (2)** ~~printed~~ sets of ~~plans documents~~ showing **including** the following:

- 1** ~~A complete application, including authorization from the property owner;~~
- 2** ~~4~~ A written narrative explaining the proposed changes;
- 3** ~~2~~ Photographs of the existing site or area to be altered; and
- 4** ~~3~~ A rendering, site plan, plot plan or sketch.

For Minor Site Plan Review by the CPDC, the Applicant shall also submit one (1) set of **postage** stamped addressed envelopes in order for the Community Development Director to mail notification of the Minor Site Plan Review to abutters. **For applications under Outdoor Commerce, Dining, Programming, or Storage, notification will also be provided to businesses and tenants located on the site and within a 300' radius of the site, at a minimum.**

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

Minor Modifications to an approved Minor Site Plan Review shall be subject to the provisions of Section 4.6.9.2.

4. By combining Sections 4.6.3.3 and 4.6.3.4 into a new Section 4.6.3.3, Waiver of Parking, Loading and Related Design Requirements:

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

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

4.6.3.3 4.6.3.4 Waiver of Parking, Loading Space and Related Design Requirements in the Business Districts

Upon the Applicant's request and submission of supporting documentation, the Community Planning and Development Commission may waive or reduce the requirements of Section 9.1 for

~~a site located in the Business Districts~~ upon a finding that there will be no adverse impact on surrounding areas.

5. By adding a new Section 4.6.3.4, Criteria for Approval – Outdoor Commerce, Dining, Programming, or Storage, as follows and as shown in bold and regular text as it will appear in the Zoning Bylaw, if adopted:

4.6.3.4 Criteria for Approval – Outdoor Commerce, Dining, Programming, or Storage

When reviewing an application for Outdoor Commerce, Dining, Programming, or Storage, the CPDC will consider and may impose limitations and/or conditions related to the following criteria:

a Duration of Use- hours of operation, seasonality, and recurrence of the use;

b Site Circulation & Access- adequacy of pedestrian, vehicular, and emergency access to and movement through the site;

c Parking- availability of and impact to parking;

d Intensification of Use – whether the proposal will expand or intensify the principal use;

e Structures & Furnishings- dimensions, methods for securing/storing, and specifications for all proposed structures and furnishings to be used;

f Materials & Products- materials and products displayed or stored shall be for sale on-site, and not for distribution, and shall not generate dust, noise or other objectionable effects, or create a hazard to the community on account of fire, explosion or any other cause;

g Lighting, Heating & Sound- details regarding any proposed outdoor lighting, heating, or sound-generating devices, as well as specifications regarding any utility extensions for such;

h Setbacks- proximity of structures and activities to property lines;

i Visual Impact- measures to address the effect of the use (such as plantings, fencing, sculptures, trellises, artwork, etc.) on neighbors;

j Signage-justification for any desired temporary signage;

k Competing Uses & Neighborhood Coordination- consideration for how the area is used throughout the day, and at night, and accommodations for the needs of neighboring uses.

Compliance with Decision of Approval

Should an applicant fail to comply with the limitations or conditions contained in a minor site plan decision of approval issued for Outdoor Commerce, Dining, Programming, or Storage, in addition to any and all other methods of zoning enforcement available to the Town, the applicant may be required to propose solutions to staff and may be required to return to the CPDC to amend the decision of approval. Ongoing failure to comply with conditions contained in a decision of approval issued hereunder shall result in rescission of the decision of approval.

6. By modifying Section 5.2, General Requirements, to include an acronym for Minor Site Plan Review (MSPR):

5.2 General Requirements

5.2.1 Use regulations for all uses shall be as specified in Section 5.3.1, the "Table of Uses for Business and Industrial Districts," and Section 5.3.2, the "Table of Uses for Residence Districts." In these tables, "Yes" denotes a use permitted by right in a particular district; the letters "SPA" denote a use permitted in a particular district only by Special Permit from the Zoning Board of Appeals; the letters "SPS" denote a use permitted in a particular district only by Special Permit from the Board of Selectmen; the letters "SPP" denote a use permitted in a particular district only by Special Permit from the Community Planning and Development Commission (CPDC); ***the letters "MSPR" denote a use permitted in a particular district only by Minor Site Plan Review from the CPDC, unless approved as part of a full Site Plan Review application;*** "No" denotes a use prohibited in a particular district.

7. By modifying the row for Open Storage in Section 5.3.1 Table of Uses for Business and Industrial Districts – Accessory Uses, and by adding Note 6, as follows:

5.3 Table of Uses

5.3.1 Table of Uses for Business and Industrial Districts

ACCESSORY USES	BU S A	BUS B	BU S C	IND	PUD-B Overlay	PUD-I Overlay
Open Storage Outdoor Commerce, Dining, Programming, or Storage⁶	SPP MSPR	No MSPR	No MSPR	SPP MSPR	SPP MSPR	SPP MSPR

Notes:

- ¹ Townhouse style Multi-Family Dwelling only in Business C Planning Subdistrict A.
- ² Permitted only in Business C Planning Subdistricts B and D.
- ³ Requires on-site garage for all vehicles and enclosed storage for all materials.
- ⁴ The total number of children under age sixteen (16) in a family child care home shall not exceed ten (10), including participating children living in the residence.
- ⁵ Except by a contractor performing construction work on the premises.
- ⁶ ***Also allowed by MSPR in the Downtown Smart Growth District (40R Overlay). Not applicable to Home Occupation or Special Home Occupation uses in any district.***

8. By inserting a new row to Section 5.3.2 Table of Uses for Residence Districts – Accessory Uses, immediately following the existing row for "Animal Kennel," and by adding Note 4, as follows:

5.3.2 Table of Uses for Residence Districts

ACCESSORY USES	RES S-15 S-20 S-40	RES A-40	RES A-80	PRD-G PRD-M	PUD-R

Outdoor Commerce, Dining, Programming, or Storage⁴	MSPR	MSPR	MSPR	No	No
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Notes:

¹ In a Residence District, a single-family dwelling existing prior to April 1942, which at that time had at least eight (8) finished and habitable principal rooms, upon receipt of a Special Permit from the Zoning Board of Appeals, may be converted into a two-family dwelling, provided that the conversion does not increase the gross floor area of the structure by the lesser of 1000 square feet or one-third of the gross floor area of the dwelling existing on the date of application for conversion or on January 1, 2020, whichever is earlier, and that the external appearance as a single-family dwelling is retained. However, if no increase in gross floor area is proposed to the existing single-family structure as part of conversion, then the Special Permit shall not be required.

After a structure is converted to a two-family under this Footnote, no future additions to the structure will be allowed. At such time that the original April 1942 single-family dwelling is voluntarily demolished, rights to a two-family under this Footnote – whether granted by-right or by Special Permit – shall be discontinued.

² The total number of children under age sixteen (16) in a family child care home shall not exceed ten (10), including participating children living in the residence.

³ Except by a contractor performing construction work on the premises.

⁴ ***Applicable to legally existing businesses in residence districts, where the principal use of the site is commercial. Not applicable to Home Occupation or Special Home Occupation uses in any district.***

9. By deleting Section 5.6.1, Open Storage, in its entirety, from Section 5.6, Uses by Special Permit, and by renumbering remaining sections accordingly:

5.6 Uses by Special Permit

~~5.6.1 Open Storage~~

~~Open Storage may be authorized as specified in the Table of Uses for Business and Industrial Districts set forth in Section 5.3.1 of the Zoning Bylaw by Special Permit from the CPDC, based upon the criteria set forth in Section 5.6.1.1.~~

~~5.6.1.1 Criteria for Approval~~

- ~~a Products shall be stored only for the purpose of merchandise display or stock for sale on site, and not for distribution.~~
- ~~b Open storage area shall occupy no more than ten percent (10%) of a lot's total area.~~
- ~~c Products stored shall not impede pedestrian movement or vehicular circulation.~~
- ~~d Products stored shall neither encroach upon required parking spaces nor impede access thereto~~
- ~~e Products stored may be required to be screened from any abutting~~

residential properties.

- ~~f~~ No products may be stored in any public right of way nor impede access thereto.
- ~~g~~ In issuing a Special Permit, the CPDC may restrict the hours during which products may be displayed.
- ~~h~~ No products shall be stored so as to create dust, noise or other objectionable effects, or to create a hazard to the community on account of fire, explosion or any other cause.

5.6.1.2 Process

Applications for a Special Permit for open storage shall be made in accordance with the procedures for Site Plan Review set forth in Section 4.6.4 of the Zoning Bylaw.

or take any other action with respect thereto.

Community Planning and Development Commission

ARTICLE 9 To see if the Town will vote to (1) establish the limit on the total amount that may be expended from each revolving fund established by Article 9 of the Town of Reading General Bylaw pursuant to Section 53E½ of Chapter 44 of the *Massachusetts General Laws* for the fiscal year beginning July 1, 2021; and (2) amend Section 6.6.2 of the General Bylaw, establishing the Inspection Revolving Fund, as shown below, with the additions being shown in bold and deletions being struck through:

6.5.2 Inspection Revolving Fund

Funds held in the Inspection Revolving Fund shall be used for legal costs, oversight and inspection, plan review, property appraisals and appeals, public services general management, pedestrian safety improvements, records archiving, and other costs related to building, plumbing, wiring, gas and other permits required for large construction projects and shall be expended by the Town Manager. Receipts credited to this fund shall include building, plumbing, wiring, gas and other permit fees for the Schoolhouse Commons, The Metropolitan at Reading Station, Postmark Square, 20-24 Gould Street, 467 Main Street, Oaktree, Addison-Wesley/Pearson, and Johnson Woods, **Eaton Lakeview (23-25 Lakeview Avenue and 128 Eaton Street), 258 Main Street, 267 Main Street, 531 Main Street, 25 Haven Street, and 18-20 Woburn Street** developments.

or take any other action with respect thereto.

Select Board

ARTICLE 10 To see if the Town will vote to approve an Affordable Housing Trust Fund Allocation Plan pursuant to Chapter 140 of the Acts of 2001 entitled "AN ACT AUTHORIZING

THE TOWN OF READING TO ESTABLISH AN AFFORDABLE HOUSING TRUST FUND," or take any other action with respect thereto.

Select Board

ARTICLE 11 To see if the Town will vote to accept Clause Twenty-second G of M.G.L. c.59, §5 for real estate that is the domicile of a person but is owned by a trustee, conservator or other fiduciary for the person's benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F of M.G.L. c.59, §5 if the person were the owner of the real estate, or take any other action with respect thereto.

Select Board *at the recommendation of the Board of Assessors*

ARTICLE 12 To see if the Town will vote to accept Clause Twenty-second H of M.G.L. c. 59, § 5 to exempt from taxation certain real property of and occupied by parents or guardians of military personnel who were killed in action or injured in action that subsequently caused their death, or military personnel missing in action and presumed dead, subject to residency requirements, or take any other action with respect thereto.

Select Board *at the recommendation of the Board of Assessors*

ARTICLE 13 To see if the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide a sum or sums of money to pay the costs of making improvements including full replacement of the Reading Memorial High School Stadium Track and Turf Field, including the payment of any and all other costs incidental and related thereto, or take any other action with respect thereto.

Select Board

ARTICLE 14 To see if the Town will vote to raise and appropriate, borrow, transfer from available funds or otherwise provide a sum or sums of money to pay the costs of making improvements including repairs to and replacement of the Parker Middle School Roof, including the payment of any and all other costs incidental and related thereto, or take any other action with respect thereto.

Select Board

ARTICLE 15 To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for highway projects in accordance with Chapter 90 of the *Massachusetts General Laws*, or take any other action with respect thereto.

Select Board

ARTICLE 16 To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or otherwise provide a sum or sums of money for the operation of the Town and its government for Fiscal Year 2022 - beginning July 1, 2021, or take any other action with respect thereto.

Finance Committee

ARTICLE 17 To see if the Town will vote to transfer the care, custody, management and control of the properties off Lowell Street and Willow Street, shown on Assessors' Map 26 as Lots 50 & 32 (previously referred to as Plat 99, lots 2 and 21) which properties together contains 5.82 acres, more or less, to the Reading Conservation Commission, for the sole purpose of open space management; provided, however, that the Reading Department of Public Works shall have the right to replace, repair, maintain, and make necessary improvements to the existing sewer drains on the properties as shown on the following plans on file with the Town Clerk:

1. A plan of land entitled "Plan Showing Taking for Proposed Sanitary Sewer and Force Main from Mineral Street to New Senior High School, Town of Reading, Board of Public Works," prepared by Whitman & Howard, Engineers, Boston, Mass., dated June 1953, Sheet 2 of 5 Sheets;
2. A plan of land entitled "Record Sewer Plan Interceptor Pumping Station to High School, Board of Public Works," prepared by Philip Welch, Superintendent, dated May 1959;
3. A plan of land entitled "Town of Reading Massachusetts, Board of Public Works, Easement Through Private Property For Drainage And Sewerage Purposes, Hunt Street," prepared by the Engineering Division, Phillip Welsh, Superintendent, dated September 1963, and recorded with the Middlesex South Registry of Deeds on March 23, 1964, as Plan 266 of 1964; and
4. A plan of land entitled "Town of Reading Massachusetts, Board of Public Works, Record Sewer Plan Hunt St. and Interceptor No.1," prepared by the Engineering Division, Phillip Welsh, Superintendent, dated April 1965,

such plans on file with the Town Clerk; and provided further that such transfer of care, custody, management and control shall be subject to such right of the Department of Public Works; or take any other action with respect thereto.

Select Board

ARTICLE 18 – To see if the Town will vote to amend Section 7.9, Stormwater Management and Erosion Control, of the General Bylaw as follows:

1. By revising Section 7.9.2, Definitions, as shown below, with additions being shown in bold and deletions being struck through:

7.9.2 Definitions

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

7.9.2.1 Applicant

Any person requesting a Stormwater Permit.

7.9.2.2 Best Management Practice (BMP)

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

7.9.2.3 Common Plan of Development or Sale

Any plan reflected in an announcement, documentation or physical demarcation indicating ~~that one (1) or more~~ **multiple** distinct construction activities are or may be undertaken on a Site or on contiguous Sites, either simultaneously or at different times or on different schedules, **that are shown under one (1) plan. For example, if a developer buys a 20-acre lot and builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures sometimes in the future, this would be considered a larger common plan of development or sale. If the land is parceled off or sold, and construction occurs on plots that are less than one acre by separate, independent builders, this activity still would be subject to stormwater permitting requirements if the smaller plots were included on the original site plan.**

7.9.2.4 Construction and Waste Materials

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

7.9.2.5 Critical Area

Any of the following: An Outstanding Resource Water or Special Resource Water as designated in 314 CMR 4.00, a recharge area for a public water supply as defined in 310 CMR 22.02 (a Zone I, Zone II, or Interim Wellhead Protection Area for a groundwater source or a Zone A for a surface water source), a bathing beach as defined in 105 CMR 445.000, or a cold-water fishery as defined in 310 CMR 10.04.

7.9.2.56 Erosion

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

- 7.9.2.67** **Erosion and Sedimentation Control Plan**
A document prepared by a qualified professional engineer or a Certified Professional in Erosion and Sedimentation Control, that specifies best management practices designed to control surface runoff, erosion and sedimentation during land-disturbing activities prior to or during construction.
- 7.9.2.78** **Grading**
Changing the level or shape of the ground surface.
- 7.9.2.89** **Impervious Surface**
Any artificial material or structure on or above the ground that prevents water from infiltrating the underlying soil. Impervious Surfaces may include roads, paved parking lots, sidewalks, and rooftops.
- 7.9.2.10** **Impaired Water**
A water is impaired if it does not meet one or more of its designated use(s). For purposes of this Bylaw, Impaired Waters are those classified as categories 4 and 5 of the five-part categorization approach used for classifying the water quality standards attainment status for water segments under the U.S. EPA Total Maximum Daily Load (TMDL) program. This classification is done by the Massachusetts Department of Environmental Protection in its "Integrated List of Waters," pursuant to Clean Water Act Section 303(d) (33 USC Section 1313(d)) and 40 CFR Section 130.7(b)(4).
- 7.9.2.911** **Land-Disturbing Activity (or Disturbance of Land)**
Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material.
- 7.9.2.12** **Low Impact Development (LID)**
Systems and practices that use or mimic natural processes resulting in the infiltration, evapotranspiration or use of stormwater. LID includes, but is not limited to, the following:
- Site Design:*** Environmentally sensitive site design approaches such as minimizing impervious surfaces, fitting the development to the terrain, preserving and capitalizing on natural drainage systems, and reproducing pre-development hydrologic conditions; and
- Systems:*** Stormwater management systems modeled after natural hydrologic features to manage rainfall at the source using decentralized micro-scale controls, such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements.

- 7.9.2.4013** Massachusetts Stormwater Management Standards
The Stormwater Management Standards issued by the Massachusetts Department of Environmental Protection, aimed at encouraging recharge and preventing stormwater discharges from causing or contributing to the pollution of the surface waters or groundwater of the Commonwealth.
- 7.9.2.4114** Municipal Storm Drain System (or Storm Drain System)
The system of conveyances owned by the Town (including roads, catch basins, curbs, gutters, ditches, constructed channels, pipes, and outfalls) by which stormwater is collected or conveyed.
- 7.9.2.4215** New Development
Any construction activities or land alteration that disturbs one or more acres of land, on an area that does not contain Impervious Surfaces.
- 7.9.2.4316** Operation and Maintenance Plan (O&M Plan)
A plan establishing the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a Stormwater Management System.
- 7.9.2.4417** Owner
A Person with a legal or equitable interest in property.
- 7.9.2.4518** Pollutant
Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste, and any other material that may cause or contribute to exceedance of water quality standards in the waters to which the Storm Drain System discharges.
- 7.9.2.4619** Redevelopment
Any construction, land alteration or improvement of Impervious Surfaces that disturbs one or more acres of land, on an area that already contains Impervious Surfaces.
- 7.9.2.4720** Runoff
Rainfall, snowmelt, or irrigation water flowing over the ground surface.
- 7.9.2.4821** Sediment
Mineral or organic soil material that is transported, by wind or water, from its origin to another location.
- 7.9.2.4922** Sedimentation
The process or act of deposition of sediment.
- 7.9.2.2023** Site

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

- 7.9.2.2124 Soil
Any earth, sand, loam, clay, rock, gravel, or similar material.
- 7.9.2.2225 Stabilization
The use, singly or in combination, of mechanical, structural, or vegetative methods, to prevent, reduce or slow erosion.
- 7.9.2.2326 Stormwater
Any surface flow, runoff or drainage resulting entirely from any form of natural precipitation.
- 7.9.2.2427 Stormwater Management Plan
A document containing sufficient information for the **Community Planning and Development Commission (CPDC)** to evaluate the environmental impact, effectiveness and acceptability of the measures proposed by the applicant for reducing adverse post-construction impacts from stormwater, including controlling stormwater runoff and promoting infiltration.

2. By revising Section 7.9.3, Responsibility for Administration, as shown below, with additions being shown in bold and deletions being struck through.

7.9.3 Responsibility for Administration
The ~~Community Planning and Development Commission (CPDC)~~ shall administer, implement and enforce Section 7.9, with assistance from the Building Inspector, **except as provided in Section 7.9.3.3 for projects within the jurisdiction of the Conservation Commission.** Any powers granted to or duties imposed upon the CPDC, except the power to hear appeals, may be delegated in writing by the CPDC to other employees or agents of the Town.

7.9.3.1 Rules and Regulations
The CPDC may adopt, and periodically amend, rules and regulations to effectuate the purposes of Section 7.9 or to implement any post-construction design requirements of the Town's NPDES stormwater discharge permit. **The rules and regulations may specify the precipitation estimates to be used when calculating stormwater runoff for drainage system design.** Failure by the CPDC to promulgate such rules and regulations shall not have the effect of suspending or invalidating the requirements of Section 7.9.

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

- The public health, safety, and the environment will be protected;

- Strict application of the requirement to be waived would undermine the public interest;
- Specific substitute requirements can be adopted that will result in the substantial protection of the Municipal Storm Drain System, and the rights of persons affected by the waiver; and
- The action made possible by the waiver will not violate the provisions of federal or state law, other applicable provisions of local bylaws or regulations, or the Town's NPDES stormwater discharge permit.

7.9.3.3 Projects Within Conservation Commission Jurisdiction

In order to avoid duplicative permitting proceedings, for activities regulated under Section 7.9 that will be undertaken wholly or partly within the jurisdiction of the Reading Conservation Commission and require stormwater review under 310 CMR 10.00 or the Reading Wetlands Bylaw, the Conservation Commission shall serve as the permitting authority for the stormwater permit required by Section 7.9.4.1. For those projects, the Conservation Commission shall have the role, powers and duties assigned to the CPDC in this Section 7.9, except the power to adopt regulations. The CPDC's Stormwater Regulations shall apply to those projects, with the Conservation Commission substituting for the CPDC in carrying out the permitting as specified in this Section 7.9 and the CPDC's Stormwater Regulations. The Conservation Commission may adopt its own Stormwater Management and Erosion Control Procedures to govern the mechanics of submission and review of permit applications.

3. By revising Section 7.9.4, Applicability, as shown below, with additions being shown in bold and deletions being struck through.

7.9.4 Applicability

7.9.4.1 Regulated Activities

Any activity that results in disturbance of one (1) or more acres of land and any land-disturbing activity that is part of a Common Plan of Development or Sale that will ultimately result in the disturbance of one (1) or more acres of land, shall be subject to the requirements of Section 7.9. No person shall undertake any such activity unless it is authorized by a stormwater permit issued by the CPDC, or exempt pursuant to Section 7.9.4.2.

7.9.4.2 Exempt Activities

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

- Normal maintenance and improvement of land in agricultural or aquacultural use, as defined by MGL Chapter 131 Section 40 and 310 CMR 10.04; **and**
- Normal maintenance of lawns and landscaping; ~~and~~
- ~~Activities that are subject to the jurisdiction of the Conservation Commission under Section 7.1 or MGL~~

~~Chapter 131 Section 40 and its implementing regulations; demonstrate compliance with the Massachusetts Stormwater Management Standards, as reflected in an Order of Conditions; and are in compliance with the requirements of that Order of Conditions.~~

4. By revising Section 7.9.5, Permits and Procedure, as shown below, with additions being shown in bold and deletions being struck through.

7.9.5 Permits and Procedure

7.9.5.1 Stormwater Permit Application

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

- A completed stormwater permit application Form with original signatures of all owners;
- **A narrative describing the incorporation of LID strategies as defined in Section 7.9.2.12;**
- An Erosion and Sediment Control Plan satisfying the requirements of Section 7.9.6;
- A Stormwater Management Plan satisfying the requirements of Section 7.9.7;
- An Operation and Maintenance Plan satisfying the requirements of Section 7.9.8; and
- Payment of any application fee established by the CPDC pursuant to Section 7.9.5.6.

5. By revising Section 7.9.7, Stormwater Management Plan, as shown below, with additions being shown in bold and deletions being struck through.

7.9.7 Stormwater Management Plan

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

7.9.7.1 Design Standards

The stormwater management measures set forth in the Stormwater Management Plan shall be designed to meet Standards 1-6 (for New Development) or Standard 7 (for Redevelopment) of the Massachusetts Stormwater Management Standards, as well as any post-construction design requirements adopted under Section 7.9.3.1. **In addition, LID site planning and design strategies shall be incorporated unless infeasible in order to reduce the discharge of stormwater.**

7.9.7.2 Site Plan

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

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

Or take any other action with respect thereto.

Community Planning and Development Commission

ARTICLE 19 To see if the Town will vote to authorize the Select Board to settle all claims relative to *59 Middlesex Ave, LLC. v. Town of Reading* filed in Federal District Court for the District of Massachusetts (Civil Action No. 20-11101) and a Complaint filed with the Department of Housing and Urban Development (Case #01-21-7269-8) by 59 Middlesex Ave, LLC, and to raise and appropriate, transfer from available funds, or borrow a sum of money, to be expended under the direction of the Select Board, for the purpose of paying expenses related to the settlement of such claims, actions, and proceedings against the Town, or take any other action with respect thereto.

Select Board

ARTICLE 20 To see if the Town will vote, pursuant to Section 2-6 of the Reading Home Rule Charter, to declare the seats of certain Town Meeting Members to be vacant and remove certain described persons from their position as Town Meeting Members for failure to take the oath of office within 30 days following the notice of election or for failure to attend one-half or more

of the Town Meeting sessions during the previous year, or take any other action with respect thereto.

Select Board

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 April 6, 2021, 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 2nd day of March, 2021.



Mark L Dockser, Chair



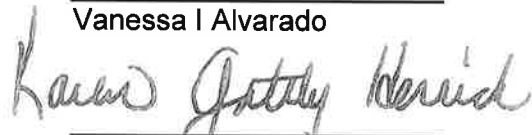
Anne DJ Landry, Vice Chair



Carlo Bacci, Secretary



Vanessa I Alvarado



Karen Gately Herrick



Town Clerk, ~~Constable~~

SELECT BOARD OF READING