

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on _____, 2014 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 Reading Library, Local History Room, 64 Middlesex Avenue
 - Precinct 6 Barrows School, 16 Edgemont Avenue
 - Precinct 7 Birch Meadow School, 27 Arthur B Lord Drive
 - Precinct 8 Wood End School, 85 Sunset Rock Lane
- Town Hall, 16 Lowell Street

The date of posting being not less than fourteen (14) days prior to September 29, 2014, 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 _____, 2014.

, 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, September 29, 2014, at seven-thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

ARTICLE 1 To hear and act on the reports of the Board of Selectmen, Town Accountant, Treasurer-Collector, Board of Assessors, Director of Public Works, Town Clerk, Tree Warden, Board of Health, School Committee, Contributory Retirement Board, Library Trustees, Municipal Light Board, Finance Committee, Cemetery Trustees, Community Planning & Development Commission, Town Manager and any other Official, Board or Special Committee.

Board of Selectmen

Background: This article appears on the Warrant for all Town Meetings. At this Special Town Meeting, the following report(s) are anticipated:

- Update on Permanent Building Committee (Bylaw Committee Chair Stephen Crook)
- Update on Charter Review Committee (Chair Alan Foulds)
- Update from ad hoc Zoning Advisory Committee (Chair Marsie West)

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

Board of Selectmen

Background: This Article appears on the Warrant of all Town Meetings. There are no known Instructional Motions at this time. The Town Moderator requires that all proposed Instructional Motions be submitted to the Town Clerk in advance so that Town Meeting Members may be “warned” as to the subject of an Instructional Motion in advance of the motion being made. Instructional Motions are normally held until the end of all other business at Town Meeting.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 3 To see if the Town will vote to amend the FY2015 - FY24 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

Background: This Article is included in every Town Meeting Warrant. The Reading General Bylaw states (section 6.1.3) "... *No funds may be appropriated for any capital item unless such item is included in the Capital Improvements Program, and is scheduled for funding in the Fiscal Year in which the appropriation is to be made.*" Bond ratings agencies also want to ensure that changes to a long-term CIP are adequately described. The following changes are proposed to the 2015-2024 CIP:

General Fund

FY15: +\$946,000 in two parts

\$266,000 requested in September as follows:

- \$150,000 DPW Snow Holder #c3 (replacing 2008 item)
- \$ 75,000 School Technology (moved up from FY16)
- +\$ 33,000 School Facilities – Joshua Eaton roof (phase I) increase from \$392,000 to \$425,000
- +\$ 27,000 Town Technology - \$15,000 for Audience Response Systems (hand held polling devices) and \$12,000 Cemetery online system modules (moved up from FY16)
- +\$ 6,000 Town Facilities - Police Station move \$30,000 from flooring to \$36,000 HVAC work
- \$ 0 School Facilities - masonry repairs move \$18,000 from Parker to RMHS
- (\$ 25,000) Community Services - Elder/Human Services van reduced from \$39,000 due to grant received

\$680,000 requested in November as follows:

- \$400,000 School Facilities - Joshua Eaton roof Phase II (increased from \$392,000 and moved up from FY16)
- \$100,000 School Facilities - Parker MS multipurpose room repairs
- \$ 80,000 DPW Fuel Management System
- \$ 50,000 Town Facilities - Town Hall generator (moved up from FY16 and incr. from \$20,000)
- \$ 50,000 DPW Pickup Truck #2 (moved up from FY16)

FY16: - \$1,162,400 (-\$549,000 advanced to FY15; -\$40,000 deleted; -\$573,400 deferred)

- \$220,000 DPW Truck #8 (moved up from FY18)
- \$ 72,000 DPW Truck #24 (moved up from FY18)
- \$ 37,000 Community Services/Recreation - Joshua Eaton backstop (moved up from FY17)
- \$ 34,000 DPW Pickup #2 (moved up from FY20 and reduced by \$11,000)
- \$ 20,000 School Facilities – Birch Meadow HVAC (moved up from FY17 and increased by \$4,000)
- +\$ 8,000 School Facilities – Barrows & Killam HVAC increased to \$15k each

+\$ 800 DPW Pickup (increased to \$32,000)
\$ 0 DPW Cold facility/cemetery garage work moved out one year due to
Increased project scope and cost (shown as debt)
(\$ 12,000) Town Technology – Cemetery online system modules (moved up to FY15)
(\$ 17,500) DPW SKAG 52" Mower (moved out to FY18)
(\$ 20,000) Town Facilities: Town Hall generator (moved up to FY15)
(\$ 26,800) DPW Hwy Int Compr (moved out to FY18)
(\$ 32,400) DPW Bobcat Loader (moved out to FY19 and increased by \$400)
(\$ 40,000) DPW Lebot Roller (moved out to FY18)
(\$ 40,000) DPW Mobark Chipper (deleted)
(\$ 41,500) Fire Passenger Car#1 (moved out to FY17)
(\$ 50,000) DPW Pickup #2 (moved up to FY15)
(\$ 72,000) DPW Truck #24 (moved out to FY18, reduced by \$8,000 to \$64,000)
(\$ 75,000) School Technology (moved up to FY15)
(\$115,000) DPW Truck #10 (moved out to FY18)
(\$120,000) DPW Woodsman Chipper (moved out to FY17)
(\$392,000) School Facilities – Joshua Eaton roof Phase II (moved up to FY15)
(\$500,000) RMHS turf field moved out two years as maintenance has improved status

FY17+

Various changes made

Water Enterprise Fund

FY15: \$120,000

\$2.5 million Water Main Improvements (shown as future debt expenses)
\$120,000 Larch Lane water main project (moved up from FY16)

Finance Committee Report: The Finance Committee recommends the proposed amendments to the FY 2015-2024 Capital Improvements Program by a vote of 8-0-0 at their meeting on September 3, 2014. Placing items in the Capital Improvement Program is a prerequisite but in itself does not authorize spending funds towards these items.

Bylaw Committee Report: No report.

By Charter, both the Finance Committee and Bylaw Committee are advisory to Town Meeting and their votes must be reported to Town Meeting, preferably in writing in advance when possible. Other volunteer Boards/Committees/Commissions (BCC) also vote on Warrant Articles, and when possible those votes are noted herein with an asterisk () next to the name of the BCC. Please note that the Board of Selectmen often act as the sponsor for Articles at Town Meeting, but they may do so as a courtesy and not agree with it.*

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 4 To see if the Town will vote to authorize the Board of Selectmen to sell, exchange, or dispose of, various items of Town tangible property, upon such terms and conditions as they may determine; or take any other action with respect thereto.

Board of Selectmen

Background: The Department of Public Works purchased a new pavement spreader earlier this summer, as was funded in the FY15 capital plan. In retrospect, they should have previously requested that Town Meeting declare the old 1998 Leeboy Pavement Spreader as surplus and then traded it in with that purchase. Instead, they received a FINCOM Reserve fund transfer of \$9,500 to complete the outright purchase for cash only. After Town Meeting declares this item as surplus, DPW believes it will recoup the \$9,500 in an outright sale. Those funds will flow to cash reserves.

Finance Committee Report: The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on September 3, 2014.

Bylaw Committee Report: No report.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 5 To see if the Town will vote to amend the votes taken under Article 9 of the November 8, 2010 Subsequent Town Meeting and Article 16 of the April 25, 2011 Annual Town Meeting to reduce the amounts authorized thereby for Green School Repairs by \$326,722 and \$110,607 respectively; or take any other action with respect thereto.

Board of Selectmen

Background: Town Meeting authorized debt for the projects listed above, but the total amount authorized was not needed in full and therefore never borrowed. The figures above represent the difference between what was authorized and what was issued. Removing this surplus authorization is a simple housekeeping issue that is important for bond rating agencies. In contrast, the next Article represents debt that was authorized and borrowed, but not needed to complete various projects.

Finance Committee Report: The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on September 3, 2014. This is a financial housekeeping issue only.

Bylaw Committee Report: No report.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 6 To see if the Town will vote to transfer the sum of \$69,172.79, to be added to the amounts appropriated under Article 8 of the November 12, 2013 Subsequent Town Meeting and Article 10 of the April 28, 2014 Annual Town Meeting for the purpose of making roadway, pedestrian and similar improvements to West Street, beginning from the Woburn City Line and extending northerly to just north of its intersection with Willow Street, including paying the costs of easements, consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith from the following available funds:

- ◆ \$65.71 to be transferred from the unexpended proceeds of the Town's bonds, dated January 1, 2005, which were issued for the construction of the Barrows School pursuant to the vote taken under Article 5 of the December 10, 1998 Special Town Meeting;
- ◆ \$47,193.63 to be transferred from the unexpended proceeds of the Town's bonds, dated March 22, 2012, which were issued for Green School Repairs pursuant to the vote taken under Article 16 of the April 25, 2011 Annual Town Meeting; and
- ◆ \$21,913.45 to be transferred from the unexpended proceeds of the Town's bonds, dated February 1, 2009, which were issued for the purpose of Technology Improvements pursuant to the vote taken under Article 19 of the April 23, 2007 Annual Town Meeting;

and to authorize the Town Manager to take any action necessary or appropriate to carry out this project; provided, however that no this vote shall not take effect until the Town Manager determines, in his sole discretion, that sufficient funds have been authorized to complete the project in a satisfactory manner; or take any other action with respect thereto.

Board of Selectmen

Background: These sums were borrowed for the listed projects and remain as surplus to the completed projects. Under Massachusetts General Laws these surplus funds may be transferred to other 'like' projects. The term 'like' in this instance refers to the legal maximum term that debt may be issued for the various purposes, or 15 years in this case. Typically Reading likes to issue debt that is shorter than allowed in order to save significant interest costs.

The State has asked for bids for the West Street project but they are not yet due. This Article simply adds a bit of a cushion to the \$1.3 million already authorized for this project by Town Meeting. Any future surplus or deficit in this project will come back to Town Meeting once they are identified for certain.

Finance Committee Report: The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on September 3, 2014.

Bylaw Committee Report: No report.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 7 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 for the purpose of making water main improvements, including paying the costs of easements, consulting services, audits, plans, documents, cost estimates, bidding services and all related expenses incidental thereto and necessary in connection therewith, said sum to be expended by and under the direction of the Town Manager; and to see if the Town will authorize the Board of Selectmen, Town Manager, or any other agency of the Town, to apply for a grant or grants, to be used to defray the cost of all, or any part of, said water main improvements; 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 take any other action with respect thereto.

Board of Selectmen

Background: The Town has previously identified and shown Town Meeting a plan for a significant amount of capital improvements needed for our Water infrastructure, to be done over the next 25+ years. Below is a recap of this capital work that is planned:

	Current Cost	Debt Payments
Phase 1	\$ 7.512 mil	FY15-FY25
Phase 2	\$ 5.0 mil	FY23-
Phase 3	\$ 7.5 mil	FY25-
Phase 4	\$15.0 mil	TBA

Phase 1 has two parts – the first has already been bid out, but the second will be bid this winter. Below are the actual and estimated costs for these two parts:

Phase 1	Low Bid	Estimate	TOTAL
Part #R1	\$3,456,983		
Part #R2		\$4.0 million +/-	
			\$7.5 million +/-

Town Meeting has previously approved the first \$5.0 million of water main debt towards these long-term capital needs. This Article requests an additional authorization of \$2.512 million. The total of \$7.512 million is expected to cover the entire Phase 1 project.

The financing explains why the apparently odd amount of \$2.512 million of additional debt authorization is requested. The Town has borrowed \$4.012 million from the MWRA at zero interest cost for ten years (the maximum amount allowed). This leaves an authorization of \$0.988 million on the books. Adding \$2.512 million will bring the total unissued authorization to \$3.5 million, which we will look to borrow in the public markets this winter, when we also borrow for the Library and West Street projects.

This large zero interest loan from the MWRA allows the second part of Phase 1 to be started sooner than previously planned, with debt payments due beginning in the FY16 budget.

Finance Committee Report: The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on September 3, 2014.

Bylaw Committee Report: No report.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 8 To see if the Town will vote to amend the Town's Operating Budget for the Fiscal Year commencing July 1, 2014, as adopted under Article 14 of the Annual Town Meeting of April 28, 2014; 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 for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

Background:

General Fund – Wages and Expenses

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
B99 - Benefits	(\$25,000) Worker Compensation Insurance Premiums	\$25,000	
C99 - Capital	\$150,000 DPW Snow Holder \$ 75,000 School Technology \$ 33,000 School Fac: J. Eaton roof Phase1 \$ 27,000 Town Technology: Audience Response and Cemetery systems \$ 6,000 Town Fac: - Police HVAC project (\$ 25,000) Elder/Human Services van		\$266,000
D99 – Debt Service	(\$350,000) for the West Street roadway project	\$350,000	
E99 – Vocational Education	\$80,000 for Essex North Shore Agricultural		\$80,000
F99 – FINCOM Reserves	\$9,500 spent on DPW capital purchase pre-trade-in		\$9,500
G92 – Admin. Service expenses	\$100,000 legal expenses \$ 15,000 Property Casualty Insurance Premiums		\$115,000
K92 – DPW expenses	\$18,000 Traffic Controls due to lightning strikes \$ 7,000 Highway Supplies (emergency stone)		\$25,000
	Subtotals	\$375,000	\$495,500
	Net Operating Expenses		\$120,500
	From Tax Levy, State Aid and Other Local Receipts		\$120,500
	\$ 77,417 State Aid		
	\$ 43,083 Excise taxes		

Enterprise Funds – Wages and Expenses

<u>Account Line</u>	<u>Description</u>	<u>Decrease</u>	<u>Increase</u>
W99 - Water	\$120,000 Larch Lane water main project (moved up from FY16) -\$120,000 Water main debt service (no interest loans plus borrow only \$4.012 million versus \$5 million for FY15 repayments)		
	Subtotals	\$0	\$0
	From Operating Transfers and Available Funds (Water Reserves)		\$0

Finance Committee Report: The Finance Committee recommends all but two items listed in this Article (not including the \$75,000 School Technology nor the \$7,000 in DPW stone for which there was insufficient information) by a vote of 8-0-0 at their meeting on September 3, 2014. Subsequently at their meeting on September 10, 2014 more information was provided and FINCOM voted 8-0-0 to recommend both the School Technology and DPW stone funding.

Bylaw Committee Report: No report.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 9: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 1 thereof in its entirety and replacing it with the following:

1.0 AUTHORITY AND PURPOSE

- 1.1 This Bylaw shall be known and may be cited as the “Zoning Bylaw of the Town of Reading, Massachusetts”
- 1.2 The Zoning Bylaw is adopted pursuant to Chapter 40A and Chapter 40R of the General Laws of the Commonwealth of Massachusetts.
- 1.3 The purposes of the Zoning Bylaw include:
 - a) To promote the public health, safety, welfare, and convenience of residents and property owners within the Town of Reading;
 - b) To secure safety from fire, flood, panic, congestion and other dangers;
 - c) To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
 - d) To encourage compatible development and appropriate use of the land and resources throughout the Town of Reading, including consideration of comprehensive plans adopted by the Town of Reading;

- e) To encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land;
- f) To encourage increased housing production, including housing for persons of varying income levels and individual needs;
- g) To facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public infrastructure;
- h) To preserve natural conditions and historic sites and to enhance beauty and amenities;
- i) To establish a fair and reasonable set of standards for evaluating each development proposal impartially;
- j) To provide adequate light and air; and
- k) To encourage smart growth in the Town of Reading.

or take any other action with respect thereto.

Community Planning & Development Commission

Background: Over the past year the Zoning Advisory Committee (ZAC) has been working on the Comprehensive Update to the Zoning Bylaw. The zoning update has been conducted with the assistance of a specialized zoning consultant, extensive public participation as well as input from the Community Planning and Development Commission (CPDC) and Town Staff. Article 9 is recommended by the ZAC.

Section 1 identifies the Authority and Purpose of the Zoning Bylaw. Article 9 deletes the existing Section 1 and inserts a new updated Section 1. The new Section 1, Authority and Purpose, has been updated to be consistent with State Statute, Massachusetts General Law Chapter 40A and Chapter 40R. In addition, the purposes included in Section 1 have been updated to be more comprehensive and better reflect Town goals and land use plans that have been adopted.

Below is a side-by-side view of the proposed changes to Section 1.

Existing	Proposed
<p>1.0 PURPOSE</p> <p>1.1 The purposes of this Zoning Bylaw include, but are not limited to, the following:</p> <ul style="list-style-type: none"> 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 	<p>1.0 AUTHORITY AND PURPOSE</p> <ul style="list-style-type: none"> 1.1 This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Reading, Massachusetts" 1.2 The Zoning Bylaw is adopted pursuant to Chapter 40A and Chapter 40R of the General Laws of the Commonwealth of Massachusetts. 1.3 The purposes of the Zoning Bylaw include: <ul style="list-style-type: none"> a) To promote the public health, safety, welfare, and convenience of residents and property owners within the Town of

<p>income levels;</p> <ul style="list-style-type: none"> 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. 	<p>Reading;</p> <ul style="list-style-type: none"> b) To secure safety from fire, flood, panic, congestion and other dangers; c) To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; d) To encourage compatible development and appropriate use of the land and resources throughout the Town of Reading, including consideration of comprehensive plans adopted by the Town of Reading; e) To encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land; f) To encourage increased housing production, including housing for persons of varying income levels and individual needs; g) To facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public infrastructure; h) To preserve natural conditions and historic sites and to enhance beauty and amenities; i) To establish a fair and reasonable set of standards for evaluating each development proposal impartially; j) To provide adequate light and air; and k) To encourage smart growth in the Town of Reading.
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Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 5-0-0 at their meeting on September 4, 2014.

***CPDC Report:** The CPDC will make their reports on the Zoning Articles on the floor of Town Meeting after holding a Public Meeting, as is their custom.

***Board of Selectmen Report:** Although the Board does not usually take a position on Zoning Articles, in the case of the ad hoc Zoning Advisory Committee Selectman Marsie West is serving as the ZAC Chair, and the Board wants to ensure that Town Meeting understands that they are in full support of this year-long Zoning project. The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 10: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 3 thereof in its entirety and replacing it with the following:

3.0 ESTABLISHMENT OF DISTRICTS

3.1 Districts

The Town is hereby divided into the following zoning districts as shown on the Reading Zoning Map:

Type	Full Name	Short Name
Residence	Single Family 15 District	S-15
Residence	Single Family 20 District	S-20
Residence	Single Family 40 District	S-40
Residence	Apartment 40 District	A-40
Residence	Apartment 80 District	A-80
Business	Business A District	Bus A
Business	Business B District	Bus B
Business	Business C District	Bus C
Industrial	Industrial	Ind
Overlay	Flood Plain District	F
Overlay	Municipal Building Reuse District	MR
Overlay	National Flood Insurance Flood Management District	NF
Overlay	Aquifer Protection District	AQ
Overlay	Planned Unit Development	PUD
Overlay	Planned Residential Development	PRD
Overlay	Gateway Smart Growth District	GSGD
Overlay	Downtown Smart Growth District	DSGD

3.2 Zoning Map

Districts are shown, defined and bounded on a map, dated April 8, 2013 and entitled "Reading Zoning Map," as amended, consisting of an index map and 61 detailed maps, prepared, signed and approved by the Community Planning and Development Commission (CPDC), which constitutes a part of the Zoning Bylaw.

Appended to the Reading Zoning Map and incorporated therein are:

- The “Flood Insurance Rate Map, Massachusetts Middlesex County, Massachusetts” consisting of 7 panels, dated June 4, 2010, which are appended to the Reading Zoning Map as Exhibit 1; and
- The map entitled "Aquifer Protection Overlay District Map, Town of Reading" dated September, 1985 consisting of 1 panel which is appended to the Reading Zoning Map as Exhibit 2.

The Reading Zoning Map shall be kept on file and current by the Town Engineer, who shall supply copies to the Town Clerk, the Town Planner, the Building Inspector, the Board of Appeals and the CPDC.

3.3 Boundaries of Districts

Boundaries of zoning districts shall be interpreted as follows:

3.3.1 Any boundary indicated on the Reading Zoning Map as being within a street or railroad right of way shall be interpreted to be along the center line of such street or right of way.

3.3.2 Any boundary indicated on the Reading Zoning Map as being approximately parallel to a street or railroad right of way, with a single dimension noted, shall be interpreted to be parallel to, and located the noted distance from, the center line of such street or right of way.

3.3.3 Any boundary indicated on the Reading Zoning Map as being approximately parallel to the bank of a river, stream, lake, pond or other surface water body or watercourse, together with a single noted dimension, shall be interpreted to be parallel to, and located the noted distance from:

- The elevation, at the bank of a lake, pond or similar surface water body, where vegetation changes from predominately terrestrial to aquatic; or
- The elevation, along the bank of a river, stream or similar watercourse, where the annual high water has left a definite mark in the channel.

3.3.4 Any boundary indicated on the Reading Zoning Map together with two or more dimensions shall be interpreted to be located so as to be consistent with such dimensions.

3.3.5 Any boundary indicated on the Reading Zoning Map as approximately following property lines in existence at the time of the establishment of such boundary shall be interpreted to be along such property lines.

3.3.6 Any boundary of an Overlay District that is indicated on the Reading Zoning Map as a contour shall be interpreted to be along the noted contour, based on mean sea level lines.

3.3.7 Any boundary of an Overlay District that is indicated on the Reading Zoning Map as terminating at the end of drainage structures or other features, or extensions thereof, shall be interpreted to terminate at such location.

3.3.8 All other boundaries shall be as indicated on the Reading Zoning Map.

3.4 Lots in Two Districts

3.4.1 Where a district boundary line divides any lot existing at the time of the line's adoption, any provision of the Zoning Bylaw applicable to a district in which the lot has frontage on a street may be extended so as to be applicable to the portion of the lot that is not more than thirty (30) feet from the district boundary line; provided, however, that this provision shall not apply to any lot used for multi-family housing.

or take any other action with respect thereto.

Community Planning & Development Commission

Background: Over the past year the Zoning Advisory Committee (ZAC) has been working on the Comprehensive Update to the Zoning Bylaw. The zoning update has been conducted with the assistance of a specialized zoning consultant, extensive public participation as well as input from the Community Planning and Development Commission (CPDC) and Town Staff. Article 10 is recommended by the ZAC.

Section 3 identifies the zoning districts. Article 10 deletes the existing Section 3 and inserts a new updated Section 3. The new Section 3, Establishment of Districts, has been updated and streamlined as part of the overall Comprehensive Update to the Zoning Bylaw. The changes include deletion of two overlay districts and clarifying regulations pertaining to lot boundaries and lots in two districts. In addition, the changes will update the zoning map reference to the Federal insurance Rate Maps (FIRM) to ensure the correct FIRM Map Dates are properly identified as an Exhibit to the zoning map.

The two overlay districts being deleted include the Wetlands Protection District Overlay and the Mixed Use Overlay. The Wetlands Protection District Overlay has been determined to be obsolete as the State Wetland Protection Act and Local Wetland Protection Bylaw supersedes the requirements contained in the Wetlands Protection District Overlay. The Conservation Commission has reviewed the proposed deletion and at a meeting on August 13, 2014 voted to support the deletion of the Wetlands Protection District Overlay.

The Mixed Use Overlay District was initially adopted in 2005 with the goal of permitting mixed commercial and residential uses that would otherwise not be allowed in the underlying zoning district. However, the regulations contained in the Mixed Use Overlay District were challenging to developers and as a result, no projects have been constructed under the Mixed Use Overlay District. In 2009, the Town adopted the Downtown Smart Growth District under Massachusetts General Law Chapter 40R. This overlay district allows for mixed use developments and also contains design guidelines. The regulations for the Downtown Smart Growth District reflect modern and current planning and land use principals therefore rendering the Mixed Use Overlay District obsolete.

Below is a side-by-side view of the proposed changes to Section 3.

Zoning Bylaw Update – Section 3

Existing	Proposed																																																																																																									
<p>ESTABLISHMENT OF DISTRICTS</p> <p>3.1 Districts</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Full Name</th> <th>Short Name</th> </tr> </thead> <tbody> <tr><td>Residence</td><td>Single Family 15 District</td><td>S-15</td></tr> <tr><td>Residence</td><td>Single Family 20 District</td><td>S-20</td></tr> <tr><td>Residence</td><td>Single Family 40 District</td><td>S-40</td></tr> <tr><td>Residence</td><td>Apartment 40 District</td><td>A-40</td></tr> <tr><td>Residence</td><td>Apartment 80 District</td><td>A-80</td></tr> <tr><td>Business</td><td>Business A District</td><td>Bus A</td></tr> <tr><td>Business</td><td>Business B District</td><td>Bus B</td></tr> <tr><td>Business</td><td>Business C District</td><td>Bus C</td></tr> <tr><td>Industrial</td><td>Industrial</td><td>Ind</td></tr> <tr><td>Overlay</td><td>Flood Plain District</td><td>F</td></tr> <tr><td>Overlay</td><td>Wetlands Protection District</td><td>W</td></tr> <tr><td>Overlay</td><td>Municipal Building Reuse District</td><td>MR</td></tr> <tr><td>Overlay</td><td>National Flood Insurance Flood Management District</td><td>NF</td></tr> <tr><td>Overlay</td><td>Aquifer Protection District</td><td>AQ</td></tr> <tr><td>Overlay</td><td>Planned Unit Development</td><td>PUD</td></tr> <tr><td>Overlay</td><td>Planned Residential Development</td><td>PRD</td></tr> </tbody> </table> <p>3.2 Zoning Map Districts are shown, defined and bounded on the map dated April 8, 2013 entitled "Reading Zoning Map", as amended, consisting of an index map and 61 detailed maps, prepared and signed approved by the Community Planning and Development Commission, which constitutes a part of these Zoning Bylaw.</p> <p>The "Reading Zoning Map" map shall be kept on file and current by the Town Engineer who shall supply copies to the Town Clerk, the Town Planner, the Building Inspector, the Board of Appeals and the CPDC. The "Flood Insurance Rate Map, Town of Reading, Massachusetts Middlesex County" consisting of 7 panels, dated June 4, 2012 and They are to be appended to the "Reading Zoning Map" as Exhibits 1, 2, 3 and 4 the maps entitled "Flood Insurance Rate Map, Town of Reading, Massachusetts Middlesex County" with an effective date of July 2, 1981 consisting of Panel 1 of 4, Panel 2 of 4, Panel 3 of 4 and Panel 4 of 4; and Exhibit 5 the map entitled "Aquifer Protection Overlay District Map, Town of Reading" dated September, 1985 consisting of 1 panel are incorporated into and made a part of the "Reading Zoning Map".</p> <p>3.3 Boundaries of Districts</p> <p>3.3.1 Boundaries of zoning districts shall be interpreted as follows:</p> <p>3.3.1.1 Where a boundary is indicated within a street or railroad right of way, the boundary shall be the center line of such street or right of way.</p> <p>Where a boundary is indicated approximately parallel to a street or railroad right of way, together with a single noted dimension, it shall be interpreted as parallel and located the noted distance from the center line of such street or right of way.</p> <p>Where a boundary is indicated together with two or more dimensions, it shall be interpreted consistent with such dimensions.</p>	Type	Full Name	Short Name	Residence	Single Family 15 District	S-15	Residence	Single Family 20 District	S-20	Residence	Single Family 40 District	S-40	Residence	Apartment 40 District	A-40	Residence	Apartment 80 District	A-80	Business	Business A District	Bus A	Business	Business B District	Bus B	Business	Business C District	Bus C	Industrial	Industrial	Ind	Overlay	Flood Plain District	F	Overlay	Wetlands Protection District	W	Overlay	Municipal Building Reuse District	MR	Overlay	National Flood Insurance Flood Management District	NF	Overlay	Aquifer Protection District	AQ	Overlay	Planned Unit Development	PUD	Overlay	Planned Residential Development	PRD	<p>3.0 3.0 ESTABLISHMENT OF DISTRICTS</p> <p>3.1 Districts</p> <p>The Town is hereby divided into the following zoning districts as shown on the Reading Zoning Map:</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Full Name</th> <th>Short Name</th> </tr> </thead> <tbody> <tr><td>Residence</td><td>Single Family 15 District</td><td>S-15</td></tr> <tr><td>Residence</td><td>Single Family 20 District</td><td>S-20</td></tr> <tr><td>Residence</td><td>Single Family 40 District</td><td>S-40</td></tr> <tr><td>Residence</td><td>Apartment 40 District</td><td>A-40</td></tr> <tr><td>Residence</td><td>Apartment 80 District</td><td>A-80</td></tr> <tr><td>Business</td><td>Business A District</td><td>Bus A</td></tr> <tr><td>Business</td><td>Business B District</td><td>Bus B</td></tr> <tr><td>Business</td><td>Business C District</td><td>Bus C</td></tr> <tr><td>Industrial</td><td>Industrial</td><td>Ind</td></tr> <tr><td>Overlay</td><td>Flood Plain District</td><td>F</td></tr> <tr><td>Overlay</td><td>Municipal Building Reuse District</td><td>MR</td></tr> <tr><td>Overlay</td><td>National Flood Insurance Flood Management District</td><td>NF</td></tr> <tr><td>Overlay</td><td>Aquifer Protection District</td><td>AQ</td></tr> <tr><td>Overlay</td><td>Planned Unit Development</td><td>PUD</td></tr> <tr><td>Overlay</td><td>Planned Residential Development</td><td>PRD</td></tr> <tr><td>Overlay</td><td>Gateway Smart Growth District</td><td>GSGD</td></tr> <tr><td>Overlay</td><td>Downtown Smart Growth District</td><td>DSGD</td></tr> </tbody> </table> <p>3.2 Zoning Map Districts are shown, defined and bounded on a map, dated April 8, 2013 and entitled "Reading Zoning Map," as amended, consisting of an index map and 61 detailed maps, prepared, signed and approved by the Community Planning and Development Commission (CPDC), which constitutes a part of the Zoning Bylaw.</p> <p>Appended to the Reading Zoning Map and incorporated therein are:</p> <ul style="list-style-type: none"> The "Flood Insurance Rate Map,, Middlesex County, Massachusetts" consisting of 7 panels, dated June 4, 2010, which are appended to the Reading Zoning Map as Exhibit 1; The map entitled "Aquifer Protection Overlay District Map, Town of Reading" dated September, 1985 consisting of 1 panel which is appended to the Reading Zoning Map as Exhibit 2. <p>The Reading Zoning Map shall be kept on file and current by the Town Engineer, who shall supply copies to the Town Clerk, the Town Planner, the Building Inspector, the Board of Appeals and the CPDC.</p> <p>3.3 Boundaries of Districts</p> <p>Boundaries of zoning districts shall be interpreted as follows:</p> <p>3.3.1 Any boundary indicated on the Reading Zoning Map as being within a street or railroad right of way shall be interpreted to be along the center line of such street or right of way.</p>	Type	Full Name	Short Name	Residence	Single Family 15 District	S-15	Residence	Single Family 20 District	S-20	Residence	Single Family 40 District	S-40	Residence	Apartment 40 District	A-40	Residence	Apartment 80 District	A-80	Business	Business A District	Bus A	Business	Business B District	Bus B	Business	Business C District	Bus C	Industrial	Industrial	Ind	Overlay	Flood Plain District	F	Overlay	Municipal Building Reuse District	MR	Overlay	National Flood Insurance Flood Management District	NF	Overlay	Aquifer Protection District	AQ	Overlay	Planned Unit Development	PUD	Overlay	Planned Residential Development	PRD	Overlay	Gateway Smart Growth District	GSGD	Overlay	Downtown Smart Growth District	DSGD
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Where an un-dimensioned boundary apparently follows property lines in existence at the time of the establishment of such boundary, it shall be so interpreted.

All other boundaries shall be indicated upon the map.

3.3.1.2 Where a boundary of an Overlay District is indicated as a contour, the boundary shall be the noted contour based on the mean sea level lines, the end of drainage structures or other features, or extensions thereof, it shall be so interpreted.

Where a boundary is indicated as approximately parallel to a street line or bank of a water body or watercourse, together with a single noted dimension, it shall be interpreted as parallel and located the noted distance from such street line or the elevation, at the bank of a water body, where vegetation changes from predominately terrestrial to aquatic, and along the bank of a watercourse where the annual high water has left a definite mark in the channel.

3.4 Lots in Two Districts

3.4.1 Where a district boundary line divides a lot as existing at the time this Bylaw takes effect, and the major portion of said lot is in the less restricted district, the regulations relating to said less restricted district may extend to such portion of said lot as is not more than thirty (30) feet within the more restricted district. This provision shall not apply to any lot used for apartments.

3.5 Intent of Districts

3.5.1 Reserved

3.5.2 Reserved

3.5.3 Reserved

3.5.4 Reserved

3.5.5 Reserved

3.5.6 Reserved

3.5.7 Reserved

3.5.8 Reserved

3.5.9 Reserved

3.6 In addition to the purposes enumerated in Section 1.0, the purpose of the Floodplain District is to provide that land in the Town of Reading subject to seasonal or periodic flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof.

3.6.1 In addition to the purposes in Section 1.0, the purposes of the Wetlands Protection District are:

- a** To provide that lands in the Town of Reading subject to seasonal or periodic flooding shall not be used for residence or other purposes in a manner as to endanger the health or safety of the occupants thereof, or the public generally or to burden the public with costs resulting from the unwise individual choices of land use;
- b** To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan Area; and
- c** To assure the continuation of the natural flow pattern of the water courses within Reading and to preserve natural flood water storage areas so as to protect persons and property against the hazards of flood inundation.

3.6.2 In addition to the purposes enumerated in Section 1.0, the

3.3.2 Any boundary indicated on the Reading Zoning Map as being approximately parallel to a street or railroad right of way, with a single dimension noted, shall be interpreted to be parallel to, and located the noted distance from, the center line of such street or right of way.

3.3.3 Any boundary indicated on the Reading Zoning Map as being approximately parallel to the bank of a river, stream, lake, pond or other surface water body or watercourse, together with a single noted dimension, shall be interpreted to be parallel to, and located the noted distance from:

- The elevation, at the bank of a lake, pond or similar surface water body, where vegetation changes from predominately terrestrial to aquatic; or
- The elevation, along the bank of a river, stream or similar watercourse, where the annual high water has left a definite mark in the channel.

3.3.4 Any boundary indicated on the Reading Zoning Map together with two or more dimensions shall be interpreted to be located so as to be consistent with such dimensions.

3.3.5 Any boundary indicated on the Reading Zoning Map as approximately following property lines in existence at the time of the establishment of such boundary shall be interpreted to be along such property lines.

3.3.6 Any boundary of an Overlay District that is indicated on the Reading Zoning Map as a contour shall be interpreted to be along the noted contour, based on mean sea level lines.

3.3.7 Any boundary of an Overlay District that is indicated on the Reading Zoning Map as terminating at the end of drainage structures or other features, or extensions thereof, shall be interpreted to terminate at such location.

3.3.8 All other boundaries shall be as indicated on the Reading Zoning Map.

3.4 Lots in Two Districts

3.4.1 Where a district boundary line divides any lot existing at the time of the line's adoption, any provision of the Zoning Bylaw applicable to a district in which the lot has frontage on a street may be extended so as to be applicable to the portion of the lot that is not more than thirty (30) feet from the district boundary line; provided, however, that this provision shall not apply to any lot used for multi-family housing.

purpose of the Municipal Building Reuse District is to provide for the conversion of surplus municipal buildings and the land on which they are situated to private use, in a manner which encourages residential development and use, which is situated and which fosters flexibility and creativity of development for the public benefit.	
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Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 5-0-0 at their meeting on September 4, 2014.

***CPDC Report:** The CPDC will make their reports on the Zoning Articles on the floor of Town Meeting after holding a Public Meeting, as is their custom.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 11: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 4.5 thereof in its entirety, or to take any other action with respect thereto.

Community Planning and Development Committee

Background: Over the past year the Zoning Advisory Committee (ZAC) has been working on the Comprehensive Update to the Zoning Bylaw. The zoning update has been conducted with the assistance of a specialized zoning consultant, extensive public participation as well as input from the Community Planning and Development Commission (CPDC) and Town Staff. Article 11 is recommended by the ZAC.

Section 4.5 identifies a Wetlands Protection District. Article 11 deletes Section 4.5, Wetlands Protection District, of the Zoning Bylaw.

The Wetlands Protection District was established to help protect wetland areas within Reading. However, after review of the Wetlands Protection District Regulations, the ZAC, CPDC as well as the Conservation Commission determined that the district regulations were superseded by the State Wetlands Protection Act as well as Reading's Local Wetland Protection Bylaw contained within the Section 7.1 of the General Bylaw. Therefore in an overall effort to streamline, clarify and simplify the Reading Zoning Bylaw, the ZAC has recommended Section 4.5 be deleted. Below is a letter dated August 19, 2014 from the Chair of the Conservation Commission indicating the Commission's support of the deletion.

Below is the entire Section 4.5 to be deleted.

~~4.5 Wetlands Protection District~~

~~4.5.1 Reserved~~

~~4.5.2 Uses Permitted in a Wetlands Protection District~~

~~The Wetlands Protection District shall be considered as overlying other districts established by this Bylaw. Any uses permitted in the portion of the districts so overlaid shall be permitted except that no new building or structure shall be erected or constructed, and no dumping or filling or relocation of earth materials shall be permitted other than as specified in paragraph 4.5.2.7, 8 and 9, below, if approved by the Conservation Commission under the provision of General Laws, Chapter 131, Section 40 and Town of Reading General Bylaw, Section 5.7.~~

~~4.5.2.1 — Uses directly related to the conservation of water, plants and wildlife.~~

~~4.5.2.2 — Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.~~

~~4.5.2.3 — Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.~~

~~4.5.2.4 — Grazing and farming, including truck gardening and harvesting of crops.~~

~~4.5.2.5 — Forestry and Nurseries~~

~~4.5.2.6 — Small accessory non-residential structures of less than one hundred (100) square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.~~

~~4.5.2.7 — Creation of ponds with a total water surface area at normal elevation not in excess of forty thousand (40,000) square feet.~~

~~4.5.2.8 — Removal of silt and other accumulated debris from a watercourse which tends to interfere with the natural flow patterns of the watercourse.~~

~~4.5.2.9 — Driveways or streets including utilities, drainage, pavements, curbs, sidewalks and other related facilities approved under the Rules and Regulations Governing the Subdivision of Land adopted by the Community Planning and Development Commission, across a stream, brook, channel or other watercourse where access is needed to service portions of a lot not otherwise accessible or where alternative means of access are impractical.~~

~~4.5.3 — Uses Permitted in Wetlands Protection District (W) or Flood Plain District (F) on a Special Permit~~

~~The following uses shall be permitted in the district by Special Permit:~~

~~4.5.3.1 — Any use in a Business or Industrial District where a portion of the lot is within the Wetlands Protection District (W) or Flood Plain District (F).~~

~~4.5.4 — Lot Area Allowance~~

~~A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Wetlands Protection District (W) or Flood Plain District (F), provided that the dwelling itself does not lie within said District.~~

~~4.5.5 — Determination of Flooding and Suitability~~

~~If any land in the Wetlands Protection District (W) or Flood Plain District (F) is proven to the satisfaction of the Board of Appeals as being in fact neither subject to flooding nor unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a Special Permit for such use or structure which will comply in all respects with all other provisions of the Underlying District or Districts within which the land is located provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained, The Board of Appeals shall refer each question to the Community Planning and Development~~

~~Commission, Conservation Commission and Board of Health and shall not act until these agencies have reported recommendations or forty-five (45) days have elapsed after referral and no report has been received.~~

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 5-0-0 at their meeting on September 4, 2014.

***CPDC Report:** The CPDC will make their reports on the Zoning Articles on the floor of Town Meeting after holding a Public Meeting, as is their custom.

***Conservation Committee Report:** At a public meeting held August 13, 2014, the Reading Conservation Commission voted to approve the deletion of the Wetlands Overlay District in the zoning bylaw as recommended by the Zoning Advisory Committee and CPDC and supports this Article in the upcoming September (Special) Town Warrant.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 12: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 4.6 thereof in its entirety, or to take any other action with respect thereto.

Community Planning and Development Committee

Background: Over the past year the Zoning Advisory Committee (ZAC) has been working on the Comprehensive Update to the Zoning Bylaw. The zoning update has been conducted with the assistance of a specialized zoning consultant, extensive public participation as well as input from the Community Planning and Development Commission (CPDC) and Town Staff. Article 12 is recommended by the ZAC.

Section 4.6, Mixed Use Overlay District, has been deleted in Article 12. The Mixed Use Overlay District was initially adopted in 2005 with the goal to permit mixed commercial and residential uses that would otherwise not be allowed in the underlying zoning district. However, the regulations contained in the Mixed Use Overlay District were challenging to developers and as a result, no projects have been constructed under the Mixed Use Overlay District. In 2009, the Town adopted the Downtown Smart Growth District under Massachusetts General Law Chapter 40R. This overlay district also allows for mixed use developments and also contains design guidelines. The regulations for the Downtown Smart Growth District reflect modern and current planning and land use principals therefore rendering the Mixed Use Overlay District obsolete.

Below is the entire Section 4.6 to be deleted.

4.6 Mixed Use Overlay District

4.6.1 Purpose

The Mixed Use Overlay District allows by Special Permit from the CPDC an alternative pattern of land development to the pattern normally permitted in the underlying Zoning District. It is intended to create mixed commercial, residential, and open space areas consistent with the character and identity of the Town and in conformance with the objectives of the Town of Reading 2005 Master Plan.

4.6.2 Authority

The CPDC shall be the Special Permit Granting Authority for Mixed Use developments. The CPDC may vary the dimensional and parking requirements of Section 4.6 if it determines such change will result in an improved design of the development. The authority of the CPDC to vary the dimensional and parking requirements shall continue subsequent to occupancy upon the change of use of any of the commercial areas and upon application for such change by the applicant.

4.6.3 Permitted Uses

Only the following types of uses shall be permitted in Mixed Use developments. These uses may be commingled into a single structure or structures or may be located in separate structures on the site.

Residential

Multifamily Dwellings

Retail

Retail Store

Restaurant

Governmental Uses

Utilities

Cell Towers

Post Office

Commercial / Office

Business and Professional Office

Research Facility

Personal Service Shop (Example, Travel Agency, Lawyer, Beauty Salon, Bank)

Private Recreation

Parking Garages

No less than 20% of the total number of residential units shall be affordable to households at or below 80% of the median household income for the Boston Metropolitan Area as determined by the most recent calculation of the United States Department of Housing and Urban Development. The table listed below shall dictate the number of affordable units that must be provided for any project.

In determining the total number of affordable housing units required to be constructed under this section, calculation of a fractional unit of .5 or more shall be regarded as a whole unit. The applicant, in its discretion, may pay a fee as an alternative to the construction of an affordable unit as provided in the following table:

Projects with up to 0.8 FAR

Total Number of Units and/or Contribution:

One Unit	\$48,000 or 1 unit
Two Units	\$96,000 or 1 unit
Three Units	\$144,000 or 1 unit

Four Units	\$192,000 or 1 unit
Five Units	1 unit
Six Units	1 unit plus \$48,000 or 2 units
Seven Units	1 unit plus \$96,000 or 2 units
Etc.	

Greater than 0.8 FAR but less than 1.0 FAR
Total Number of Units and/or Contribution:

One Unit	\$60,000
Two Units	\$120,000
Three Units	\$180,000
Four Units	1 unit
Five Units	1 unit plus \$60,000, or 2 units
Six Units	1 unit plus \$120,000, or 2 units
Seven Units	1 unit plus \$180,000, or 2 units
Etc.	

All Contributions shall be made to the Affordable Housing Trust Fund. The affordable units must be subject to Use Restrictions to ensure that the units remain available as affordable units in perpetuity, exclusively to persons with qualifying incomes. The units must be sold or rented on a fair and open basis and the applicant shall provide for CPDC approval an affirmative fair marketing plan for the affordable units. The minimum square footage of living area for any of the residential units within the Mixed Use Overlay District shall be no less than 550 square feet and the maximum area shall not exceed 1100 square feet. The average size shall be 800 square feet (plus or minus 25 square feet). Residential Units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows the housing to count towards the affordable housing requirements of Chapter 40B of the Massachusetts General Law.

4.6.4 ~~Parking Facility~~

~~Section 4.6.8 of this Bylaw applies with respect to the CPDC's consideration of the grant of a Special Permit for the Mixed Use Overlay development.~~

4.6.5 ~~Dimensional Requirements~~

~~The dimensional requirements below shall apply.~~

4.6.5.1 ~~Minimum Contiguous Area of the Mixed Use Development~~

~~Minimum contiguous lot area of the Mixed Use development shall be 10,000 square feet. The site of any new principal structure shall conform to Section 5.2.1 of the Zoning Bylaw.~~

4.6.5.2 ~~Minimum Lot Frontage~~

~~Minimum lot frontage shall be 40 feet.~~

4.6.5.3 ~~Maximum Front Yard~~

~~The maximum front yard shall be 20 feet, and there is no minimum front yard.~~

4.6.5.4 ~~Minimum Rear Yard~~

~~Minimum rear yard shall be 15 feet and there is no minimum side yard. There shall also be at least 15 feet separation between any 2 structures in the development on the same lot and the areas behind and between all structures shall be clear and accessible to the Town's fire suppression vehicles.~~

4.6.5.5 ~~Maximum Height~~

~~Maximum height shall be 42 feet.~~

4.6.5.6 — Maximum Lot Coverage
Maximum lot coverage shall be 40%.

4.6.5.7 — Minimum Landscaping
Minimum landscaping shall be 25% of lot area. The applicant shall submit a landscaping plan for approval.

4.6.5.8 — Maximum Floor Area
Maximum floor area ratio shall be 0.8, except as otherwise provided in Section 4.6.3.

4.6.6 — Mixed Use Developments

The mixture of uses allowed shall not be constrained in any way, however, residential units are prohibited from the front of the 1st floor and parking garages are prohibited from the front of the lot.

In all Mixed Use developments adequate off-street parking shall be provided. The CPDC and the Applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the CPDC may consider complementary or shared use of parking areas by activities having different peak demand times, and the Applicant may be required to locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in the CPDC reducing and/or waiving parking requirements.

4.6.6.1 — Parking Locations

Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses. Parking spaces must be assigned to specific uses (including shared uses) at the time of the submission of the Final Plan.

4.6.6.2 — Parking at Buildings

Parking shall be primarily located at the rear or at the side of buildings.

4.6.6.3 — Curb Cuts

One curb cut providing access to the development from any public way may be required. Additional curb cuts may be required as deemed necessary by the permitting authority. A development having frontage on 2 or more streets may be permitted additional curb cuts if deemed necessary by the CPDC. Whenever possible there shall be shared curb cuts with adjacent developments.

4.6.6.4 — Parking Requirements are:

Residential

550 – 700 sq. ft. = 1 space per unit

701 – 1100 sq. ft. = 2 spaces per unit

Commercial/Office

3.5 spaces per 1,000 sq. ft.

Retail

1.5 spaces per 1,000 sq. ft.

Garages

To be determined by the CPDC

Municipal Uses

Exempt

4.6.6.5 — Granting of Relief from Parking Regulations

In those instances where the Applicant has made a concerted effort to provide all the required number of parking spaces and is unable to do so, the CPDC may allow the applicant to pay an impact fee of \$20,000 for each parking space not provided. The

~~money shall be deposited into a separate account and may only be used for short or long term parking solutions for the Town in the Mixed Use Overlay District.~~

4.6.7 Application

~~Any person who desires a Special Permit for a Mixed Use development shall submit 14 copies of the application in such form as the CPDC may require which shall include the following:~~

4.6.7.1 Development Statement

~~A Development Statement shall consist of a petition, a list of the parties in interest with respect to the site, a list of the development team and a written statement describing the major aspects of the proposed development.~~

4.6.7.2 Development Plans

~~Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:~~

- ~~a Site plans and specifications showing all site improvements and meeting the requirements set forth for a Site Plan under Section 4.3.3~~
- ~~b Site perspective, sections, elevations 1/8 inch = 1 foot~~
- ~~c Detailed plans for disposal of sanitary sewage and surface drainage; and~~
- ~~d Detailed plans for landscaping.~~

4.6.7.3 Additional information as the CPDC may determine.

4.6.8 CPDC Board Findings

~~A special permit shall be issued under this Section if the CPDC finds that the development is in harmony with the purpose, and intent of this Section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the applicable zoning district in which the development is located.~~

4.6.9 Amendments

~~After issuance of a special permit, the applicant may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the CPDC without a public hearing. The CPDC shall make a finding whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application and public hearing.~~

4.6.10 Existing Structures

4.6.10.1 Change in Use

~~A special permit may be granted to legally existing nonconforming structures, as of the date of the passage of this Bylaw, applying for a change of use in the Mixed Use Overlay District provided that parking for the existing uses meet the requirements of the underlying Zoning District and parking for and new uses meets the requirements of Section 4.6.6.4 CPDC may grant relief from these parking requirements in accordance with Section 4.6.6.5.~~

4.6.10.2 Additions

~~A special permit may be granted to legally existing nonconforming structures, as of the date of the passage of this Bylaw, applying for a change of use and an addition to the structure provided that the footprint of the building structure remains unchanged or is no greater than the original footprint (lot coverage) including addition, and the FAR of 0.8 is not exceeded except as provided in Section 4.6.3 Parking for existing uses shall meet the requirements of the underlying Zoning District and parking for new uses shall meet the requirements of Section 4.6.6.4 CPDC may grant relief from such parking requirements in accordance with Section 4.6.6.5.~~

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 5-0-0 at their meeting on September 4, 2014.

***CPDC Report:** The CPDC will make their reports on the Zoning Articles on the floor of Town Meeting after holding a Public Meeting, as is their custom.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 13: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 4.13 thereof in its entirety and replacing it with the following:

4.13 Special Requirements for Registered Medical Marijuana Dispensaries

4.13.1 Purpose

This section is intended to promote the purposes of the Zoning Bylaw, as set forth in Section 1.3, by:

- a) Providing for the establishment of Registered Medical Marijuana Dispensaries in appropriate places and under strict conditions, in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot);
- b) Minimizing the impacts of Registered Medical Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Dispensaries; and
- c) Regulating the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Medical Marijuana Dispensaries.

4.13.2 Applicability

4.13.2.1 The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana is prohibited unless permitted as a Registered Medical Marijuana Dispensary under this Section.

4.13.2.2 No Registered Medical Marijuana Dispensary shall be established except in compliance with the provisions of this Section.

4.13.2.3 Nothing in this Bylaw shall be construed to supersede state laws governing the sale and distribution of narcotic drugs.

4.13.2.4 If any provision of this Section or its application to any person or circumstance shall be held invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary to

allow it to be given effect or to be applied to persons or circumstances other than those to which it was held invalid, so as substantially to provide residents and property owners of the Town of Reading the benefits of such provision and to promote the purposes of the Zoning Bylaw as set forth in Section 1.3.

4.13.3 Definitions

Debilitating Medical Condition – Cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, and multiple sclerosis (MS), when such diseases are debilitating, and other debilitating conditions as determined in writing by a qualifying patient’s certifying physician.

Marijuana – All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions.

Qualifying Patient – A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

Registered Medical Marijuana Dispensary – A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, the term refers to the sites of dispensing, cultivation and preparation of marijuana.

4.13.4 Eligible Locations for Registered Medical Marijuana Dispensaries.

4.13.4.1 Registered Medical Marijuana Dispensaries may be allowed by Special Permit from the Reading Community Planning and Development Commission in the Industrial Zoning District (Ind) in accordance with the requirements of this Section.

4.13.5 General Requirements and Conditions for all Registered Medical Marijuana Dispensaries.

4.13.5.1 A Registered Medical Marijuana Dispensary shall be in compliance with all applicable provisions of the regulations of the Massachusetts Department of Public Health for the Implementation of an Act for the Humanitarian Medical Use of Marijuana, set forth in 105 CMR 725.000.

4.13.5.2 All Registered Medical Marijuana Dispensaries shall be contained entirely within a Building.

4.13.5.3 A Registered Medical Marijuana Dispensary shall have a Gross Floor Area of at least 2,500 square feet, but not more than 10,000 square feet.

4.13.5.4 The hours of operation of Registered Medical Marijuana Dispensaries shall be set by the CPDC, but in no event shall such Dispensaries be open and/or operating between the hours of 9:00 PM and 8:00 AM.

4.13.5.5 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Registered Medical Marijuana Dispensary.

4.13.5.6 No Registered Medical Marijuana Dispensary shall be located inside a Building containing Residential Dwelling Units, including transient housing such as motels and dormitories, or inside a movable or mobile Structure such as a van or truck.

4.13.6 Special Permit Requirements

4.13.6.1 A Registered Medical Marijuana Dispensary shall be allowed by Special Permit from the CPDC in accordance with G.L. c.40A, §9, and the requirements set forth in this Section.

4.13.6.2 A Special Permit for a Registered Medical Marijuana Dispensary shall be limited to one or more of the following uses as may be authorized by the CPDC:

- a) Cultivation of Marijuana for Medical Use (horticulture) except where Chapter 40A Section 3 applies, in which case a Special Permit shall not be required;
- b) Processing and packaging of Marijuana for Medical Use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; and
- c) Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

4.13.6.3 Special Permit applications for a Registered Medical Marijuana Dispensary shall demonstrate compliance with and include the information required by the regulations set forth at 105 CMR 725.000.

4.13.6.4 Mandatory Findings. The CPDC may issue a Special Permit for a Registered Medical Marijuana Dispensary only if it finds that:

- a) The Dispensary is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c.40A, §11;
- b) The Dispensary is fully permitted by all applicable agencies of the Commonwealth of Massachusetts and is in compliance with the regulations set forth at 105 CMR 725.000; and
- c) The Applicant has demonstrated compliance with Sections 4.13.5 and 4.13.6.

4.13.6.5 Annual Reporting. Each holder of a Special Permit for a Registered Medical Marijuana Dispensary permitted under the Zoning Bylaw shall, as a condition of its Special Permit, file an

annual report to and appear before the CPDC and the Town Clerk no later than January 31 of each year, providing a copy of all current applicable state licenses for the Dispensary and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

4.13.6.6 A Special Permit granted under this Section shall have a term limited to the duration of the Applicant's ownership of the premises as a Registered Medical Marijuana Dispensary. A special permit may be transferred only with the approval of the CPDC in the form of an amendment to the Special Permit with all information required in this Section.

4.13.7 Abandonment or Discontinuance of Use

4.13.7.1 Notwithstanding the provisions of the Zoning Bylaw generally applicable to Special Permits, a Special Permit for a Registered Medical Marijuana Dispensary shall lapse if not exercised within one year of its issuance.

4.13.7.2 The owner of a Registered Medical Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:

- a) prior to surrendering its state issued licenses or permits; or
- b) within six months of ceasing operations; whichever comes first.

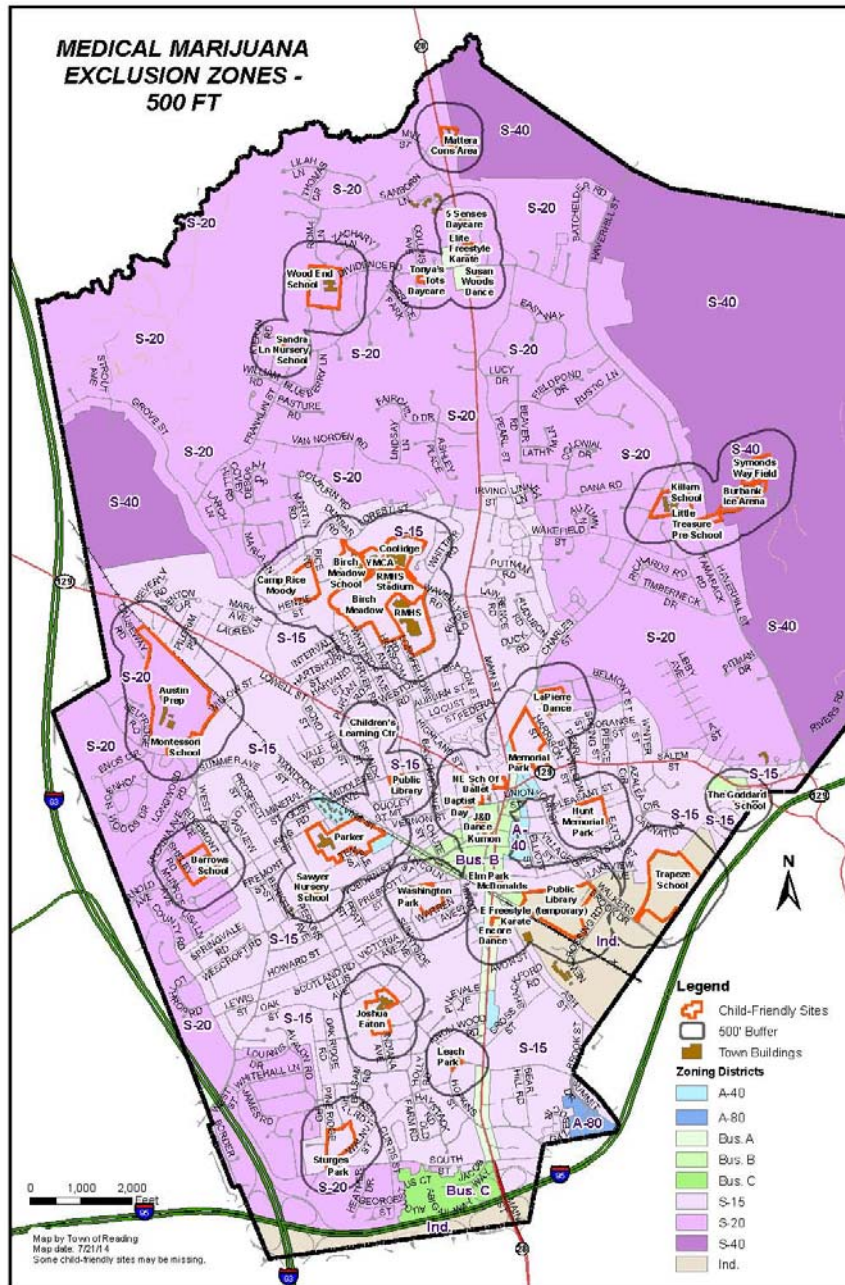
or take any other action with respect thereto.

Community Planning & Development Commission

Background: Chapter 369 of the Acts of 2012, "An Act for the Humanitarian Medical Use of Marijuana" (enacted as Question 3 on the November 2012 state ballot), to allow qualifying patients, who have been diagnosed with a debilitating medical condition, reasonable access to Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries. In November of 2012 Town Meeting approved an article to prohibit Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries from being sited in all zoning classifications in the Town of Reading. **Subsequently, the State Attorney General's Office determined that such a ban would conflict with the Act and the zoning article was disapproved.**

In the Spring of 2013 the State developed regulations governing how it will permit Medical Marijuana Treatment Centers. The Town determined that additional research and study was needed to develop zoning consistent with State regulations as well as the land use goals of the Town of Reading. At November Town Meeting in 2013, the Town adopted a temporary moratorium on Medical Marijuana Treatment Centers/Registered Marijuana Dispensaries which will expire on November 10, 2014.

Since November of 2013, as part of the Comprehensive Update of the Zoning Bylaw, Town Staff, a specialized zoning consultant, the Zoning Advisory Committee (ZAC) and the Community Planning and Development Commission (CPDC) have been engaged in a planning process to develop new zoning regulations. The Zoning Update project has resulted in new language for Registered Medical Marijuana Dispensaries included in Article 13, which is recommended by the ZAC.



The Zoning Update project has had a strong public participation component. Public forums have been held to gain input on regulating Registered Medical Marijuana Dispensaries. The zoning consultant including legal counsel has developed the draft language based on input and feedback from the ZAC, CPDC and the Community.

Registered Medical Marijuana Dispensaries are allowed to acquire, possess, cultivate, manufacture, deliver, and transport marijuana, including in food form. The proposed language will allow Registered Medical Marijuana Dispensaries by Special Permit in the Industrial District. The map provided on the previous page illustrates the Industrial District as well as the required 500-foot buffer zone from areas where children commonly congregate per the State Department of Public Health (DPH) Regulations.

Finance Committee Report: No report.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 4-1-0 at their meeting on September 4, 2014. The minority opinion was based on three subsections of the proposed Bylaw being seen as unnecessary and/or inappropriate. Subsection 4.13.2.3 seems only to serve the purpose of inferring that medical marijuana is a “narcotic” drug and contributes nothing new to the relationship of the Bylaw to State law. Subsection 4.13.2.4 elaborates provisions already enacted in Zoning Bylaw 8.3 regarding invalidity and the elaborations are inexact and confusing. Subsection 4.13.6.5 has no precedent in Reading Zoning and seems pejorative in nature. Its regulatory effect is minimal to the point of being ineffectual.

***CPDC Report:** The CPDC will make their reports on the Zoning Articles on the floor of Town Meeting after holding a Public Meeting, as is their custom.

***Reading Coalition Against Substance Abuse Report:** At their meeting on August 28, 2014 the RCASA Board of Directors voted 17-0 in favor of this Article. The Board was appreciative of the voice they had in the Zoning Bylaws concerning the Special Requirements for Registered Medical Marijuana Dispensaries.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 14 To see if the Town will vote to authorize and request the Finance Committee, pursuant to section 3.3.2.3 of the General Bylaws, to investigate at once the books, accounts, records and management of the Reading Municipal Light Department; to employ such expert and other assistance as it may deem advisable for that purpose; to make a report on its investigation setting forth its findings and recommendations, and to transmit such report to the Town Meeting prior to November 10, 2014; or take any other action with respect thereto.

Board of Selectmen

Background: The Finance Committee currently has the authority to investigate the books, accounts, records and management of both the Town Government and School Department – but not of the Reading Municipal Light Department. This is because RMLD does not present a budget or other financial Articles to Town Meeting for approval, and by Charter the FINCOM is advisory to Town Meeting. This Article both authorizes and requests the FINCOM to conduct a formal investigation of RMLD. FINCOM intends to expand such an investigation to the Town and Schools as well.

Finance Committee Report: The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on September 3, 2014. In light of recent public questions about procurement practices and procedures, the Finance Committee plans to review RMLD first as per this article, and then review these areas for the Town and the Schools. If this Article is

approved, the Finance Committee would plan to deliver an interim report to Town Meeting in November.

Bylaw Committee Report: No report.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

ARTICLE 15 To see if the Town will vote to amend Section 3.3.2 (Finance Committee) of the Town of Reading Bylaws as follows: (note – cross-through represents language to be eliminated and **bold** represents new language):

3.3.2 Finance Committee

3.3.2.3 Investigation

The Finance Committee, or its duly authorized agents, ~~shall have authority~~ at any time **may**, and **promptly** upon the petition of one hundred (100) inhabitants of the Town or a vote of Town Meeting, ~~to~~ **shall** investigate ~~at once~~ the books, accounts, records ~~and~~ **or** management of any **Town Board, Committee, Commission or Department.** ~~official body,~~ **The Finance Committee may call upon the assistance of any Town official, or employee** and ~~to~~ employ such expert ~~and~~ **or** other assistance as it may deem advisable for that purpose. ~~;~~ ~~and~~ The books, records and accounts of any **Town Board, Committee, Commission or Department** ~~department and office of the Town~~ shall be open to the inspection of the **Finance Committee, its agents, assistants or employees upon request** ~~and any person employed by it for that purpose.~~ The Committee shall have no power to incur any expenses payable by the Town without authority for such expenses having first been obtained from the **Finance Committee Appointment Committee Moderator**, and such expenses shall be paid from the Finance Committee Reserve Fund.

The Finance Committee shall make a report on every **such** investigation, setting forth its findings and recommendations, and shall transmit **each** such report~~s~~ to Town Meeting **and to the Board of Selectmen.**

or to take any other action with respect thereto.

Board of Selectmen

Background: This Article would give the Finance Committee a broader oversight role over the Reading Municipal Light Department. Passage of this Article would preclude the need for a specific Article 14 in the future.

Finance Committee Report: The Finance Committee recommends this Article by a vote of 8-0-0 at their meeting on September 3, 2014.

Bylaw Committee Report: The Bylaw Committee recommends this Article by a vote of 5-0-0 at their meeting on September 4, 2014.

***Board of Selectmen Report:** The Board of Selectmen at their meeting on September 2, 2014 voted 5-0-0 to support this Article.

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 September 29, 2014, 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 ___th day of _____, 2014.

John Arena, Chairman

Marsie K. West , Vice Chairman

Daniel Ensminger, Secretary

John R. Halsey

Kevin Sexton

SELECTMEN OF READING

, Constable