

Translation Guides

The “Translation Guides” are to assist you with understanding the proposed changes to the Zoning Bylaw. There are six (6) Translation Documents based on changes to six Sections in the Bylaw. As described in the Warrant Report, the changes are being presented in several articles to be taken up over multiple Town Meetings. The changes presented at Subsequent Town Meeting, November 2014 are summarized below. You will also find the corresponding Translation Guide to view the detailed changes for each Section.

When reading the Translation Guide, you will see the current/existing bylaw language is listed in the left most column. The proposed bylaw language is in the right column. The changes to the text are summarized in the very far right column. Text is color coded to depict the new/deleted/or modified language. The language in the Translation Guides is in chronological order based on the CURRENT BYLAW. Because the NEW BYLAW text is reorganized in some sections, the proposed language may not be in order and will follow the chronology of the CURRENT BYLAW.

Current Bylaw Section	Proposed Bylaw Section	Translation Guide
Section 2.0 – Definitions	Section 2.0 – Definitions	Guide 1
Section 4.0 Use Regulations	Section 5.0 Use Regulations	Guide 2
Section 4.4 Floodplain Overlay District Section 4.7 Municipal Reuse District Section 4.8 Aquifer Protection District (Note Section 4.5 Wetlands Protection District and Section 4.6 Mixed Use District Deleted Per September 29, 2014 Town Meeting) Section 4.11 Gateway Smart Growth District (GSGD) Section 4.12 Downtown Smart Growth District (DSGD)	Section 10.0 Overlay Districts	Guide 2
Section 4.9 Planned Unit Development (PUD) Section 4.10 Planned Residential Development (PRD)	Section 11.0 Planned Development	Guide 2
Section 5.0 Intensity Regulations	Section 6.0 Intensity Regulations	Guide 3
Section 6.0 General Provisions Affecting All Districts (Includes Parking, Signs and Nonconforming)	Section 7.0 Nonconforming Section 8.0 Signs Section 9.0 Parking	Guide 4
Section 7.0 Administration	Section 4.0 Administration	Guide 5
Section 8.0 Applicability Section 9.0 Adoption and Amendment	Section 12.0 Applicability and Severability	Guide 6

No changes or minor changes		
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New		
Existing	Proposed	Change
	Abandonment: The intentional cessation of a particular use of property. The abandonment of a nonconforming use occurs when the owner of a property forms an intent to abandon and voluntarily engages in conduct that carries the implication of abandonment.	New
Accessory Use: The use of a building or premises for purposes customarily incidental to a permitted principal use.	Use, Accessory: A use that is customarily incidental and subordinate to, and located on the same lot as, a lawful principal use and that does not alter the character of the principal use.	Reordered term to "Use, Accessory" and will be alphabetized based on the word "use"
Accessory Apartment: A self-contained housing unit consisting of one or more rooms with separate kitchen and bathroom facilities incorporated within an existing building that was originally designed as a one family dwelling.	Accessory Apartment: A self-contained dwelling unit that is clearly subordinate to a primary dwelling unit on the same lot. An accessory apartment may be all or part of an accessory building or incorporated within a building that was originally used as a single family dwelling.	Minor re-word
Adult Uses: The uses defined in Section 4.3.4 of this Bylaw.		Deleted from Section 2. Definition remains in Adult Use Section
	Accessory Building: A building that is customarily incidental and subordinate to, and located on the same lot as, a lawful principal building or principal use.	New
	Adult Day Care: A facility where care for the elderly or functionally impaired adults is provided in a protective setting for a portion of a twenty-four (24)-hour day.	New
	Agriculture: The production, keeping or maintenance, for sale or lease, of plants or animals for commercial purposes. Agriculture includes: • Farming in all of its branches; • The cultivation and tillage of the soil; • Dairying; • The production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural or horticultural commodities; • The growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations; • The raising of livestock including horses; • The keeping of horses as a commercial enterprise; and • The keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), other domesticated animals used for food or agricultural purposes, bees or fur-bearing animals.	New
	Alteration: Any construction, reconstruction or other similar action that results in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.	New
	Animal Hospital: A facility where animals are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to such treatment.	

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Existing	Proposed	Change
	Animal Kennel: A facility, other than an animal hospital, that is used for the boarding, breeding, raising, grooming or training of two (2) or more dogs, cats, or other household pets of any age, but excluding premises where all of the pets are owned by the owner or occupant and no boarding, breeding, raising, grooming or training is conducted for a fee or other commercial gain.	New
Apartment: A dwelling arranged, intended or designed to be occupied by more than two (2) families.		Deleted. New definitions for dwellings added including Single Family Dwelling, Two Family Dwelling and Multi Family Dwelling.
Aquifer: Geologic formation composed of rock, sand or gravel, from which significant quantities of potable water may be obtained from wells.	Aquifer: A geologic formation composed of rock, sand or gravel that is capable of yielding a significant amount of water to a well or spring. The land directly overlaying an aquifer shall be deemed to be a part of such aquifer.	Minor re-word
	Assisted Living Facility: A facility where room and board, personal care services, and assistance with activities of daily living are provided to three (3) or more adults who are not related by blood, marriage, or legal adoption to their care provider.	New
	Automotive Repair: A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.	New
Automobile Graveyard: The storage of three (3) or more unregistered automobiles other than in connection with an automobile sales room or office.	Auto Graveyard: A facility that is maintained, used, or operated for storing, processing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles, trailers or motor vehicle parts.	Minor re-word. No longer contingent upon three vehicles on the property. This use is not allowed in any district per the Table of Uses.
	Bed and Breakfast: An accessory use within an owner-occupied single-family dwelling that contains rooming units available for rent for transient occupancy (without individual kitchen facilities and with an individual or shared bath/toilet facility, separate from those required for the single-family dwelling), and that shares a common entrance with the single family dwelling.	New
Boarding House: Any building or portion thereof used for supplying shelter or food to a guest and containing more than three (3) sleeping rooms for commercial purposes; each sleeping room shall be intended for occupancy by not more than two (2) adults.	Boarding House: Any building or portion thereof used for supplying shelter or food to guests, other than on a transient basis, for compensation.	Minor re-word. No longer contingent upon 3 or more rooms. New definition does not limit/restrict room occupancy.
	Buffer: A landscaped or natural area intended to separate one land use or lot visually from another.	New
Building: A structure enclosed within exterior walls whether portable or fixed, having a roof or other coverings for the shelter of persons, animals or property.	Building: A structure enclosed within exterior walls whether portable or fixed, having a roof or other coverings for the shelter of persons, animals or property.	No change
	Buildable Area: The area of a lot available for development in conformance with the minimum yard and open space requirements of the Zoning Bylaw.	New

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Existing	Proposed	Change
Building Inspector: The Inspector of Buildings or Building Commissioner and local Inspectors appointed pursuant to Section 3 of Chapter 143 of the General Laws, or any enabling authority, including such as may be appointed in combination with other cities or towns.	Building Inspector: The building official appointed pursuant to Section 3 of Chapter 143 of the Massachusetts General Laws, or any enabling authority, including any such official appointed in combination with other cities or towns.	Minor re-word. No change in intent.
Carriage House-Stable-Barn: A building that was constructed prior to 1910 for the stabling of horses and/or garaging of non-mechanized carriages or wagons.	Carriage House-Stable-Barn: A structure, constructed prior to 1910, that was originally intended or used to garage carriages or stable horses.	Minor re-word. Deleted the portion of the definition related to garaging of non-mechanized carriages or wagons.
	Change of Use: Any change in a principal or accessory use that results in its reclassification to a different line on either of the Table of Uses set forth in Sections 5.3.1 or 5.3.2.	New
	Child Care Facility: A facility operated on a regular basis, whether known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name, that receives children not of common parentage under seven (7) years of age, or under sixteen (16) years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. A child care facility shall not include any part of a public school system; any part of a private, organized educational system, unless the services of that system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization in which children are cared for during short periods of time while persons responsible for the children are attending religious services; a family child care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation.	New. Definition comes from the State.
Combined Service Use: A facility owned and operated by a non-profit organization which provides recreational, educational and social service but not including the sale of alcoholic beverages or operation of games of chance.	Civic or Private Club: A facility owned and operated by a non-profit organization that provides accommodation, which may include food, drink, or refreshments, prepared either on or off the premises, for the gathering of members and guests for civic, recreational or social purposes.	Modified term and definition to be more modern.
Communication Facility: A building whose principal use is to contain telephone, telegraphic or electronic exchanges for the purpose of connecting or networking communications systems, similar facilities and ancillary offices.	Communication Facility: A facility used primarily to contain telephone, telegraphic or electronic exchanges for the purpose of connecting or networking communications systems, similar facilities and ancillary offices.	No change
	Community Center: A multipurpose family center, community facility or social service establishment where a variety of recreational, education, social, health care or counseling services are provided by a non-profit agency.	New
Commercial Communications Structure: A tower, antenna, dish or other free-standing structure as defined in the State Building Code, together with any related ancillary building, used for the transmission and/or reception of radio, television, telecommunications or other electronic communication signals for commercial purposes.	Commercial Communications Structure: A tower, antenna, dish or other freestanding structure, together with any ancillary building, used for the transmission or reception of radio, television, telecommunications or other electronic communication signals for commercial purposes.	No change

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Computer Services: The development of computer and related components for purposes of software, hardware and electronic commercial businesses, with assembly and distribution restricted to support said development as an accessory use.	Computer Services Facility: A facility where computers, related components, software, hardware or associated programming or support services are provided, but excluding assembly or distribution activities except as an accessory use.	Minor re-word
	Consultant Fee: A fee required by the Community Planning and Development Commission to pay the costs and expenses of any civil engineer, traffic engineer, land use expert or other expert consultant deemed necessary to evaluate a Site Plan Review application.	New
Consumer Service: A barber shop, beauty parlor, dry cleaning establishment where dry cleaning is done on the premises as a direct service, lunchroom, restaurant and photographer's shop or studio.	Consumer Service Retail Establishment: A retail establishment where the principal use is the provision of individual services related to personal needs.	Minor re-word. No change to intent. Eliminated reference to specific types of services.
	Convenience Store: A retail store, containing less than two thousand five hundred (2,500) square feet of gross floor area, that is designed and stocked to sell a limited range of food, beverages, and other household supplies to customers.	New
Dwelling: Any building or structure used in whole or in part for human habitation.		Deleted. Now replaced with Dwelling Unit.
	Dwelling, Multi-Family: A building or portion thereof containing three (3) or more dwelling units.	New.
One Family Dwelling: A detached dwelling arranged, intended or designed to be occupied by a single family.	Dwelling, Single Family: A detached dwelling unit arranged, intended or designed to be occupied by only one family.	Clarified term. No change to intent.
	Dwelling, Two Family: A detached dwelling arranged, intended or designed to be occupied by two (2) families.	Clarified term. Will now be alphabetized based on "dwelling"
Dwelling Unit: A structure or a portion of a structure containing in a self-sufficient and exclusive manner facilities for sleeping, bathing and cooking, including one full kitchen and full bathroom facilities as defined by the Massachusetts State Building Code.	Dwelling Unit: A structure or portion of a structure containing, in a self-contained and exclusive manner, facilities for sleeping, bathing and cooking, including one full kitchen and full bathroom facilities.	Clarified term. Will now be alphabetized based on "dwelling"
Earth Removal: The removal of sand, loam, sod or gravel unrelated to landscaping or authorized construction on the lot.	Earth Removal: The removal of sand, loam, sod or gravel unrelated to landscaping or authorized construction on the lot.	No change
	Facade: The face of a building as seen from a public way or other public space, typically the principal or front elevation of a building.	New
Family: One (1) or more persons living together in one (1) dwelling unit as a single housekeeping unit, but not including fraternities, sororities or other fraternal or communal living arrangements.	Family: One or more persons living together in one dwelling unit as a single housekeeping unit; provided, however, that a group of more than four individuals, who are not related by blood, marriage, or legal adoption shall not be deemed to constitute a family.	Minor re-word. Clarified what does not include a family and how domestic employees relate to this.
	Family Child Care Home: A private residence that, on a regular basis, receives children not of common parentage under seven (7) years of age, or children under sixteen (16) years of age if those children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. A family child care home shall not include a private residence used for an informal cooperative arrangement among neighbors or relatives, or for the occasional care of children with or without compensation.	New. Definition comes from the State.

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Existing	Proposed	Change
Floor Area Gross: The sum of the areas on the several floors of a building or buildings measured from the outside surfaces of the exterior walls so as to include the full thickness thereof.	Floor Area Gross: The sum of the areas on the several floors of a building or buildings measured from the outside surfaces of the exterior walls at each level intended for occupancy or storage.	Clarified term and minor re-word.
Floor Area Net: The actual occupied area of a building or buildings not including hallways, stairs, mechanical spaces and other non-habitable spaces, and not including thickness of exterior or interior walls.	Floor Area Net: The sum of the actual occupied floor areas on the several floors of a building or buildings, not including common hallways, common stairs, mechanical spaces and other non-habitable spaces, and not including thickness of exterior or interior walls.	Rearranged term name. No change to definition.
	Floor Area Ratio: The ratio of the sum of the net floor area of all buildings on a lot to the total area of the lot.	New
	Footprint: The land area occupied by a building or structure at the surface of the ground.	New
Lot Frontage: The continuous uninterrupted length of a lot boundary line along a street line having a depth into the lot of not less than twenty (20) feet, said depth measured at an angle to said street line of not less than 65 degrees, over and through which, actual legal and physical access to the potential building site by both pedestrian and vehicles shall be required. The existence of an access easement shall not satisfy the requirement for actual legal and physical access. The end of a street without a cul-de-sac shall not be considered frontage.	Frontage: The continuous portion of the line separating a lot from a public way or way shown on a plan approved in accordance with the subdivision control law, to which the owner of the lot has a legal right of access. The measurement of lot frontage shall not include jogs in street width, back-up strips or other irregularities in street line. In the case of a corner lot, the measurement of lot frontage may, at the owner's option, extend to the midpoint of the curve connecting street lines, instead of to their intersection.	Minor re-word. Clarified term and no change to intent.
Grade Established: The elevation of the street grade as established or approved by the Town.		Deleted. Formerly used in the definition of height, however, the term Hight has been clarified to not reference established or natural grades.
Grade Natural: The elevation of the undisturbed natural surface of the ground adjoining a building.		Deleted. Formerly used in the definition of height, however, the term Hight has been clarified to not reference established or natural grades.
Groundwater: All water found beneath the ground surface. The slowly moving sub- surface water present in aquifers and recharge areas.		Deleted (Definition in Aquifer Protection Section)
Hazardous and Toxic: Any solid or liquid substance or combination of substances, including any liquid petroleum products, that because of quantity, concentration or physical, chemical or infectious characteristic poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in this Town. Any substance deemed a "hazardous waste" in Massachusetts General Law, Chapter 21C, or deemed as toxic or hazardous substance in Massachusetts General Law, Chapter 94B, shall also be deemed a hazardous material for purposes of this Bylaw.	Hazardous Material: Any solid or liquid substance or combination of substances, including any liquid petroleum products that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water. Any substance deemed to be a "hazardous waste" pursuant to Chapter 21C of the Massachusetts General Laws, or deemed to be a toxic or hazardous substance pursuant to Chapter 94B of the Massachusetts General Laws shall be deemed to be a hazardous material.	Change in term. No change to definition

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Existing	Proposed	Change
	Health, Exercise or Fitness Club: A building designed and equipped for the purpose of physical fitness, weight reduction, conduct of sports, or other active recreational activities.	New
Height of a Building: The vertical distance measured at the center line of its principal front from the established grade or from the natural grade if higher than the established grade, or from the natural grade if no grade has been established to the level of the highest point of the roof beams in the case of flat roof or roofs inclining not more than one inch to the foot, and to the mean height level between the top of the main plate and the highest ridge in the case of other roofs. For buildings with more than one principal front, said vertical distance shall be measured from the average of the established grade or the natural grade, as applicable, measured at the centerline of each principal front.	Height: The vertical distance from the average grade around the perimeter of a building to the top of a flat roof, including any parapet, or to a point halfway between the bottom of an eave and the top of a ridge of a sloped roof.	Deleted references to established or natural grade.
Home Occupation: The use of room or rooms in a dwelling as an office, studio or working room by a person resident in the house where no goods are publicly displayed or offered for sale.	Home Occupation: A business use conducted within a dwelling unit that is accessory to the primary residential use and carried on by a resident of the dwelling unit.	Made more flexible outside of "office, studio or working room".
	Hotel or Motel: A building in which lodging is offered to guests on a transient basis for compensation.	New
	Junkyard: A facility that is maintained, operated, or used, in whole or in part, for storing, processing, keeping, buying, or selling junk or discarded materials.	New
Impermeable Surface: Natural or manmade material on the ground that does not allow surface water to penetrate into the soil.		Deleted in Section 2. Definition remains in Aquifer Protection Section.
Kindergarten Private: A private school for children of pre-primary school age having an enrollment of three (3) or more children of different parentage.		Deleted. Private Kindergartens are now included in the definition of Child Care Facility.
Landscaped Area: Land area not covered by building, parking spaces and driveways.	Landscaped Area: An area set aside from structures and parking that is developed with lawns, trees, shrubs, vines, hedges, bedding plants, rock or other natural features, and may include paving materials, walls, fences, street furniture or other decorative features.	More detailed definition as to what constitutes a landscaped area.
	Life Science Facility: A facility devoted to advanced and applied sciences that expand the understanding of human physiology, including biomedical engineering, biotechnology, medical devices, nanotechnology, natural product pharmaceuticals, stem cell research, veterinary science and other technologies relating to potential medical or therapeutic applications.	New
	Light Manufacturing: the processing, fabrication, production or assembly of materials or products that involves no use of heat, noise, or odor-producing processes on the premises that are detectable off-site.	New
	Live/Work Facility: A commercial use with a residential use that is incidental and secondary to the commercial use, and does not alter the commercial character of the property.	New
Leachable Wastes: Waste materials, including solid waste and sludge, that are capable of releasing water-borne contaminants to penetrating water derived from rain or snowmelt.		Deleted. Not reference anywhere else in the bylaw.

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Existing	Proposed	Change
Lot: A parcel of land occupied or designed to be occupied by principal and accessory buildings or uses, including such open spaces as are arranged and designed to be used in connection with such buildings.	Lot: A single tract of land that is either shown on the most recent applicable plan of record or otherwise evidenced to be held in identical ownership throughout by a deed conveyance to the owner thereof.	Clarified to include reference to ownership. Deleted reference to use/building.
Lot Coverage: That proportion expressed as a percent of the total lot area covered by principle buildings.	Lot Coverage: The portion of a lot, expressed as a percent of the total lot area, that is covered by principal and accessory buildings and structures.	Now includes accessory buildings into the definition.
Lot Width: The width of a lot governed by the diameter of a circle, said circle fitting entirely within the lot and being tangent with the front lot line.	Lot Width: The width of a lot measured as the diameter of a circle that fits entirely within the lot and is tangent to the front lot line.	No change
	Major Street: A street used for through access and carrying average daily volumes of traffic of ten thousand (10,000) or more vehicle trips per day.	New (This definition is also in PUD Section)
	Manufacturing: The processing, fabrication, production or assembly of materials or products, not including light manufacturing.	New
	Medical Facility: A facility containing uses related to the diagnosis, treatment, and care of individuals, including hospitals, dental services, medical services or health clinics, but excluding nursing homes and medical and dental offices.	New
	Minor Street: A street used primarily for access to abutting properties or carrying average daily volumes of traffic of less than ten thousand (10,000) vehicle trips per day.	New (This definition is also in PUD Section)
Mixed Use: The combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site.		Deleted. Definition in the Downtown Smart Growth District.
Nonconforming: A lawful pre-existing building, structure, vacant lot, or use of buildings or land that does not conform to the zoning regulations for the district in which it is located, but did conform at the time it was built or established.	Nonconforming Building or Structure: A building or structure that does not conform to the currently applicable use regulations or to one (1) or more currently applicable dimensional regulations contained in the Zoning Bylaw.	Separated out existing definition so there is clear definition of nonconforming building/structure.
	Nonconforming Lot: A lot that does not conform to one or more currently applicable dimensional regulations contained in the Zoning Bylaw.	Separated out existing definition of Nonconforming so there is clear definition of Nonconforming lot.
	Nonconforming Use: A use that does not conform to the currently applicable use regulations contained in the Zoning Bylaw.	Separated out existing definition of Nonconforming so there is clear definition of Nonconforming use.
Nursing Home: A convalescent or rest home, or an assisted living residence as defined in 651 CMR 12.02.	Nursing Home: Any licensed facility where nursing care is provided to residents, including convalescent homes, rest homes, sanitariums and infirmaries.	Minor re-word to include all facilities that provide nursing care.
	Office: A facility used for the regular performance of business transactions or professional services, including related administrative and clerical activities, but excluding a medical facility.	New
	Open Space: Public or privately owned land areas unobstructed to the sky that are not occupied by buildings, structures, parking areas, streets, or alleys. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities.	New

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Open Storage: The storing of retail goods outside of a structure on a lot for the purpose of display and/or sales.	Open Storage: An accessory use involving the outdoor storage or display of retail goods for sale.	Minor re-word. Deleted reference to structure.
Overlay District: A district super-imposed on one (1) or more districts which may establish restrictions in addition to the regulations of the district or districts super- imposed.	Overlay District: A zoning district, superimposed on one or more underlying zoning districts, that may be subject to restrictions in addition to those applicable in the underlying district or districts.	Minor re-word to include examples of what this use includes.
Place of Assembly: A theater, cinema, bowling alley or other similar enclosed place.	Place of Assembly: A facility providing accommodation for groups of people to gather, either regularly or occasionally, in an enclosed place, including theaters, cinemas, bowling alleys, lecture halls and banquet facilities.	Minor re-word
	Professional Services: Work undertaken for others, predominately on the premises of an office, by doctors, dentists or financial, legal or similar professionals.	New
Public Off-Street Parking Facility: Parking areas which are owned and maintained by the Town that are open to the general public for the use of public parking. This does not include parking facilities which are owned by the Town with the primary use of providing parking for municipal employees or customers doing business with the Town during normal hours of operation.	Public Off-Street Parking Facility: A facility that is owned and maintained by the Town and provides parking for the general public, but excluding parking facilities that primarily provide parking for municipal employees or individuals doing business with the Town.	Minor re-word
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.		Included in Section 5.6.5 of the Bylaw.
Remote Parking Facility: Parking areas which are not located on the same lot for the use the parking facility serves.	Remote Parking Facility: A parking facility that is not located on the same lot as the use for which it provides parking.	Minor re-word
	Repair Garage: A facility used for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.	New
	Research and Development Facility: A laboratory or similar facility used for the primary purpose of research, investigation, experimentation, and testing activities related to the fields of electronics, engineering, geology, physics, or other scientific area, but excluding life science facilities.	New
	Residential Use: Any use of a building or part of a building for dwelling units, together with parking that is accessory to the dwelling units.	New
	Restaurant: Any business establishment principally engaged in serving food, drink, or refreshments, prepared either on or off the premises, for consumption by members of the public, which may include indoor or outdoor seating.	New
	Restaurant, Drive-through Window: Any restaurant where food and beverages are served by order from and service to vehicular passengers, whether or not the restaurant includes indoor seating.	New

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Existing	Proposed	Change
	Restaurant, Fast Food: A restaurant serving food that is available upon a short waiting time and is packaged or presented in such a manner that it can readily be eaten outside the premises where it is served, but excluding restaurants that derive at least eighty percent (80%) of their food sales revenue from food consumed on the premises.	New
	Retail Services: A commercial use where services or entertainment, but no products, are provided for a fee directly to the general public for personal, business or household utilization.	New
	Retail Store: A commercial use where consumer products are sold directly to the general public for personal, business or household consumption.	New
Roadside Stand: The sale of natural products raised on the premises and articles manufactured on the premises from such products.	Roadside Stand: An accessory retail store for the sale of agricultural products raised on the premises and articles manufactured from such products on the premises.	Minor re-word to classify as retail use that is accessory to an agricultural use.
	Self-Service Storage Facility: A facility containing individual storage compartments separately leased to individuals, households, businesses or organizations.	New
School: The use for educational purposes of structures on land owned or leased by the Commonwealth, any of its agencies, subdivisions or bodies politic, a religious sect or denomination, a non-profit educational corporation or any other public or private school giving regular instruction at least five (5) days a week for eight (8) months or more each year; but not including a school giving special or limited instruction such as a business, trade, art, music, dancing or riding school.		Deleted. Will work on definition revision in the future to fully address Dover Amendment Uses.
Senior Independent Living: A facility that provides dwelling units for residents over the age of 55, with no permanent residents under the age of 18, in a single or multiple buildings or in separate townhouses or cottages, and may include common areas for the use of residents.	Senior Independent Living Facility: An extended or intermediate care facility that provides dwelling units for residents over the age of fifty-five (55), with no permanent residents under the age of eighteen (18), in single or multiple buildings or in separate townhouses or cottages, and may include common areas for the use of residents.	Minor re-word. No change to intent.
	Service Station: Any facility used primarily for the sale of gasoline, motor oil, lubricants or other minor automobile accessories and for the replacement or installation of parts and accessories.	New
	Service Station Minimart: A service station located on premises also containing a convenience store.	New
	Setback: The actual distance of a structure from a property line or other specified reference point, line or area.	New
	Shared Parking Facilities: Parking facilities intended to serve more than a single user.	New
Sign: Any word or combination of number, emblem, picture, design, trademark or other device including the support structure of freestanding signs. Signage is the collection of signs. Signage does not include temporary holiday decorations, historical date markers or plaques, or artwork that contains no commercial messages		Deleted from Section 2. Definition remains in Sign Section.

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Solid Wastes: Any discarded solid material, putrescible or nonputrescible, consisting of all combustible and noncombustible solid material including, but not limited to garbage and rubbish.	Solid Wastes: Any garbage, refuse, rubbish, or other discarded materials, that may be in solid, liquid, or gaseous form.	Minor re-word. Definition now includes gas and liquids.
	Special Permit: A permit issued in accordance with the provisions of Section 9 of Chapter 40A of the Massachusetts General Laws.	New
	Special Permit Granting Authority (SPGA): The Board or Commission designated as having authority to issue a particular Special Permit.	New
	Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, the space between the floor and the ceiling above the floor of such story.	New
Structure: Materials assembled at a fixed location to give support or shelter, such as a building, framework, wall, tent, reviewing stand, platform or the like.	Structure: Any combination of parts or materials assembled and joined or mixed together in some definite manner or pattern at a certain location for any purpose or use, whether or not affixed to the land. Structure shall include swimming pools, tennis courts, sports courts and courts for athletic and recreational activity and the equipment and paraphernalia associated with any such court, but shall not include fences, garden walls and paved areas used solely for vehicular or pedestrian access.	More detailed definition as to what includes a structure.
Townhouse: A dwelling unit arranged, intended or designed to be occupied by a single family which is attached to one or more other single family dwelling units by one or more common walls, with each dwelling unit having its own exterior entrance. Each dwelling unit may be owned by a separate owner.	Townhouse: A dwelling unit that is arranged, intended or designed to be occupied by a single family and that is attached to one or more other dwelling units by one or more common walls, with each dwelling unit having its own exterior entrance.	Minor re-word. No change to intent.
	Trucking Terminal: A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.	New
Accessory Use: The use of a building or premises for purposes customarily incidental to a permitted principal use.	Use, Accessory: A use that is customarily incidental and subordinate to, and located on the same lot as, a lawful principal use and that does not alter the character of the principal use.	Formerly called Accessory Use. Minor re-word to clarify that an accessory use is.
	Use, Principal: An activity or purpose to which a lot or structure is, or is proposed to be, principally intended.	New
	Variance: Relief, issued in accordance with the provisions of Section 10 of Chapter 40A of the Massachusetts General Laws, from the literal enforcement of the provisions of the Zoning Bylaw.	New
Townhouse Development: A development of land with townhouses located in a Residence S-10 District and which is governed by the provisions of Paragraph 4.6. A townhouse development shall not be limited to one principal structure per lot. A swimming pool, club house, tennis courts and other usual single family accessory uses and facilities may be allowed as part of the Special Permit issued by the Board of Appeals in a townhouse development, subject to conditions imposed by the Board.		Deleted. Do not need to define a Townhouse Development. Will maintain definition for Townhouse.
Townhouse Parcel: A parcel of land upon which a townhouse development is located.		Deleted. Do not need to define what a Townhouse Parcel is.

No changes or minor changes		
Deleted		
New		
Existing	Proposed	Change
Trailer: A structure originally designed as a vehicle to be used in whole or in part for human habitation having no motive power of its own.		Deleted. Not reference anywhere else in the bylaw.
Trailer Camp: An area of land on which is located one or more trailers used for human habitation.		Deleted. Not reference anywhere else in the bylaw.
Two Family Dwelling: A detached dwelling arranged, intended or designed to be occupied by two (2) families.	Dwelling, Two Family: A detached dwelling arranged, intended or designed to be occupied by two (2) families.	No change.
Use: An activity or purpose to which a lot or structure is, or is proposed to be, devoted; for purposes of these Bylaw, each use listed on any line in Section 4.2.2, Table of Uses, is to be considered different from any other use listed on any other line in said Section.		Separated out to "Use, Accessory, Use Principal"
	Warehouse: A building used for the storage or distribution of manufactured products, supplies, and equipment.	New
Watershed: An area drained by a stream or stream system.	Watershed: A land area, also known as a drainage area, that collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.	More detailed definition.
Wetlands Resource Area : An area as defined in the regulations adopted pursuant to Section 40 of Chapter 131 of the General Laws and pursuant to Section 5.7 of the Reading General Bylaw.	Wetlands Resource Area: A bank, freshwater wetland, marsh, meadow, bog, swamp, creek, river, stream, pond, lake, land under a water body, land within one hundred (100) feet of any of the foregoing wetlands resource areas; land subject to flooding or riverfront area, as defined in the regulations adopted pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws or pursuant to Section 7.1 of the Reading General Bylaw.	No change to intent, but included actual definition per DEP and local regulations.
	Wholesale Business: A commercial use where merchandise is sold to retailers; to industrial, commercial, institutional, or professional business users; or to other wholesalers; or where agents or brokers buy merchandise for, or sell merchandise to, such retailers, business users or wholesalers.	New
Yard: An open space on the same lot with a building.	Yard: An area on a lot required to be unoccupied by structures above grade except for specified uses or structures.	Minor re-word. No change to intent.
Yard Front: The yard extending between the building and the street line and extending across the full width of the lot.	Yard Front: The area extending away from the street line on which a lot has frontage and across the full width of the lot.	Minor re-word. No change to intent.
Yard Rear: The yard extending between the building and the rear line of the lot and extending across the full width of the lot.	Yard Rear: The area extending away from the rear line of a lot and across the full width of the lot.	Minor re-word. No change to intent.
	Yard, Required: The minimum applicable front, rear or side yard as specified in Sections 6.2.3, 6.3 and 6.4 of the Zoning Bylaw.	
Yard Side: The yard extending between the building and the side line of the lot and extending from the front yard to the rear yard.	Yard Site: The area extending away from any side line of a lot between the front yard to the rear yard.	Minor re-word. No change to intent.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
4	USE REGULATIONS	5	USE REGULATIONS	
	No building, structure or land may be used, arranged or designed for any purpose unless it conforms with the use regulations of this Bylaw.		No building, structure or land may be used, arranged or designed for any purpose unless it conforms with the use regulations of the Zoning Bylaw.	Minor re-word. No change to intent.
4.1	<u>Application of Use Regulations</u>	5.1	<u>Application of Use Regulations</u>	
4.1.1	Any building constructed or formerly used for public or municipal purposes which is owned or controlled by the Town of Reading, the land upon which the said building is located and all adjacent land owned by the Town shall be excluded from the provisions of these Zoning Bylaw.	5.1.1	Any building constructed or formerly used for public or municipal purposes and owned or controlled by the Town of Reading, the land upon which such building is located and all adjacent land owned by the Town shall be exempt from the provisions of the Zoning Bylaw.	Minor re-word. No change to intent.
4.2	<u>General Requirements</u>	5.2	<u>General Requirements</u>	
4.2.1	Use regulations for all uses shall be as specified in Paragraph 4.2.2, "Table of Uses" and are a part of this Bylaw. In the table, "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 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; "No" denotes a use prohibited in a particular district.	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); "No" denotes a use prohibited in a particular district.	There are two proposed Table of Uses, one for Business Districts and one for Residential Districts.
	(TABLE OF USES) See last page of this Guide for a summary of changes to the Table		(PROPOSED TWO TABLES OF USES) as Section 5.3.1 and 5.3.1. See last page of this Guide for a summary of the changes.	
4.3	<u>Supplementary Requirements</u>			DELETED
	All uses shall be subject to the following additional requirements.			DELETED
4.3.1	<u>Principal Uses</u>			
4.3.1.1	In a Residence or Business A District a one family dwelling existing prior to April, 1942, which at that time had at least eight (8) finished and habitable principal rooms may be altered into a two (2) family dwelling, provided that the external appearance of a one (1) family house is retained.			Provision moved to footnote of Table of Uses

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
4.3.1.2	In any district, no use shall be permitted which is offensive because of obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or which is hazardous to the community on account of fire or explosion or any other cause.	5.2.2	In any district, no principal or accessory use that is offensive because of obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or that is hazardous to the community on account of fire, explosion or any other cause shall be permitted.	Minor re-word. No change to intent.
4.3.1.3	In the Business C Districts, no building shall be erected, altered or used nor shall any land be used for any purpose unless all dust, flames, odor, smoke or vapors are effectively confined to the premises and noise vibration or flashing related to the business activity is not normally perceptible without instruments beyond the bounds of the lot on which it is located.	5.2.3	In the Business C District, no building shall be erected, altered or used and no land shall be used for any purpose unless all dust, flames, odor, smoke or vapors are effectively confined to the premises and noise, vibration or flashing related to the business activity is not perceptible without instruments beyond the bounds of the lot on which it is located.	Minor re-word.No change to intent.
		5.3.1	Table of Uses	(SEE LAST PAGE OF GUIDE FOR CHANGES)
		5.3.1	Table of Uses for Business and Industrial Districts	(SEE LAST PAGE OF GUIDE FOR CHANGES)
		5.3.2	Table of Uses for Residential Districts	(SEE LAST PAGE OF GUIDE FOR CHANGES)

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
		5.6.6.1	A nursing home, assisted living facility or senior independent living facility may be allowed by Special Permit from the Community Planning and Development Commission (CPDC) with Site Plan Approval pursuant to Section 4.6 of the Zoning Bylaw. Submitted with the application shall be one or more site plans prepared, signed and sealed by a registered land surveyor, registered professional engineer or registered architect, which shall indicate the size of the lot; the dimensions of the lot; the proposed location, dimensions and height of the proposed structure; the building offset dimensions; the parking and driveway layout; the entrance and exit ways; proposed grade changes; the location of any Overlay Districts; the distance and use of each existing principal structure situated on abutting property but within one hundred (100) feet of the proposed nursing home, assisted living facility structure or senior independent living facility.	New
4.3.1.4	The Board of Appeals may grant a Special Permit for a nursing home in a Residence S-20 Zoning District, if, as a minimum, the following conditions are met	5.6.6.2	The CPDC may grant a Special Permit for a nursing home, assisted living facility or senior independent living facility if the following conditions are met:	Changed SPGA Authority to CPDC from ZBA. Where it is permitted is identified in the Table of Uses

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	a The lot(s) on which the nursing home is to be located either abuts or is partially within a Business A District, or is separated therefrom only by an Interstate Highway; or the lot(s) on which the nursing home is to be located currently has frontage on a State highway, and the proposed driveway is within 600 feet of a signalized intersection. A lot shall not be considered as abutting Business A District unless that lot actually, physically touches the Business A District, or is separated therefrom only by an Interstate Highway. A lot on the other side of or separated by a local street or state highway from a Business A District shall not be considered to “abut” that district for the purpose of this section.			Deleted. The current bylaw limited the areas in which this use was allowed. Now the Table of Uses clearly identifies where it is allowed including Business A, B, C, S-15, S-20, S40 and the Planned Unit Development Residential. This use is only allowed in those district by Special Permit from the CPDC.
	b Any structure or parking area shall be located not closer than twenty-five (25) feet to any property line abutting a residence or local public street.		a Any structure or parking area shall be located twenty-five (25) feet or more from any property line abutting a residence or local public street.	Minor re-word. No change to intent.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	c The nursing home structure shall not be less than eighty (80) feet from the nearest dwelling existing at the time of application for the Special Permit.		b The nursing home, assisted living facility or senior independent living facility shall be located eighty (80) feet or more from the nearest dwelling existing at the time of application for the Special Permit.	Minor re-word. No change to intent.
	d The lot shall be not less than three (3) acres in size with not less than three hundred (300) feet of frontage on an existing public way.		c The lot shall be three (3) acres or more in size with three hundred (300) feet or more of frontage on an existing public way.	Minor re-word. No change to intent.
	e The nursing home shall be tied into municipal water and sewer service when constructed.		d The nursing home, assisted living facility or senior independent living facility shall be connected to municipal water and sewer service when constructed.	Minor re-word. No change to intent.
	f Prior to making application to the Board of Appeals for a Special Permit for a nursing home under this Section, the applicant shall obtain site plan approval from the Community Planning and Development Commission pursuant to Section 4.3.3 of these Bylaw.			Deleted to allow for one SPGA and Approving Authority - the CPDC who will also conduct Site Plan Review concurrently.
	The Community Planning and Development Commission may approve a site plan for an assisted living residence, or for combined nursing and assisted living residence when the number of assisted living units exceeds 10% of the combined total number of units, only under the following conditions the gross floor area of the residents' living space excluding common areas, such as but not limited to hallways, dining rooms, offices, recreation areas, medical rooms, employee rooms and mechanical spaces shall not exceed 15% of the total lot area. For purposes of this section, total lot area shall include any land shown on the site plan which is conveyed to the Town of Reading for nominal consideration.			Deleted

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	g The nursing home shall meet all applicable building code requirements and shall have properly installed and maintained fire safety devices and shall conform to all applicable local and State regulations and statutes for the protection of all occupants in the nursing home.			Deleted - that is assumed by Building Code
			e In addition to the Landscape Standards set forth in Section 6.5 of the Zoning Bylaw, the following requirements shall be satisfied:	New
	h Sideline planting shall be required for any sideline of the lot which abuts land being used for residential purposes. The sideline planting shall be at least five feet wide, shall be free of any paving and shall extend from the street line to twenty feet beyond the deepest point on the premises having buildings or parking areas. The full length of the planting area shall be provided with screening through plantings at least four feet high when planted. Fencing may be used in conjunction with such screening.		1. Landscaping shall be required for any side yard of the lot that abuts land being used for residential purposes. The side yard planting shall be at least five (5) feet wide, shall be free of any paving and shall extend from the street line to twenty (20) feet beyond the deepest point on the premises having buildings or parking areas. 2. The full length of the landscaped area shall be provided with screening through plantings at least four (4) feet high when planted. Fencing may be used in conjunction with such screening.	Minor re-word.
	i Front screening shall be provided between the building and the street line through a staggered row of trees, either planted or retained, having at least a two inch trunk diameter and being of size, specie and spacing such that the tree crowns will approximately meet each other at maturity. All trees used for front screening shall be of species common to the area and which reach an ultimate height of not less than thirty feet.		3. Front screening shall be provided between the building and the street line through a staggered row of trees, either planted or retained, having at least a two (2) inch trunk diameter and being of size, species and spacing such that the tree crowns will approximately meet each other at maturity. All trees used for front screening shall be of species that are common to the Town of Reading and that will reach a height of at least thirty (30) feet at maturity.	Minor re-word. No change to intent.
	j If at the time of application for a Special Permit under this provision, there are one or more single family dwellings situated on the lot or lots immediately abutting and to the rear of the lot upon which the nursing home is proposed, the Board of Appeals may require reasonable rear lot line plantings for screening purposes.		4. If, at the time of application, there are one or more single family dwellings situated on the lot or lots immediately abutting and to the rear of the lot upon which the nursing home, assisted living facility or senior independent living facility is proposed, the CPDC may require reasonable rear lot line plantings for screening purposes.	Minor re-word. No change to intent.

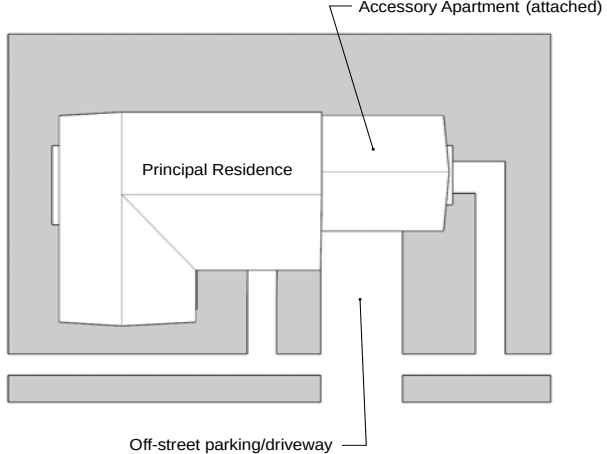
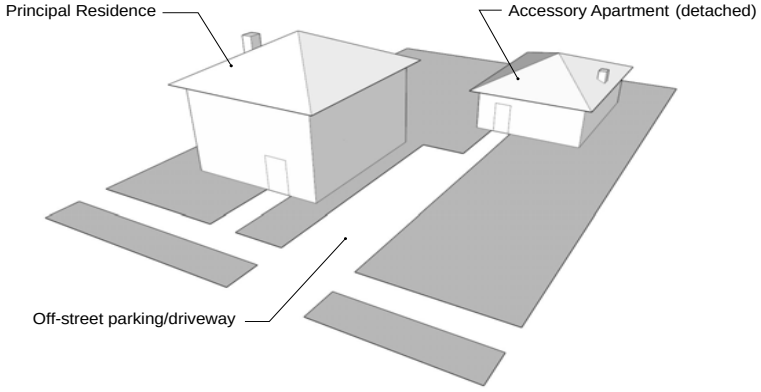
	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
			f Affordable Housing Section 5.6.6 is intended to promote the purposes of the Zoning Bylaw, as set forth in Section 1.0, by encouraging a greater diversity of housing accommodations to meet the needs of the Town and to develop and maintain a satisfactory proportion of the Town's housing stock as affordable housing.	New. The current bylaw does require a certain amount of affordable units. This new language clarifies the intent.
	k There shall be provided in perpetuity on site or off-site, in a manner acceptable to the Reading Housing Authority, a minimum allocation of ten percent of the total units, unless otherwise regulated, relative to the development, which total units shall be affordable to very-low-income, low-income, and moderate-income families and/or elderly households as determined by the most recent calculations of the U.S. Department of Housing and Urban Development for the Boston Metropolitan Region and/or the Commonwealth of Massachusetts, Department of Housing and Community Development. If acceptable to the Reading Housing Authority with input from the Community Planning and Development Commission, this requirement may be satisfied by the payment to the Town or an agency thereof a monetary sum in lieu of provision of actual affordable units in or relative to the development for provision or enhancement of affordable housing in the Town of Reading.		A Special Permit for an assisted living facility shall require that there shall be provided in perpetuity, either on the site or elsewhere, in a manner acceptable to the CPDC, a minimum allocation of ten (10) percent of the total number of assisted living units that are affordable to very-low-income, low-income, and moderate-income families and/or elderly households as determined by the most recent calculations of the U.S. Department of Housing and Urban Development for the Boston Metropolitan Region and/or the Commonwealth of Massachusetts, Department of Housing and Community Development.	Minor re-word. Still required 10 percent of units to be affordable, but does not allow for payment in-lieu. However the new language would allow off-site units.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	A person may make application to the Board of Appeals for a Special Permit for the construction of a nursing home in compliance with all of the above-listed restrictions. Submitted with the application shall be one or more site plans prepared, signed and sealed by a registered land surveyor, registered professional engineer or registered architect which shall indicate the size of the lot, the dimensions of the lot, the proposed location, dimensions and height of the nursing home structure, the building offset dimensions, the parking and driveway layout, the entrance and exit ways, proposed grade changes, the location of any zoning overlay districts on the lot and the location, distance and use of each existing principal structure situated on abutting property but within one hundred feet of the proposed nursing home structure.			Deleted. The use is now governed by Special Permit through the CPDC.
4.3.2	<u>Accessory Uses</u>	5.4.	<u>Accessory Uses</u>	No Change
			Subject to all limitations and in accordance with all conditions set forth in the Zoning Bylaw, accessory uses, buildings and structures shall be permitted on the same lot as the principal use, building or structure to which they are accessory, provided that they do not alter the character of such principal use, building or structure.	New language.
4.3.2.1	In any district, no accessory use shall be permitted which alters the character of the premises on which it is located or which violates the provisions of Paragraph 4.3.1.2.	5.4.1	In any district, no accessory use shall be permitted which that alters the character of the premises on which it is located or which violates the provisions of Paragraph 5.2.2 shall be permitted.	Minor re-word. No change to intent.
4.3.2.2	In any district, an accessory use shall be located on the same lot as the principal use, except as hereinafter provided.	5.4.2	In any district, an accessory use shall be located on the same lot as the principal use.	Minor re-word. Proposed language would not allow for exemptions for accessory uses on separate lots.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
4.3.2.3	In any district, uses accessory to activities otherwise permitted as a matter of right which are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right may be permitted upon issuance of a Special Permit from the Board of Appeals, provided there is a finding that the accessory use does not substantially derogate from the public good.			Deleted.
4.3.2.4	In any Residence District, the erection of a garage for more than three (3) non-commercial motor vehicles is prohibited.	5.4.3	A garage for more than three (3) motor vehicles shall not be deemed to be accessory to a residential use.	Minor re-word. Still prohibits garages that are for more than 3 non-commercial vehicles in residence districts as an accessory structure.
4.3.2.5	In any Residence District, the renting, by a family living in a dwelling, of rooms located within and forming an integral part of said dwelling and the furnishing of table board to persons who are not merely casual or transient customers, is permitted provided that not more than three (3) such persons shall be permitted per family.	5.4.4	A resident of a dwelling shall be permitted by right to rent rooms in the dwelling, or to furnish room and board in the dwelling, to up to three (3) persons who are not merely casual or transient customers.	Minor re-word. No change to intent.
4.3.2.6	In any Residence District, no more than twenty-five percent (25%) of the floor area of a dwelling shall be used for an accessory use.			Deleted. Moved to Section 5.5.1 for Accessory Structures.
4.3.2.7	In any Single Family District, Open Storage regulation shall not apply to a seasonal stock of firewood occupying not more than two hundred fifty (250) square feet. No such stock shall exceed four (4) feet in height within five (5) feet of a lot line.	5.4.5	In any Single Family District, outdoor storage of a seasonal stock of firewood, occupying not more than two hundred fifty (250) square feet, shall be permitted by right; provided, however, that no such stock shall exceed four (4) feet in height within five (5) feet of a lot line.	Minor re-word. No change to intent.
		5.4.6	Except as otherwise provided in the Zoning Bylaw:	New language to help clarify principal and accessory uses and how they are permitted.
			a. Any use permitted by right as a principal use in a district shall also be permitted by right as an accessory use.	
			b. Any use authorized as a principal use in a district by Special Permit may also be authorized as an accessory use by Special Permit.	
			c. Any use prohibited as a principal use in a district shall also be prohibited as an accessory use.	

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
			d. Accessory uses shall be permitted only in accordance with lawful principal uses in existence.	
			e. In all instances where Site Plan Review is required for a principal use, the addition of any accessory use, shall also require Site Plan Review if such addition exceeds the jurisdictional thresholds set forth in Section 4.6 of the Zoning Bylaw.	New language to help clarify principal and accessory uses and how they are permitted.
4.3.2.8	Accessory Apartments	5.4.7	Accessory Apartments	
4.3.2.8.1	Purpose	5.4.7.1	Purpose	
	The purpose of allowing accessory apartments within the Town is to encourage the alteration and/or construction of a limited number of housing units which will increase the availability of rental units within the Town, will help to meet local housing needs without causing significantly adverse effects on the character and municipal services of the community and will ensure compliance with State and local planning standards and policies concerned with land use, building design and the health, safety, convenience and general welfare of the inhabitants of the Town.		Accessory Apartments, subject to the terms and limitations set forth herein, offer a means of increasing housing options without causing adverse effects on community character and municipal services. This section is intended to promote the purposes of the Zoning Bylaw, as set forth in Section 1.0, by providing for the establishment of Accessory Apartments in appropriate places and conditions.	Minor re-word. No change to intent.
4.3.2.8.2	Restrictions	5.4.7.2	Restrictions	
	The Special Permit Granting Authority may grant a Special Permit for an accessory apartment, if, as a minimum, the following conditions are met		Accessory Apartments may be allowed in the S-15, S-20 or S-40 Zoning Districts, or in a pre-existing Single Family Dwelling in the Bus-A or Bus-B Zoning Districts as shown in the Table set forth in this Subsection Section 5.4 and subject to the applicable performance standards set forth below.	Now only allowed in single family districts, or in preexisting single family dwellings located in Business A or B Districts. Added table and graphics for better clarification.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
				The Table below is new to clarify how the use is now permitted. Currently, Accessory apartments are only allowed by Special Permit in attached structure. Such structure has to be constructed prior to 1982. The new language would allow accessory apartments in a principal dwelling that does not include an addition to gross floor area by right. Owners would also be able to apply for a Special Permit for Accessory Apartment within an Accessory Building, or within a new structure or addition to existing structure.
			TYPE OF ACCESSORY APARTMENT	Requirement
			Within Principal dwelling - No addition to gross floor area	By Right
			Within Existing Accessory Building - No addition to gross floor area	Special Permit required
			New structure or addition to gross floor area of existing structure	Special Permit required

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
				
				
				New graphic to assist with the requirements.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	a The dwelling in which the accessory apartment is to be located was legally occupied prior to August 1, 1982;			Deleted. No longer will limit the age of the structure in which for Accessory Apartments are proposed.
		5.4.7.3	Performance Standards	New
			The following performance standards shall apply to all Accessory Apartments:	New
			a Only one (1) Accessory Apartment per lot may be created. The Accessory Apartment shall be a complete, separate housekeeping unit containing both kitchen and bath. Prior to issuance of any special permit required for an Accessory Apartment, a plan must be submitted showing the proposed interior and exterior changes to the Principal Residence.	New
	b Notwithstanding the provisions of Section 4.3.2.6. of these Bylaw, the accessory apartment shall occupy no more than one-third (1/3) of the gross floor area of the one family dwelling of which it is part, exclusive of any garage, unfinished basement, shed or other accessory use structure attached to or part of such one family dwelling (as of August 1, 1982) and shall contain as a minimum at least four hundred (400) square feet of net floor area and as a maximum not more than seven hundred fifty (750) square feet of net floor area. Building density shall be limited so that the ratio of gross floor area to total land area shall not exceed 1:5;		b An Accessory Apartment shall occupy no more than one-third (1/3) of the gross floor area of the Principal Single Family Dwelling on the lot, exclusive of any garage, unfinished basement, shed or other accessory use structure(s) attached to or part of such Principal Dwelling, and shall contain a minimum net floor area of four hundred (400) square feet and a maximum net floor area of seven hundred fifty (750) square feet;	Re-worded. Still only allowed to occupy 1/3, but does not have to be built prior to 8/1/1982. Still needs to be a min of 400 sf and no more than 750 sf. Deleted requirement for ratio of gross floor area.
	c At least one of the owners of the one family dwelling in which the accessory apartment is located resides in the accessory apartment or principal one family dwelling, except for bona fide temporary absences, during which absence period a third party may not occupy the owner's unit, unless and until notification of the change of occupancy is submitted to the Board of Appeals;		c At least one (1) of the owners of a lot containing both a Principal Single Family Dwelling and an Accessory Apartment shall reside in either the Accessory Apartment or the Principal Dwelling.	Minor re-word. Would not allow temporary occupancy during absences by third party.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	d The accessory apartment and any and all other modifications to the principal one family dwelling shall be designed so that the appearance of the building remains that of a one family dwelling. Any new entries shall be located on the side or in the rear of the building and any additions for access and/or egress shall not increase the gross floor area (as described in paragraph b. above) of the original house by more than ten percent (10%) and shall not increase the building density beyond that allowed in paragraph b. above. Any other changes in the building shall comply in all respects with the applicable provisions of the Zoning Bylaw;		d The Accessory Apartment and any modifications to the Principal Single Family Dwelling on the lot shall be designed so that the appearance of the Principal Dwelling remains that of a Single Family Dwelling. Any new entry to an Accessory Apartment shall be located on the side or in the rear of the Principal Dwelling;	Intent kept the same. Appearance must remain as a single family dwelling and new entry doors shall be on the side or rear of the building. Deleted provision regarding gross floor area and building density.
			e All stairways to the primary entrance to an Accessory Apartment located on a second or third story of a Principal Single Family Dwelling shall be enclosed within the exterior walls of the Principal Dwelling, unless otherwise required by applicable provisions of the State Building Code;	New provision related to stairways to protect appearance of single family home.
			f Where two (2) or more entrances already exist on the front façade of a Principal Single Family Dwelling, modifications made to such entrances in order to accommodate an Accessory Apartment shall result in one (1) entrance appearing to be the principal entrance and other entrances appearing to be secondary;	New provision related to entrances and to protect appearance of single family home.
	e All motor vehicles owned or maintained by occupants of the building in which the accessory apartment is located shall be parked off the street and the location and appearance of all additional off-street parking shall not adversely affect the adjoining properties in the neighborhood or the single-family appearance of the neighborhood in general and will cause no change to the front yard parking, area, if any, as it existed on August 1, 1982;		g All motor vehicles owned or maintained by occupants of an Accessory Apartment shall be parked off the street in a designated driveway area or garage. The location and appearance of such driveway area shall not adversely affect adjoining properties or the single-family character of the neighborhood in general. Only one access driveway shall be permitted on a lot containing an Accessory Apartment unless the Board of Selectmen has authorized an additional access driveway. Any additional approved driveway space may not result in cars parking in a front yard.	Included additional requirements for driveway areas and requirements for approval of second driveway through the Board of Selectmen.

	No changes or minor changes			
	Deleted			
	New			
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Section	Existing	Section	Proposed	Change
			h Both the Principal Single Family Dwelling and the Accessory Apartment shall be connected to the public water and sanitary sewer systems;	New
	f There shall be no other apartment on the lot on which the accessory apartment is to be located;			Deleted. Duplicative of A. above.
	g The accessory apartment shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire dwelling;			Deleted. It is required to meet all building code and does not need to be within zoning.
	h Special Permits for accessory apartments can be issued by the Board of Appeals up to a limit of ten per cent (10%) of all one family dwellings in the Town excluding those which already qualify under Section 4.3.1.1. of these Bylaw for conversion to two family use;			Deleted. The new language will not put a cap on how many accessory apartments will be allowed in Town.
	i Any other conditions, safeguards and limitations on time or use as may be imposed by the Board of Appeals according to Massachusetts General Law, Chapter 40A, Section 9 or regulations pursuant thereto.			Deleted
			i An Accessory Apartment may not be occupied by more than three (3) people nor have more than two bedrooms;	New to protect single family appearance.
			j Any application for a Special Permit for an Accessory Apartment to be located in a carriage house, stable, barn or other detached structure built prior to 1910 or included in the Historical and Architectural Inventory of Reading, shall include a report from the Reading Historical Commission as to any exterior features of the structure that it recommends be preserved or restored and any proposed exterior alterations that it recommends be allowed. For structures built prior to 1910, the existing footprint may not increase more than ten 10%.	New provision to accommodate Carriage Houses. The current bylaw has a provision specifically to allow the reuse of a Carriage-House-Stable-Barn for an accessory apartment. Rather than have two separate sections related to accessory apartments, a provision was included here to accommodate reuse of Carriage-House-Stable-Barns.
			k The SPGA may grant a waiver from the stated requirements set forth in sections a through j inclusive above where necessary to install features that facilitate access and mobility for disabled persons;	New to accommodate access for individuals with limited mobility.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
4.3.2.8.3	Process	5.4.7.4	Process	
	An owner or owners of a one family dwelling may make application to the Board of Appeals for a Special Permit for the alteration and/or construction and occupancy of an accessory apartment in a one family dwelling in compliance with all of the above-listed restrictions. The Board of Appeals will then post notice of this public hearing in accordance with Chapter 40A, Massachusetts General Law. The Special Permit for said accessory apartment will be limited to the original applicant but shall be transferred with ownership upon the successful inspection of the property which verifies that all conditions of the requirements for an accessory apartment are being met and upon recertification that the new owner(s) of the dwelling plan(s) to maintain residence in either the accessory apartment or the principal residence. If the terms and/or conditions of the Special Permit for an accessory apartment are not being complied with, such Special Permit can and will be revoked in accordance with standard enforcement procedures, or if all conditions are not met within one year of issuance of the Special Permit, the Special Permit will be null and void.		Any Special Permit issued for an Accessory Apartment shall limited to the original applicant but may be transferred with ownership upon a determination of the Building Inspector that all requirements of the Zoning Bylaw applicable to an Accessory Apartment are satisfied. If the terms and/or conditions of any Special Permit for an Accessory Apartment are not satisfied within one (1) year of its issuance, the Special Permit shall be null and void.	Minor re-word to requirements for Special Permit transfers. Also clarifies what the requirements are for not constructing the Accessory Apartment.
		5.5	Accessory Buildings or Structures	New
		5.5.1	Permitted Accessory Buildings or Structures	New
			The following requirements shall apply to any accessory buildings or structures as permitted in accordance with the Tables of Uses (Sections 5.3.1 and 5.3.2).	New
			a Accessory buildings or structures located within a required yard shall be limited to one story. Accessory buildings may be used for Accessory Apartments only as may be permitted pursuant to Section 5.4.8 of the Zoning Bylaw.	New

	No changes or minor changes			
	Deleted			
	New			
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Section	Existing	Section	Proposed	Change
			b In any Residence District, no accessory structure or building may have a footprint larger than either 600 square feet or twenty-five percent (25%) of the gross floor area of the principal structure, whichever is greater.	New
5.2.3.4	No building shall be located within a required front yard.		c No accessory building or structure may be located within a required front yard.	Moved from current Section 5.2.3.4. Minor change to text.
			d An accessory building or structure located less than 10 feet from the principal building on the lot shall be subject to the same dimensional requirements applicable to the principal building.	New.
5.2.3.5	No building shall be located within a required side yard except for a garage accessory to a one or two family dwelling, or accessory to any other permitted principal use in a Residence District. Such garage shall not be located nearer than ten (10) feet to a side lot line.		e No accessory building or structure may be located within a required side yard except for a garage accessory to a single or two family dwelling, or a garage accessory to any permitted principal use located in a Residence District; provided, however, that such accessory garage shall be located at least ten (10) feet from the principal building and from the nearest side lot line.	Moved from current Section 5.2.3.5. Minor change to text.
5.2.3.6	No building shall be located within a required rear yard except for a building accessory to a one or two family dwelling, or accessory to any other permitted principal use in a Residence District. Such building shall not occupy more than twenty-five (25) percent of the rear yard nor be located nearer than five (5) feet to a side or rear lot line.		f No accessory building or structure may be located within a required rear yard except for a building accessory to a one or two family dwelling, or accessory to any permitted principal use located in a Residence District; provided, however, that such accessory building or structure shall not occupy more than twenty-five (25) percent of the required rear yard and shall be located at least ten (10) feet from the principal building and five (5) feet from the nearest rear lot line.	Moved from current Section 5.2.3.6. Minor change to text.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
			g Fences of a height not to exceed six (6) feet and flagpoles of a height not to exceed twenty (20) feet shall be exempt from the yard requirements set forth in Section 6.0 of the Zoning Bylaw. Fences that serve as a buffer between abutting residential and industrial /commercial uses and between industrial and commercial uses may exceed six (6) feet. A building permit is required for a fence exceeding six (6) feet.	Currently, fences that are under 6 feet do not require a permit. The proposed language does not change that, but clarify their exemption from the setback requirements.
			h Nonresidential accessory structures, including vending machines and video and electronic game kiosks, shall be required to meet the yard requirements for the principal structure on the lot, except as may otherwise be authorized by Special Permit from the Zoning Board of Appeals.	New. To clarify the regulations for these structures.
			i The following accessory structures may be allowed by Special Permit by the Community Planning and Development Commission (CPDC) in all districts provided that such accessory structures meet all yard requirements:	New to regulate these structures.
			1) A truck trailer used for storage or advertising.	
			2) A stand-alone shipping or storage container.	
			3) A steel storage unit.	New
			j Temporary Storage units may be allowed by Special Permit by the CPDC in Residence Districts for a period not to exceed ninety (90) days, subject to all applicable yard requirements:	
		5.6	Uses By Special Permit	New Section to Organize Uses by Special Permit. Note that Adult Uses, Commercial Communication Structures, Agricultural Uses and Medical Marijuana Use will be in this Section 5.6.

	No changes or minor changes			
	Deleted			
	New			
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Section	Existing	Section	Proposed	Change
4.3.2.9	Open Storage	5.6.1	Open Storage	
	Open Storage as an ancillary or supporting use is allowed in the Business A and Industrial Zoning Districts by the grant of Special Permit from the Community Planning and Development Commission, based upon the criteria set forth in 4.3.2.9.1.		Open Storage may be authorized as an ancillary or supporting use is allowed as specified in the Table of Uses for Business A and Industrial Zoning Districts by set forth in Section 5.3.1 of the grant of Zoning Bylaw by Special Permit from the Community Planning and Development Commission (CPDC), based upon the criteria set forth in Section 5.6.1.1.	Minor re-word. No change to intent.
4.3.2.9.1	Criteria for Approval	5.6.1.1	Criteria for Approval	
	a Products shall be stored only for the purposes of merchandise display, and/or stock for sale on site, and not for distribution purposes.		a Products shall be stored only for the purpose of merchandise display or stock for sale on site, and not for distribution.	Minor re-word. No change to intent.
	b Open storage area shall use no more than 10% of total lot area.		b Open storage area shall occupy no more than ten percent (10%) of a lot's total area.	Minor re-word. No change to intent.
	c Products stored shall not impede upon pedestrian movement or vehicular circulation.		c Products stored shall not impede pedestrian movement or vehicular circulation.	Minor re-word. No change to intent.
	d Products stored shall not diminish required parking spaces nor access thereto.		d Products stored shall neither encroach upon required parking spaces nor impede access thereto.	Minor re-word. No change to intent.
	e Products stored may be required to be shielded from any abutting residential properties.		e Products stored may be required to be screened from any abutting residential properties.	Minor re-word. No change to intent.
	f No products may be stored in any public right of way nor impede upon such way.		f No products may be stored in any public right of way nor impede access thereto.	Minor re-word. No change to intent.
	g Time period of the display shall be determined and reviewed by the special permit granting authority.		g In issuing a Special Permit, the CPDC may restrict the hours during which products may be displayed.	Minor re-word. No change to intent.
	h No products shall be stored so as to create dust, noise, or other objectionable effects, or to create a fire hazard or other casualty.		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.	Minor re-word. No change to intent.
4.3.2.9.2	Process	5.6.1.2	Process	
	Filing for a special permit for this use shall follow all procedures required for Site Plan Review under 4.3.3 of this Bylaw.		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.	Minor re-word. No change to intent.

	No changes or minor changes			
	Deleted			
	New			
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Section	Existing	Section	Proposed	Change
4.3.2.10	Carriage House-Stable-Barn Preservation			Deleted. Allowed reuse of Carriage-House-Stable Barn for Accessory Apartments in Section 5.4.8
4.3.2.10.1	Purpose			Deleted.
	To preserve existing, freestanding and detached carriage houses-stables-barns and provide flexibility for housing.			Deleted.
4.3.2.10.2	Restrictions			
	The Special Permit Granting Authority (SPGA) may grant a special permit to use a detached carriage house-stable-barn for single-family residential use on a lot with an existing dwelling provided all of the following conditions are satisfied:			Deleted.
	a The carriage house-stable-barn must have existed continuously since 1910. When converted for residential use, the structure must have a minimum net floor area of 400 square feet;			Deleted.
	b The carriage house-stable-barn and principal dwelling must be and remain located on the same lot;			Deleted.
	c At least one of the dwellings (carriage house-stable-barn or principal dwelling) must be and remain owner occupied;			Deleted.
	d The principal dwelling must be included in the Historical and Architectural Inventory of Reading, MA or alternatively qualify by having been built prior to 1910 with a detached carriage house stable-barn;			Deleted.
	e The principal dwelling on the lot must be used only as a single family dwelling during such time as the carriage house-stable-barn is being used as a dwelling. A two-family dwelling may be converted to a single-family dwelling to meet this requirement. The Building Inspector shall confirm by inspection that the existing dwelling is being used only as a single-family dwelling before issuing a certificate of occupancy for the use of the carriage house-stable-barn. The owner of the property must sign an affidavit recorded at the Registry of Deeds with the special permit accepting such requirement;			Deleted.

	No changes or minor changes			
	Deleted			
	New			
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Section	Existing	Section	Proposed	Change
	f The exterior facade of the carriage house-stable-barn shall substantially retain its appearance as a carriage house-stable-barn and exterior architectural features shall be preserved to the maximum extent practicable, keeping in mind the carriage house-stable-barn will be a dwelling. If the façade of the carriage house-stable-barn shall have been changed from its original appearance prior to the filing for a special permit under this section, it shall be restored to be consistent with the architecture of the period of its construction. The SPGA shall obtain a report from the Reading Historical Commission as to exterior features that it recommends be preserved or restored and which, if any, proposed exterior alterations should be allowed on the carriage house-stable-barn. The existing footprint shall remain substantially the same but shall not increase more than 10%;			Deleted.
	g All motor vehicles owned or maintained by occupants of the carriage house-stable-barn shall be parked off the street;			Deleted.
	h The carriage house-stable-barn shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire dwelling;			Deleted.
	i Any other conditions, safeguards and limitations on time or use as may be imposed by the Board of Appeals according to Massachusetts General Law, Chapter 40A, Section 9 or regulations pursuant thereto.			Deleted.
4.3.2.10.3	Process			

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	An owner or owners of a carriage house-stable-barn may make application to the Zoning Board of Appeals (ZBA), as SPGA, for a special permit for the alteration and/or occupancy of a carriage house-stable-barn in compliance with all of the above-listed restrictions. The ZBA will then post notice of this public hearing in accordance with Chapter 40A, Massachusetts General Law. The Reading Historical Commission shall be notified upon receipt of building application. The Special Permit for said carriage house-stable-barn will be limited to the original applicant but shall be transferred with ownership upon the successful inspection of the property which verifies that all conditions of the requirements for a carriage house-stable-barn are being met and upon recertification that the new owner(s) of the dwelling plan(s) to maintain residence in either the carriage house-stable-barn or the principal residence. If the terms and/or conditions of the Special Permit for a carriage house-stable-barn are not being complied with, such Special Permit can and will be revoked in accordance with standard enforcement procedures, or if all conditions are not met within one year of issuance of the Special Permit, the Special Permit will be null and void.			Deleted.
4.3.3	<u>Site Plan Review</u>	4.6	<u>Site Plan Review</u>	SEE GUIDE #5 for Changes to Site Plan Review.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	NOTE: ADULT USES, COMMERCIAL COMMUNICATION STRUCTURES AND AGRICULTURAL USES ARE PROPOSED TO BE MOVED TO NEW SECTION 5.6 UNDER "USES BY SPECIAL PERMIT"			
4.3.4	Adult Uses	5.6.2	Adult Uses	
4.3.4.1	Purpose and Intent	5.6.2.1	Purpose and Intent	
	It is the purpose and intent of this Section 4.3.4 to address and mitigate the secondary effects of the Adult Uses and sexually oriented businesses referenced herein, since such secondary effects have been found by the Community Planning and Development Commission, as a result of the studies relied upon by the Community Planning and Development Commission and after other public input, to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town, all of which secondary impacts are adverse to the health, safety, and general welfare of the Town of Reading and its inhabitants. The provisions of this Section have neither the purpose nor intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Section to restrict or deny access by adults to Adult Uses and to sexually oriented matter or materials protected by the Constitutions of the United States of America and of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.		Section 5.6.2 is intended to promote the purposes of the Zoning Bylaw, as set forth in Section 1.0, by addressing and mitigating the secondary effects of Adult Uses to the health, safety, and general welfare of the Town of Reading and its inhabitants. These effects include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. Section 5.6.2 is not intended to:	This section has been simplified. No change to intent. Broken out to subparagraphs below to be easily understood.
			a. Impose any limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials;	Broken out from the current Section 4.3.4.1. No change to intent.
			b. Restrict or deny access by adults to Adult Uses and to sexually oriented matter or materials protected by the Constitutions of the United States of America and of the Commonwealth of Massachusetts;	Broken out from the current Section 4.3.4.1. No change to intent.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
			c. Restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials;	Broken out from the current Section 4.3.4.1. No change to intent.
			d. Legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.	Broken out from the current Section 4.3.4.1. No change to intent.
4.3.4.2	Definitions	5.6.2.2	Definition	
4.3.4.2.1	Adult Uses		The following Adult Uses shall be subject to the requirements of Section 5.6.2:	Clarified language.
	An establishment, a building or portion thereof, or a use of land having a substantial or significant portion of its business activity, stock in trade, or other matter or materials for sale, rental, distribution or exhibition, which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws, including but not limited to the following:			Deleted as the state defines that this use consist of.
	a Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;		a Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter that are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws;	Minor text change. No change to intent.
	b Adult Club: An establishment having as any of its activities or entertainment a person or persons performing in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;		b Adult Club: An establishment that provides live entertainment for its patrons, which includes the display of nudity as that term is defined in Section 31 of Chapter 272 of the Massachusetts General Laws;	Simplified language. No change to intent.
	c Adult Entertainment Establishment: An establishment offering activities or goods or providing services where employees, entertainers or patrons are engaging in nudity, sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;			Deleted. This is accounted for in the Adult Club definition.
	d Adult Motion Picture Theater: An establishment used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;		c Adult Motion Picture Theater: An establishment used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws;	Minor text change. No change to intent.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
	e Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;		d Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys that are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws;	Minor text change. No change to intent.
	f Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade videos, movies or other film materials which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws.		e Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade videos, movies or other film materials that are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the Massachusetts General Laws.	Minor text change. No change to intent.
4.3.4.2.2	Substantial or Significant Portion	5.6.2.3	Substantial or Significant Portion	
	The term "substantial or significant portion" as used in this Section 4.3.4. shall mean any of the following:		The term "substantial or significant portion" as used in Section 5.6.2.2 shall mean any of the following:	No text change. Update to Section reference number.
	a Twenty percent (20%) or more of the business inventory or stock of merchandise for sale, rental, distribution or exhibition during any period of time;		a Twenty percent (20%) or more of the business inventory or stock of merchandise for sale, rental, distribution or exhibition during any period of time;	No change.
	b Twenty percent (20%) or more of the annual number of gross sales, rentals or other business transactions; or		b Twenty percent (20%) or more of the annual number of gross sales, rentals or other business transactions; or	No change.
	c Twenty percent (20%) or more of the annual gross business revenue.		c Twenty percent (20%) or more of the annual gross business revenue.	No change.
4.3.4.3	Special Permit	5.6.2.4	Special Permit	
	No Adult Use shall be allowed except by a Special Permit granted by the Board of Appeals. The Board of Appeals shall grant a Special Permit for an Adult Use in any district permitting such use only if the use is found by the Board of Appeals to comply with the following standards and procedures:		No Adult Use shall be allowed except by a Special Permit granted by the Zoning Board of Appeals. The Zoning Board of Appeals may grant a Special Permit for an Adult Use in any district permitting such use only if the use is found to comply with the following standards:	Minor text change. No change to intent.
4.3.4.3.1	Location An Adult Use may not be Located	5.6.2.4.1	Location	
			An Adult Use may not be Located:	
	a Within one hundred (100) feet of a boundary line of a residential zoning district;		a Within one hundred (100) feet of a boundary line of a Residence District;	Updated term from "residential" to "residence"

	No changes or minor changes			
	Deleted			
	New			
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Section	Existing	Section	Proposed	Change
	b Within five hundred (500) feet of any structure containing, at the time of Special Permit application, a church, public school, private kindergarten or school, licensed day-care facility, public library, cultural facility, museum, elderly housing, assisted living facility, nursing home, or adult day-care facility; or within five hundred (500) feet of the lot line of a park or playground existing at the time of Special Permit application.		b Within five hundred (500) feet of any structure containing, at the time of Special Permit application, a religious use, an educational use providing services to minors, a child care facility or family child care home, public library, cultural facility, museum, nursing home, assisted living facility, senior independent living facility or adult day-care facility; or within five hundred (500) feet of the lot line of a park or playground existing at the time of Special Permit application.	Updated to include terms that are consistent with our table of uses. No change to intent.
	c Within five hundred (500) feet of any structure containing, at the time of Special Permit application, an establishment licensed under the provisions of Section 12 of Chapter 138 of the General Laws;		c Within five hundred (500) feet of any structure containing, at the time of Special Permit application, an establishment licensed under the provisions of Section 12 of Chapter 138 of the Massachusetts General Laws;	Minor text change. No change to intent.
	d Within five hundred (500) feet of any structure containing any other Adult Use.		d Within five hundred (500) feet of any structure containing any other Adult Use.	No change.
4.3.4.3.2	Site Development Standards	5.6.2.5	Site Development Standards	
	a Site Plan Review: No Special Permit for any Adult Use shall be issued without Site Plan Approval first having been obtained from the Community Planning and Development Commission under Section 4.3.3 hereof.		a Site Plan Review: No Special Permit for any Adult Use shall be issued without Site Plan Approval first having been obtained from the Community Planning and Development Commission pursuant to Section 4.6.4 of the Zoning Bylaw.	Minor text change. No change to intent.
	b Parking and Loading: On-site parking and loading shall be provided in accordance with the requirements set forth in Section 6.1 of these Bylaw as pertains to retail stores, offices and consumer service establishments.		b Parking and Loading: On-site parking and loading shall be provided in accordance with the requirements pertaining to retail stores, offices and consumer service establishments set forth in Section 9.0 of the Zoning Bylaw.	Minor text change. No change to intent.
	c Landscaping: At a minimum, the property on which an Adult Use is proposed to be located shall contain a landscaped buffer strip along its entire perimeter, except that portion directly abutting a public street in accordance with the requirements of Paragraph 5.3.1.3.a hereof.		c Landscaping: At a minimum, the property on which an Adult Use is proposed to be located shall contain a landscaped buffer strip along its entire perimeter, except for that portion directly abutting a public street, in accordance with the standards of Section 6.4.1.3.a of the Zoning Bylaw.	Minor text change. No change to intent.
	d Signs: All signs for any Adult Use must meet the requirements of Section 6.2 hereof. In addition, no advertisement, display or other promotional material which contains sexually explicit graphics or sexually explicit text shall be visible to the public from a public way including but not limited to sidewalks, pedestrian walkways, highways or railways.		d Signs: All signs for any Adult Use shall satisfy the requirements of Section 8.0 of the Zoning Bylaw hereof; provided, however, that no advertisement, display or other promotional material that contains sexually explicit graphics or sexually explicit text shall be visible to the public from a public way, sidewalks, pedestrian walkways, highways or railways.	Minor text change. No change to intent.

	No changes or minor changes			
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Section	Existing	Section	Proposed	Change
4.3.4.3.3	Other Special Permit Requirements	5.6.2.6	Other Special Permit Requirements	
4.3.4.3.3.1	If the Adult Use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All booths must be able to be clearly seen from the center of the establishment.	5.6.2.6.1	If the Adult Use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All booths shall be clearly visible from the center of the establishment.	Minor text change. No change to intent.
4.3.4.3.3.2	The application for a Special Permit for an Adult Use must include the following information:	5.6.2.6.2	Applications for a Special Permit for an Adult Use shall include the following information:	Minor text change. No change to intent.
	a Name and address of the owner of record of the property;		a Name and address of the owner of record of the property;	No change.
	b Name and address of the legal owner of the proposed Adult Use establishment;		b Name and address of the legal owner of the proposed Adult Use establishment;	No change.
	c Name and address of all persons having a lawful, equity or security interest in the Adult Use establishment;		c Names and addresses of all persons having a legal, equitable or security interest in the Adult Use establishment;	Minor text change. No change to intent.
	d A sworn statement must be provided stating that neither the applicant, nor the manager, nor any person having a lawful, equity or security interest in the Adult Use establishment has been convicted of violating the provisions of Section 63 of Chapter 119 of the General Laws or Section 28 of Chapter 272 of the General Laws;		d A sworn statement that neither the applicant, nor the proposed manager, nor any person having a legal, equitable or security interest in the Adult Use establishment has been convicted of violating the provisions of Section 63 of Chapter 119 or Section 28 of Chapter 272 of the Massachusetts General Laws;	Minor text change. No change to intent.
	e Name and address of the manager of the Adult Use establishment;		e Name and address of the manager of the Adult Use establishment;	No change.
	f Proposed provisions for securing the safety of the public within and without the Adult Use establishment;		f Proposed provisions for securing the safety of the public within and outside the Adult Use establishment;	Minor text change. No change to intent.
	g The number of employees; and		g The proposed number of employees; and	Minor text change. No change to intent.
	h The present and proposed physical layout of the interior of the Adult Use establishment.		h The present and proposed physical layout of the interior of the Adult Use establishment.	No change.
4.3.4.3.3.3	No Special Permit for an Adult Use shall be issued to any person convicted of violating Section 63 of Chapter 119 of the General Laws or Section 28 of Chapter 272 of the General Laws.	5.6.2.6.3	No Special Permit for an Adult Use shall be issued to any person convicted of violating Section 63 of Chapter 119 or Section 28 of Chapter 272 of the Massachusetts General Laws.	Minor text change. No change to intent.
4.3.4.3.3.4	An Adult Use Special Permit shall only be issued following a public hearing within sixty-five (65) days after the filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant.	5.6.2.6.4	An Adult Use Special Permit decision shall be issued following a public hearing held within sixty-five (65) days after the filing of an application with the Zoning Board of Appeals and a copy with the Town Clerk.	Minor text change. No change to intent.

	No changes or minor changes			
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	New			
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Section	Existing	Section	Proposed	Change
4.3.4.3.3.5	Any Adult Use Special Permit issued under this Bylaw shall lapse within one (1) year if substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause; excepting only any time required to pursue or await the determination of an appeal from the grant thereof.	5.6.2.6.5	Any Adult Use Special Permit shall lapse within one (1) year after it becomes final if substantial use thereof has not sooner commenced, except for good cause; or, in the case of a Special Permit authorizing construction of an Adult Use establishment, if construction has not begun by such date except for good cause.	Minor text change. No change to intent.
4.3.4.3.3.6	Any Adult Use Special Permit issued under this Bylaw shall require that the owner of such Adult Use shall supply on a continuing basis to the Building Inspector any change in the name of the record owner or address or any change in the name of the current manager; and that failure to comply with this provision shall result in the immediate revocation of such Special Permit. If anyone so identified is or is found to be convicted of violating Section 63 of Chapter 119 of the General Laws or Section 28 of Chapter 272 of the General Laws, such Special Permit shall immediately be null and void.	5.6.2.6.6	Any Adult Use Special Permit shall require that the owner of such Adult Use shall forthwith supply to the Building Inspector any change in the name or address of the record owner or any change in the name of the current manager; and that failure to comply with this provision shall result in the revocation of the Special Permit. If any owner, manager or person having a legal, equitable or security interest in the Adult Use establishment is convicted of violating Section 63 of Chapter 119 or Section 28 of Chapter 272 of the Massachusetts General Laws, the Special Permit shall be revoked.	Minor text change. No change to intent.
4.3.4.3.3.7	No Adult Use Special Permit issued under this Bylaw shall become valid or in full force and effect until and unless the owner of the property containing such Adult Use shall supply to the Building Inspector a notarized statement agreeing to all terms and conditions of said Adult Use Special Permit.	5.6.2.6.7	No Adult Use Special Permit shall become valid or in full force and effect until and unless the owner of the property containing such Adult Use supplies to the Building Inspector a notarized statement agreeing to all terms and conditions of the Adult Use Special Permit.	Minor text change. No change to intent.
4.3.4.4	Non-Conformity			Deleted
4.3.4.4.1	Any Adult Use in existence prior to the adoption of this Section 4.3.4 shall apply for a Special Permit as specified in this Section 4.3.4 within ninety (90) days following the adoption of this Section 4.3.4 and shall be required to comply in all respects with all requirements of this Section 4.3.4.			Deleted

	No changes or minor changes			
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Section	Existing	Section	Proposed	Change
4.3.4.4.2	Any Adult Use in existence prior to the adoption of this Section 4.3.4. which has applied for such Special Permit but which has not been granted such Special Permit may be permitted by a unanimous vote of the Board of Appeals following a public hearing to continue in operation at its present location for a period of time not exceeding six (6) months following the date of the application for such Special Permit provided that a written request therefor is made to the Board of Appeals. The Board of Appeals, upon written application made prior to the expiration of any such period of time and following a public hearing may grant one additional extension period of time not to exceed six (6) months. The Adult Use owner must demonstrate undue financial hardship if forced to close immediately upon failure to obtain a Special Permit to the Board of Appeals in order to obtain any such extension.			Deleted
4.3.4.4.3	The provisions of this Section 4.3.4.4. shall only apply to Adult Uses as defined in this Section 4.3.4 which are also defined in Section 9A of Chapter 40A of the General Laws.			Deleted
4.3.4.5	Invalidity			Deleted
	In the event that any provision of this Section 4.3.4 shall be determined invalid by a Court of competent jurisdiction or otherwise, the remaining provisions of this Section 4.3.4 not manifestly inseparable from the invalid provision(s) shall remain in full force and effect.			Deleted
4.3.5	<u>Commercial Communications Structures</u>	5.6.3	<u>Commercial Communications Structures</u>	Will be moved under "Uses by Special Permit". No change to text. Entire Section to stay the same and be renumbered.

	No changes or minor changes			
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Section	Existing	Section	Proposed	Change
4.3.6	<u>Agricultural Uses on Less Than 5 Acre Parcels</u>	5.6.4	<u>Agricultural Uses</u>	
	Special Permit for Agricultural Uses on Parcels of Less than 5 Acres No agricultural, horticultural, floricultural or viticultural use shall be permitted as a primary use on a parcel of land less than 5 acres without a Special Permit having been granted by the Board of Appeals. The Board of Appeals may grant a Special Permit in accordance with Section 7.3 of these Bylaw provided that the following criteria have been fulfilled.		Special Permit for Certain Agricultural Uses: No agriculture use shall be permitted on a parcel of land less than two (2) acres, or on a parcel of land less than five (5) acres if the sale of products produced thereon generates less than one thousand dollars (\$1000) per acre based on gross sales dollars, without a Special Permit from the Community Planning and Development Commission (CPDC). The CPDC may grant a Special Permit in accordance with Section 4.3 of the Zoning Bylaw if the following criteria have been satisfied:	Updated to be consistent with State Protection under MGL Chapter 40A Section 3. Changed permit granting Authority to CPDC from Board of Appeals.
	a Adequate provision shall be made for the garaging or screening of all tools, farm machinery or vehicles incidental to the proposed use.		a Adequate provision shall be made for the garaging or screening of all tools, farm machinery or vehicles associated with the proposed use.	No changes.
	b Any structures used for the purpose set forth in subsection a. or for the purpose of providing housing, pens or enclosures for livestock shall be located at least fifty (50) feet from any property line.		b Any structures used for garaging or screening of tools, farm machinery or vehicles or for providing housing, pens or enclosures for livestock shall be located at least fifty (50) feet from any property line.	Minor re-word to include screening of tools, farm machinery or vehicles as mentioned above.
	c In a residential district, provisions for landscaping and screening of any accessory structure in excess of two thousand (2,000) square feet of ground floor area shall be made as set forth in a plan to be filed with the special permit application and approved by the Board of Appeals.		c In a Residence District, provisions for landscaping and screening of any accessory structure having a footprint in excess of two thousand (2,000) square feet shall be made as set forth in a plan approved by the CPDC.	Minor re-word.
	d Adequate provision must be made for the sanitary disposal of animal wastes and for complying with all relevant Board of Health regulations.		d Adequate provision shall be made for the sanitary disposal of animal wastes and for complying with all relevant Board of Health regulations.	No changes.

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Section	Existing	Section	Proposed	Change
	e In acting upon Special Permits under this section, the Board of Appeals shall consider the proximity of existing dwellings, recreational facilities and sensitive environmental receptors such as wetlands and recharge areas for drinking water supplies. In acting upon a Special Permit under this section, the Board of Appeals may impose conditions to mitigate offensive odor and excess noise, to mitigate water and air pollution, to ensure dust and drainage control, to prevent interference with the safety of persons on adjoining properties, and other conditions on time or use as may be imposed by the Board of Appeals according to Massachusetts General Law, Chapter 40A, Section 9, or regulations adopted pursuant thereto.		In acting upon Special Permit applications under this Section, the CPDC shall consider the proximity of existing dwellings, recreational facilities and sensitive environmental receptors such as wetlands and recharge areas for drinking water supplies. The CPDC may impose conditions on Special Permits to mitigate offensive odor and excess noise, to mitigate water and air pollution, to ensure dust and drainage control, to prevent interference with the safety of persons on adjoining properties, to restrict hours of operation and otherwise to limit activities as it may deem appropriate.	Minor re-word to make clear the considerations for a Special Permit from the CPDC. No change to intent.
	NOTE: THE FOLLOWING DISTRICTS WILL BE MOVED TO NEW SECTIONS. OVERLAY DISTRICTS MOVED TO NEW SECTION 10, AND PLANNED DEVELOPMENT TO NEW SECTION 11.			
4.4	<u>Floodplain Overlay District</u>	10.1	Floodplain Overlay Districts	No changes to text. Only renumbered.
4.5	<u>Wetlands Protection District</u>			Deleted Per September 29, 2014 Town Meeting
4.6	<u>Mixed Use Overlay District</u>			Deleted Per September 29, 2014 Town Meeting
4.7	<u>Municipal Building Reuse District</u>	10.2	Municipal Building Reuse District	No changes to text. Only renumbered.
4.8	<u>Aquifer Protection District</u>	10.3	Aquifer Protection District	No changes to text. Only renumbered.
4.9	<u>Planned Unit Development</u>	11.1	Planned Unit Development	No changes to text. Only renumbered.
4.10	<u>Planned Residential Development (PRD)</u>	11.2	Planned Residential Development	No changes to text. Only renumbered.
4.11	<u>Gateway Smart Growth District (the "GSGD")</u>	10.4	Gateway Smart Growth District (the "GSGD")	No changes to text. Only renumbered.
4.12	<u>Downtown Smart Growth District ("the DSGD")</u>	10.5	Downtown Smart Growth District (the "DSGD")	No changes to text. Only renumbered.
4.13	<u>Special Requirements for Registered Medical Marijuana Dispensaries</u>	5.6.5	<u>Special Requirements for Registered Medical Marijuana Dispensaries</u>	Adopted new language at September 29, 2014 as Section 4.13. Now will be reorganized to Section 5.6.5. Minor text changes, no overall change to intent.
4.13.1	<u>Purpose</u>	5.6.5.1	<u>Purpose</u>	
	This section is intended to promote the purposes of the Zoning Bylaw, as set forth in Section 1.0, by:		Section 5.6.5 is intended to promote the purposes of the Zoning Bylaw, as set forth in Section 1.0, by:	Minor text change. No change to intent.

	No changes or minor changes			
	Deleted			
	New			
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Section	Existing	Section	Proposed	Change
	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);		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);	No change.
	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		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	No change.
	c) Regulating the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Medical Marijuana Dispensaries.		c) Regulating the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Medical Marijuana Dispensaries.	No change.
4.13.2	Applicability	5.6.5.2	Applicability	No change.
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.	5.6.5.2.1	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.	No change.
4.13.2.2	No Registered Medical Marijuana Dispensary shall be established except in compliance with the provisions of this Section.	5.6.5.2.2.	No Registered Medical Marijuana Dispensary shall be established except in compliance with the provisions of Section 5.6.5.	Updated section number.
4.13.2.3	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 1.0.	5.6.5.2.3.		Deleted. Now covered under new Severability Section of bylaw, Section 12.0.

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	New			
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Section	Existing	Section	Proposed	Change
4.13.3	Definitions	5.6.5.3	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.		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.	No change.
	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 – 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.	No change.
	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.		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.	No change.
	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).		Qualifying Patient - A Massachusetts resident eighteen (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 eighteen (18) years of age who has been diagnosed by two (2) Massachusetts licensed certifying physicians, at least one (1) 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).	Minor text change to spell out numbers.

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Section	Existing	Section	Proposed	Change
	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.		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.	No change.
4.13.4	Eligible Locations for Registered Medical Marijuana Dispensaries.	5.6.5.4	Eligible Locations for Registered Medical Marijuana Dispensaries.	No change.
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.	5.6.5.4.1.	Registered Medical Marijuana Dispensaries may be allowed by Special Permit from the Community Planning and Development Commission in the Industrial District in accordance with the requirements of this Section.	Minor text change. No change to intent.
4.13.5	General Requirements and Conditions for all Registered Medical Marijuana Dispensaries.	5.6.5.5	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.	5.6.5.5.1.	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; provided, however, that the cultivation of marijuana for medical use may be permitted in a locked, limited access area within the meaning of 105 CMR 725.004.	5.6.5.5.2.	All Registered Medical Marijuana Dispensaries shall be contained entirely within a Building; provided, however, that the cultivation of marijuana for medical use may be permitted in a locked, limited access area within the meaning of 105 CMR 725.004.	
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.	5.6.5.5.3	A Registered Medical Marijuana Dispensary shall have a Gross Floor Area of at least two thousand five hundred (2,500) square feet, but not more than ten thousand (10,000) square feet.	Minor text change to spell out numbers.

	No changes or minor changes			
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	New			
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Section	Existing	Section	Proposed	Change
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.	5.6.5.5.4	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.	5.6.5.5.5	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.	5.6.5.5.6	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.	

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Section	Existing	Section	Proposed	Change
4.13.6	Special Permit Requirements	5.6.5.6	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.	5.6.5.6.1	A Registered Medical Marijuana Dispensary shall be allowed by Special Permit from the CPDC in accordance with Section 9 of Chapter 40A of the Massachusetts General Laws, and the requirements set forth in this Section.	Minor text change to reference to Mass General Law.
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:	5.6.5.6.2	A Special Permit for a Registered Medical Marijuana Dispensary shall be limited to one (1) or more of the following uses as may be authorized by the CPDC:	Minor text change. No change to intent.
	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;		a) Cultivation of Marijuana for Medical Use (horticulture) except where Section 3 of Chapter 40A of the Massachusetts General Laws applies, in which case a Special Permit shall not be required;	Minor text change to reference to Mass General Law.
	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		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	No change.
	c) Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.		c) Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.	No change.
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.	5.6.5.6.3	5.6.5.6.3 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.	No change.
4.13.6.4	Mandatory Findings. The CPDC may issue a Special Permit for a Registered Medical Marijuana Dispensary only if it finds that:	5.6.5.6.4	Mandatory Findings. The CPDC may issue a Special Permit for a Registered Medical Marijuana Dispensary only if it finds that:	No change.
	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;		a) The Dispensary is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in Section 11 of Chapter 40A of the Massachusetts General Laws;	Minor text change to reference to Mass General Laws.
	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		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	No change.
	c) The Applicant has demonstrated compliance with Sections 5.6.5.5 and 5.6.5.6.		c) The Applicant has demonstrated compliance with Sections 5.6.5.5 and 5.6.5.6.	No change.

	No changes or minor changes			
	Deleted			
	New			
	NOTE: Use Regulations are proposed to be reorganized in the new Bylaw. Therefore Section numbers of the Proposed Language may not be in chronological order, but are meant to follow the order of the Existing Bylaw Section(s).			
Section	Existing	Section	Proposed	Change
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.	5.6.5.6.5	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.	No change.
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.	5.6.5.6.6	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.	No change.
4.13.7	Abandonment or Discontinuance of Use	5.6.5.7	Abandonment or Discontinuance of Use	No change.
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.	5.6.5.7.1	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.	No change.
4.13.7.2	The owner of a Registered Medical Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:	5.6.5.7.2	The owner of a Registered Medical Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:	No change.
	a) prior to surrendering its state issued licenses or permits; or		a) Prior to surrendering its state issued licenses or permits; or	No change.
	b) within six months of ceasing operations; whichever comes first.		b) Within six months of ceasing operations; whichever comes first.	No change.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
NOTE: Intensity Regulations, as proposed, has been reorganized. The chronology follows the CURRENT Bylaw. The PROPOSED Section is to be re-organized, therefore Section numbers will not be in order but meant to follow the order of the existing Section numbers.				
5	INTENSITY REGULATIONS	6	INTENSITY REGULATIONS	Now Section 6
	No use shall be established nor building or structure erected in any district unless it conforms with the dimensional regulations of this Bylaw. No existing lot or building or structure shall be changed in size or shape so that the height, area, yard or coverage provisions herein prescribed are no longer complied with.		No use shall be established, nor building or structure erected in any district unless it conforms to the dimensional regulations of the Zoning Bylaw. No existing lot, building or structure shall be changed in size or shape so that the height, area, yard or coverage provisions herein prescribed are exceeded.	Minor text change. No change to intent.
5.1	<u>General Requirements</u>	6.1	<u>General Requirements</u>	
5.1.1	<u>Dimensional Requirements</u>	6.1.1	<u>Dimensional Requirements</u>	
	For all uses and building shall be as specified in Paragraph 5.1.2, "Table of Dimensional Controls," and are part of this Bylaw. The letters "N.A." in this table denote particular dimensional controls which are not applicable to a particular use.		Dimensional requirements for all uses and buildings shall be as set forth in Section 6.3, the "Table of Dimensional Controls." The letters "NA" in this table denote that specific dimensional controls are not applicable to a particular use. Additional requirements shall be as set forth in Sections 6.2 and 6.3.	Clarified the requirements for dimensional controls and any additional requirements.
5.1.2	<u>Table of Dimensional Controls</u>	6.3	<u>Table of Dimensional Controls</u>	See last page of the Guide to See a side by side. No changes are proposed.
5.2	<u>Supplementary Requirements</u>	6.2	<u>Supplementary Requirements</u>	
	All buildings, structures and uses shall be subject to the following additional requirements		All buildings, structures and uses shall be subject to the following additional requirements:	No changes.

	No changes or minor changes				
	Deleted				
	New				
Section	Existing	Section	Proposed	Change	
5.2.1	<u>Lot Shape</u>	6.2.1	<u>Lot Shape (graphic to be inserted)</u>		
	In all residence districts no lot may be construed to be a building lot unless it fully contains a geometric shape which conforms with the following characteristics:		In all Residence Districts, no building or structure may be constructed on a lot unless the lot satisfies the following requirements:	Made easier to understand the requirements for a lot in terms of shape.	
	a The geometric shape entirely complies with the area and frontage requirements of these Bylaw;		a One side of the lot shall coincide with the street line of the lot for the entire length of the minimum required frontage; and	Made easier to understand. Changed the term of "geometric shape" to "lot".	
	b One side of the geometric shape coincides with the street line of the lot for the entire length and depth of the required frontage; and		b The square footage of the lot multiplied by twenty-two (22) shall be greater than the length of the perimeter of the lot squared.	Made easier to understand. Changed the term of "geometric shape" to "lot".	
	c The product of the area (in square feet) of the geometric shape multiplied by 22 is greater than the square of the total length (in feet) of the perimeter of the geometric shape, expressed as: $2 \text{ (Area of Geometric Shape)} \times 22 > (\text{Perimeter of Geometric Shape})^2$	100' 100' 100' 100' Area = 10,000 sq.ft Perimeter = 400 ft Lot Shape Determination: Lot Area x 22 > Perimeter² 10,000 x 22 = 220,000 > 400² = 160,000 Lot shape acceptable 200' 140' 140' 80' 60' 60' Area = 19,600 sq.ft Perimeter = 680 ft Lot Shape Determination: Lot Area x 22 > Perimeter² 19,600 x 22 = 431,200 < 680² = 462,400 Lot shape unacceptable Lot Shape			Inserted new graphic.
5.2.2	<u>Lot Frontage</u>	6.2.2	<u>Lot Frontage</u>		
	In Single Family 20 Districts, the frontage may be reduced to not less than eighty (80) feet, where the street line is a curve having a radius of at least fifty (50) feet but not more than two hundred (200) feet, and the lot has a width of not less than one hundred twenty (120) feet, measured at the setback line.		In a Single Family 20 District, the required frontage shall be reduced to not less than eighty (80) feet if the street line is a curve having a radius of not more than two hundred (200) feet, and the lot has a width of not less than one hundred twenty (120) feet, measured at the rear of the required front yard.	Minor re-word. No change in intent.	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
5.2.3	Yards	6.2.3	Yards	
5.2.3.1	In all Residence Districts, irrespective of the requirements of Paragraph 5.1.2., the required front yard for any building other than an apartment need not be more than the greater of ten (10) feet or the average of the setbacks of the building on adjacent lots on either side. If an adjacent lot is vacant, it shall be considered as occupied by a building with a required front yard for the purposes of this paragraph.	6.2.3.1	In all Residence Districts, irrespective of the requirements set forth in Section 6.3 of the Zoning Bylaw, the required front yard for any building other than a multi-family dwelling shall be ten (10) feet or the average of the actual front setbacks of the buildings on the adjacent lots on either side, whichever is greater. For the purposes of Section 6.2, if an adjacent lot is vacant, it shall be deemed to be occupied by a building with a required front yard.	Minor re-word. No change in intent.
5.2.3.2	In Residence Districts, minimum yard requirements shall not apply to projecting eaves, cornices, chimneys, steps, window sills and belt courses.	6.2.3.2	In Residence Districts, yard requirements shall not apply to projecting eaves, cornices, chimneys, steps, bow or bay windows, windowsills and belt courses that do not increase the gross floor area of the building.	Included "bow" or "bay" windows that do not increase the gross floor area of the building.
5.2.3.3	In Business A and C Districts, the required yards for any building other than an apartment shall not be less than twenty (20) feet on a street which is not a frontage street.	6.2.3.3	In Business A and C Districts, the required yard on a street on which the building does not have frontage shall be twenty (20) feet for any building other than a multi-family dwelling.	Minor re-word. No change in intent.
5.2.3.4	No building shall be located within a required front yard.			Deleted and Moved to New Section 5.5.1.c under Accessory Structures.
5.2.3.5	a In an Industrial District, minimum front yard requirements shall not apply to projecting canopies over drive-in facilities, except that no canopy shall have a setback of less than five feet from the front lot line. A drive-in facility is one designed to allow customers to transact business or acquire goods or services at the customer's motor vehicle.	6.2.3.4	In an Industrial District, required front yards shall be five (5) feet for canopies over any drive-through facility.	Minor re-word. No change in intent.
5.2.3.6	No building shall be located within a required side yard except for a garage accessory to a one or two family dwelling, or accessory to any other permitted principal use in a Residence District. Such garage shall not be located nearer than ten (10) feet to a side lot line.			Deleted and moved to New Section 5.5.1.d under Accessory Structures.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
5.2.4	No building shall be located within a required rear yard except for a building accessory to a one or two family dwelling, or accessory to any other permitted principal use in a Residence District. Such building shall not occupy more than twenty-five (25) percent of the rear yard nor be located nearer than five (5) feet to a side or rear lot line.			Deleted and moved to New Section 5.5.1.e under Accessory Structures.
5.2.4.1	<u>Lot Coverage</u>			
5.2.5	In Industrial Districts, coverage shall be computed using the accessory as well as the principal buildings.			Deleted. Lot coverage is all the same for all districts as defined in Section 2 - Definitions which states "The portion of a lot, expressed as a percent of the total lot area, that is covered by principal and accessory buildings and structures."
5.2.5.1	<u>Height</u>	6.2.4	<u>Height</u>	
5.2.5.2	In Apartment 40 Districts, no building shall exceed three (3) stories in height.			Deleted.
5.2.5.3	Maximum height regulations shall not apply to chimneys, elevators, poles, spires, tanks, towers or similar structures not used for human occupancy.	6.2.4.1	Maximum height regulations shall not apply to chimneys, elevators, poles, spires, tanks, towers or similar structures not used for human occupancy.	No change.
	In the Industrial District, a hotel or motel or other permitted principal building may have a maximum height of eighty four (84) feet if the following conditions are met:	6.2.4.2	In the Industrial District, a hotel or motel may have a maximum height of eighty-four (84) feet if the following conditions are satisfied:	Minor re-word. No change in intent.
	a Between the hours of 9:00 a.m. and 3:00 p.m. (EST) from February 21 to October 21, no building shall cast a shadow on any residential structure in existence at the time of the building permit application;		a Between the hours of 9:00 a.m. and 3:00 p.m. from February 21 to October 21, no hotel or motel building may cast a shadow on any building containing a dwelling unit in existence at the time of the building permit application;	Minor re-word. No change in intent.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	b Along major streets, as defined in Section 4.9.2.1., such buildings shall be set back the greater of seventy-five (75) feet or the height of the building, and a landscaped and/or naturally vegetated buffer at least fifty (50) feet wide shall be provided along such major streets, except where there are curb cuts; and		b Along a major street, the hotel or motel building shall be set back seventy-five (75) feet or the height of the building, whichever is greater, and a landscaped or naturally vegetated buffer at least fifty (50) feet wide shall be provided along the major street, except where there are curb cuts; and	Minor re-word. No change in intent.
5.2.6	c The building is located on a lot of at least twenty-five (25) acres.		c The hotel or motel building shall be located on a lot of at least twenty-five (25) acres.	Minor re-word. No change in intent.
5.2.6.1	Gross Floor Area	6.2.5	Gross Floor Area	
5.2.6.2	In Apartment 40 and Business A Districts, the gross floor area of an apartment shall not exceed forty (40) percent of the lot area.	6.2.5.1	In Apartment 40 and Business A Districts, the gross floor area of a multi-family dwelling shall not exceed forty percent (40%) of the lot area.	Minor re-word. No change in intent.
5.2.7	In Apartment 80 Districts, the gross floor area of apartments shall not exceed the lot area.	6.2.5.2	In Apartment 80 Districts, the gross floor area of a multi-family dwelling shall not exceed the lot area.	Minor re-word. No change in intent.
5.2.7.1	Landscaped Area	6.2.6	Landscaped Area	
5.2.7.2	In Apartment 40 and Business A Districts, not less than twenty-five (25) percent of the area of a lot containing apartments shall be landscaped.	6.2.6.1	In Apartment 40 and Business A Districts, not less than twenty-five percent (25%) of the area of a lot containing a multi-family dwelling shall be a landscaped area.	Minor re-word. No change in intent.
5.2.8	In Apartment 80 Districts, not less than thirty-five (35) percent of the area of a lot containing apartments shall be landscaped.	6.2.6.2	In Apartment 80 Districts, not less than thirty-five percent (35%) of the area of a lot containing a multi-family dwelling shall be a landscaped area.	Minor re-word. No change in intent.
5.2.8.1	Building Per Lot	6.2.7	Buildings Per Lot	
5.2.8.2	In any district other than Apartment 80 and Business C, not more than one principal building shall be erected on a lot.	6.2.7.1	In all districts other than Apartment 80 and Business C, not more than one principal building shall be erected on a lot.	No change.
5.2.9	Where two or more principal buildings are on the same lot, they shall be located at least fifty (50) feet apart.	6.2.7.2	Where two or more principal buildings are permitted on the same lot, they shall be located at least fifty (50) feet apart.	No change.

	No changes or minor changes																																																									
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Section	Existing	Section	Proposed	Change																																																						
	<u>Upland Requirement</u>	6.2.8	<u>Upland Requirement</u>																																																							
	Any portion of a lot lying within a delineated wetlands resource area as determined by the Reading Conservation Commission may be credited to the minimum lot area requirements if the portion outside such wetlands resource area is of at least the following size:		Any portion of a lot lying within a delineated wetlands resource area, as determined by the Reading Conservation Commission, may be credited to the minimum lot area requirements set forth in Section 6.3 of the Zoning Bylaw only if the portion outside such wetlands resource area is of at least the following size:	Minor re-word. No change in intent.																																																						
	Zoning District Single Family 15 Single Family 20 Single Family 40 Minimum Area Outside of Wetlands Resource Area 12,000 square feet 12,000 square feet 20,000 square feet	Zoning District Single Family 15 Single Family 20 Single Family 40 Minimum Area Outside of Wetlands Resource Area 12,000 square feet 12,000 square feet 20,000 square feet		No change.																																																						
5.3		6.3	<u>Table of Uses</u>	New Table of Uses to be located here. See last page of guide for Table of Uses. No changes are proposed.																																																						
5.3.1	<u>Special Cases</u>	6.4	<u>Special Cases</u>																																																							
	<u>Transitional Areas</u>	6.4.1	<u>Transitional Areas</u>																																																							
	Buildings in Business A, Business B and Industrial Districts located in the same block as, and within one hundred fifty (150) feet of a Residence District, and buildings in a Business C District within one hundred (100) feet of a Residence District shall be subject to the following additional requirements;		In an Industrial District, the required side and rear yard shall be fifty (50) feet where the lot line is a street line, and the opposite side of the street is in a Residence District.	Minor re-word. No change in intent.																																																						
5.3.1.1	Table of Additional Dimensional Controls for Transitional Areas	6.4.1.1	Table of Additional Dimensional Controls for Transitional Areas																																																							
	<table><tr><th>District</th><th>Distance From Residence District</th><th>Minimum Yards Front Feet</th><th>Side Feet</th><th>Rear Feet</th><th>Maximum Height Feet</th></tr><tr><td>Business B</td><td>Adjoining</td><td>5</td><td>10</td><td>NA</td><td>NA</td></tr><tr><td></td><td>within 80 feet</td><td>5</td><td>NA</td><td>NA</td><td>NA</td></tr><tr><td>Industrial</td><td>Adjoining</td><td>NA</td><td>100</td><td>100</td><td>NA</td></tr></table>	District	Distance From Residence District	Minimum Yards Front Feet	Side Feet	Rear Feet	Maximum Height Feet	Business B	Adjoining	5	10	NA	NA		within 80 feet	5	NA	NA	NA	Industrial	Adjoining	NA	100	100	NA		<table><tr><th>District</th><th>Distance From Residence District</th><th>Front Feet</th><th>Minimum Yards Side Feet</th><th>Rear Feet</th></tr><tr><td>Business A and B</td><td>Adjoining</td><td>5</td><td>10</td><td>NA</td></tr><tr><td></td><td>Within 150 feet</td><td>5</td><td>NA</td><td>NA</td></tr><tr><td>Business C</td><td>Within 100 feet</td><td>5</td><td>NA</td><td>NA</td></tr><tr><td>Industrial</td><td>Adjoining</td><td>NA</td><td>100</td><td>100</td></tr><tr><td></td><td>Within 150 feet</td><td>NA</td><td>100</td><td>100</td></tr></table>	District	Distance From Residence District	Front Feet	Minimum Yards Side Feet	Rear Feet	Business A and B	Adjoining	5	10	NA		Within 150 feet	5	NA	NA	Business C	Within 100 feet	5	NA	NA	Industrial	Adjoining	NA	100	100		Within 150 feet	NA	100	100	The Table did not match up with the paragraph above. Therefore it has been corrected to correspond with paragraph 6.4.1. related to adjoining districts.
District	Distance From Residence District	Minimum Yards Front Feet	Side Feet	Rear Feet	Maximum Height Feet																																																					
Business B	Adjoining	5	10	NA	NA																																																					
	within 80 feet	5	NA	NA	NA																																																					
Industrial	Adjoining	NA	100	100	NA																																																					
District	Distance From Residence District	Front Feet	Minimum Yards Side Feet	Rear Feet																																																						
Business A and B	Adjoining	5	10	NA																																																						
	Within 150 feet	5	NA	NA																																																						
Business C	Within 100 feet	5	NA	NA																																																						
Industrial	Adjoining	NA	100	100																																																						
	Within 150 feet	NA	100	100																																																						
5.3.1.2	In an Industrial District, the minimum side yard shall be fifty (50) feet where the side lot line is a street line, and the opposite side of the street is in a Residence District.	6.4.1.2	In an Industrial District, the required side and rear yard shall be fifty (50) feet where the lot line is a street line, and the opposite side of the street is in a Residence District.	No change.																																																						

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
5.3.1.3	As part of all new construction of any building, parking lot, structure, or any extension or addition thereto in an Industrial District and where such construction abuts within one hundred twenty-five (125) feet of any Residential District, a buffer strip is to be established subject to the following requirements:	6.4.1.3	In an Industrial District, as part of all new construction of any building, parking lot, structure, or any extension or addition to a preexisting building, parking lot or structure that is located within one hundred fifty (150) feet of any Residence District, a buffer strip is to be established subject to the following requirements:	Minor re-word. No change in intent.
	a Said buffer strip shall have a twelve (12) foot minimum depth and contain a curb to prevent parking within the strip, a six (6) foot high fence which shall be located a maximum of two (2) feet from the abutting Residential and/or Industrial lot line and contain an evergreen hedge on the Industrial side of the fence which is to be at least three (3) feet in height at the time of planting and will provide a year-round dense visual screen and attain a height of at least seven (7) feet within five years of planting.		a Said buffer strip shall have a twelve (12) foot minimum depth and contain a curb to prevent parking within the strip, a six (6) foot high fence which shall be located a maximum of two (2) feet from the abutting Residential and/or Industrial lot line and contain an evergreen hedge on the Industrial side of the fence which is to be at least three (3) feet in height at the time of planting and will provide a year-round dense visual screen and attain a height of at least seven (7) feet within five years of planting.	Minor re-word. No change in intent.
	b Said buffer strip shall be constructed along the full abutting length of any Residential District lots so affected and lie entirely within the Industrial District.		b Said buffer strip shall be constructed along the full abutting length of any Residence District lots so affected and lie entirely within the Industrial District.	Changed residential district to Residence District.
5.3.1.4	All new construction of any building, parking lot, structure, or any extension or addition thereto in the Business C District shall be subject to the following requirements:	6.4.1.4	In the Business C District, all new construction of any building, parking lot, structure, or any extension or addition to a preexisting building, parking lot or structure shall be subject to the following requirements:	Minor re-word. No change in intent.
	a No building shall be located within one hundred (100) feet of a Residence District.		a No building shall be located within one hundred (100) feet of a Residence District.	No change.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	b There shall be a landscaped buffer strip of a minimum width of twenty-five (25) along the full abutting length of a Residence District. Said buffer shall be a densely planted staggered double row of a 70/30 mixture of evergreen/deciduous trees. Plant material shall be such that a minimum of seven (7) feet in height is reached within the first five (5) years of planting. Plant material shall be maintained in a healthy condition or replaced to attain previously noted height. Buffer edge shall be planted a minimum of two (2) feet off of the property line abutting residential property.		b There shall be a landscaped buffer strip of a minimum width of twenty-five (25) along the full abutting length of a Residence District. Said buffer shall be a densely planted staggered double row of a seventy/thirty (70/30) mixture of evergreen/deciduous trees. Plant material shall be such that a minimum of seven (7) feet in height is reached within the first five (5) years of planting. Plant material shall be maintained in a healthy condition or replaced to attain previously noted height. Buffer edge shall be planted a minimum of two (2) feet off of the property line abutting residential property.	Spelled out 70/30.
	c No parking area shall be located within twenty-five (25) feet of the Residence District, and no parking area or building shall be allowed in Restricted Area "A" as shown on the plan entitled: "Plan Showing Height Limitation and Setback Areas, Business C District in Reading, Mass.", dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk."		c No parking area shall be located within twenty-five (25) feet of the Residence District, and no parking area or building shall be allowed in Restricted Area "A" as shown on the plan entitled: "Plan Showing Height Limitation and Setback Areas, Business C District in Reading, Mass.", dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk."	No change.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	d Maximum Allowable Development – Senior Housing and Townhouses. The plan entitled: “Business C Planning Subdistricts”, dated October 2, 2007, on file with the Building Inspector and the Town Clerk, and incorporated herein by reference, establishes four (4) Planning Subdistricts within the Business C District. Townhouses shall only be permitted within Planning Subdistrict A and shall be limited to no more than 16 units. Senior independent living and/or nursing home units shall only be permitted in Planning Subdistricts B and D, provided that (a) no more than 160 units shall be permitted in any Planning Subdistrict, (b) no more than 310 units shall be permitted within the entire Business C District, and (c) no more than two (2) Planning Subdistricts may contain senior independent living and/or nursing home units. Furthermore, except as provided herein, no office or other allowed uses shall be permitted in a Planning Subdistrict as a principal use if there are senior independent living and/or nursing home units in such Planning Subdistrict. In order to encourage a mix of uses within a Planning Subdistrict that also contains senior independent living and/or nursing home units, up to 1000 square feet of office or other allowed principal uses shall be permitted for each senior independent living and/or nursing home unit less than 160 units that is not constructed within a Planning Subdistrict. For example, a Planning Subdistrict could contain 120 senior independent living and/or nursing home units and up to 40,000 square feet of office or other allowed principal uses. Further, the boundaries of a Planning Subdistrict may be modified by the CPDC based upon Site Plan Review applications submitted by the landowner or its agents for proposed developments within the Business C District.		d Maximum Allowable Development – Senior Housing and Townhouses. The plan entitled: “Business C Planning Subdistricts”, dated October 2, 2007, on file with the Building Inspector and the Town Clerk, and incorporated herein by reference, establishes four (4) Planning Subdistricts within the Business C District. The boundaries of a Planning Subdistrict may be modified by the CPDC based upon Site Plan Review applications submitted by the landowner or its agents for proposed developments within the Business C District. Within such Planning Subdistricts, the following restrictions shall be applicable: (1) Townhouses shall be permitted only within Planning Subdistrict A and shall be limited to no more than sixteen (16) dwelling units. (2) Age-restricted dwellings, assisted living facilities and nursing homes shall be permitted only in Planning Subdistricts B and D; provided, however that (a) no more than one hundred sixty (160) units shall be permitted in any Planning Subdistrict, (b) no more than three hundred ten (310) units shall be permitted within the entire Business C District, and (c) no more than two (2) Planning Subdistricts may contain age-restricted dwellings, assisted living facilities or nursing home units. Within any Planning Subdistrict, an increase of one hundred sixty thousand (160,000) square feet in the total authorized gross floor area of all office or other allowed principal uses shall be permitted; provided, however, that the amount of such increase shall be reduced by one thousand (1000) square feet for each age-restricted dwelling, assisted living or nursing home unit constructed within the Planning Subdistrict.	Minor re-word. No change in intent.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	e For purposes of determining compliance with the foregoing requirements and the height limitation in Table 5.1.2, all such setbacks and buffer areas shall be measured from the boundary line between the Business C District and the adjoining Residence S-20 District and the Residence S-15 District.		e For purposes of determining compliance with the foregoing requirements and the height limitations set forth in Table 6.3, all yards and buffer areas shall be measured from the boundary line between the Business C District and the adjoining S-20 District and the S-15 District.	Minor re-word. No change in intent.
		6.5	<u>Landscape Standards</u>	New Section.
		6.5.1	Appropriate landscaping and design shall be incorporated into new nonresidential development and redevelopment projects within nonresidential districts and into new multi-family dwelling projects. Landscape design plans shall be prepared by a registered landscape architect; provided, however, that the CPDC may accept a plan prepared by one other than a landscape architect if it believes the plan meets the landscaping standards of this Section and is in concert with the intent thereof. Wherever possible, naturally occurring vegetation shall be incorporated into the landscape plan, which shall show the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas, size and type of stock for shrubs and trees, and proposed erosion control measures.	New.
		6.5.2	Side yards required by the Intensity Regulations set forth in Section 6.0 of the Zoning Bylaw shall be landscaped. Such side yards shall be planted with a combination of grass, shrubs of appropriate height and shade trees. If there is not an adequate amount of side yard area to landscape, a fence may be allowed as an alternative; provided, however, that chain link fencing shall not be permitted. No parking area or driveway shall be allowed within such side yard.	New.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		6.5.3	Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings, and structures shall be screened from the view of abutting properties and streets using plantings, fences, and other appropriate methods.	New.
		6.5.4	A landscaping maintenance plan shall be prepared and submitted as part of the landscape design plan. All landscaped areas shall be properly maintained. Any tree or shrub that dies shall be replaced within one (1) growing season. Replacement trees or shrubs shall be of similar type and size to what was approved as part of the original approval.	New.
		6.5.5	Trees are to be planted where necessary, as determined by the CPDC. Trees shall be well-rooted nursery-grown stock, free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure shall be sound. Trees shall be planted only after April 15 and before September 30. The Director of the Forestry Division shall approve any planting outside of those dates.	New.
		6.5.6	No more than fifty (50) percent of the trees, approved to be planted, shall be of any one species and no less than twenty-five (25) percent of the total trees planted shall be of any one species. Trees shall be chosen from a list provided by the Director of the Forestry Division, unless an alternative is specifically approved by the CPDC.	New.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		6.5.7	Trees along a public way shall be spaced at intervals of fifty (50) feet; provided, however, that no trees shall be planted within fifty (50) feet of an intersection or future intersection. Trees on one side of a street may be set either opposite or diagonally to trees on the opposite side. Trees shall be planted two and a half (2½) feet behind the sidewalk or six (6) feet behind the gutter line and always within the right-of-way. The location of all the proposed trees must be reviewed by the Director of the Forestry Division on site and approved prior to installation.	New.
		6.5.8	The minimum acceptable size of tree to be planted along a public way shall be three (3) inch trunk caliper at four (4) feet above the grade. At the time of delivery, the Director of the Forestry Division must approve the proposed trees. Evergreen trees shall be at least eight (8) feet tall at the time of planting.	New.
		6.5.9	Specifications for planting operations and for support stakes, guy wire and cable, ground anchors, hose, and strapping material shall be as specified in the American Standard Specifications for Nursery Stock published by the American Association of Nurserymen.	New.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change

Current Table of Uses

Use	Minimum Lot Width (Feet)	Minimum Area (Square Feet)	Minimum Frontage (Feet)	Minimum Front Yard (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Coverage % of Lot	Maximum Building Height (Feet)
One or Two Family Dwelling								
In S-15 District	60	15,000	100	20	15	20	25	35
In S-20 Districts	80	20,000	120	20	15	20	25	35
In S-40 Districts	80	40,000	200	20	15	20	25	35
In A-40 Districts		10,000	80	20	15	20	25	40
In Bus-A Districts		NA	NA	15	10	20	25	45
Multi-Family Dwelling								
In A-40 Districts		40,000	80	30	30	30	25	40
In A-80 Districts		80,000	NA	60	60	60	12.5	60
In Bus-A Districts		40,000	NA	15	30	30	25	40
In S-15 Districts		100,000+	100	20	15	20	25	35
In S-20 Districts		100,000+	120	20	15	20	25	35
In S-40 Districts		100,000+	200	20	15	20	25	35
In A-40 Districts		100,000+	80	20	15	20	25	40
In A-80 Districts		100,000+	NA	20	NA	NA	NA	60
Hotel or Motel								
In Bus-A Districts		NA	NA	50	10	20	60	45
In Bus-B Districts		NA	NA	NA	NA	20	85	45
In Bus-C Districts		NA	NA	10	10	10	60	55**
In Ind Districts		NA	NA	50	20	20	25	60*
Other Permitted Principal Use								
In S-15 Districts		15,000	100	20	15	20	25	35
In S-20 Districts		20,000	120	20	15	20	25	35
In S-40 Districts		40,000	200	20	15	20	25	35
In A-40 Districts		10,000	80	20	NA	NA	NA	40
In A-80 Districts		80,000	NA	20	NA	NA	NA	60
In Bus-A Districts		NA	NA	15	10	20	60	45
In Bus-B Districts		NA	NA	NA	NA	20	85	45
In Bus-C Districts		NA	NA	10	10	10	60	55**
In Ind Districts		NA	NA	50	20	20	60	60*
Exempt Uses – School and Church								
In S-15 Districts		15,000	100	15	30	30	25	35
In S-20 Districts		20,000	120	15	30	30	25	35
In S-40 Districts		40,000	200	15	30	30	25	35
In A-40 Districts		10,000	80	NA	30	30	NA	40
In A-80 Districts		80,000	NA	NA	30	30	NA	60

* Except as provided in Section 6.2.4.2.

** Fifty-five (55) feet, except ninety-five (95) feet if the structure is located within four hundred (400) feet of the property line adjacent to Route 128, as the property line exists on May 1, 2000, including ramps, and south of Jacob Way and excluding areas within two hundred (200) feet of the residential zoning district to the west, all as more specifically shown on a plan entitled: "Plan Showing Height Limitation and Setback Areas, Business C District in Reading, Mass.," dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk.

Proposed Table of Uses

No change.

Use	Minimum Lot Width (Feet)	Minimum Area (Square Feet)	Minimum Frontage (Feet)	Minimum Front Yard (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Coverage % of Lot	Maximum Building Height (Feet)
One or Two Family Dwelling								
In S-15 District	60	15,000	100	20	15	20	25	35
In S-20 Districts	80	20,000	120	20	15	20	25	35
In S-40 Districts	80	40,000	200	20	15	20	25	35
In A-40 Districts		10,000	80	20	15	20	25	40
In Bus-A Districts		NA	NA	15	10	20	25	45
Multi-Family Dwelling								
In A-40 Districts		40,000	80	30	30	30	25	40
In A-80 Districts		80,000	NA	60	60	60	12.5	60
In Bus-A Districts		40,000	NA	15	30	30	25	40
In S-15 Districts		100,000+	100	20	15	20	25	35
In S-20 Districts		100,000+	120	20	15	20	25	35
In S-40 Districts		100,000+	200	20	15	20	25	35
In A-40 Districts		100,000+	80	20	15	20	25	40
In A-80 Districts		100,000+	NA	20	NA	NA	NA	60
Hotel or Motel								
In Bus-A Districts		NA	NA	50	10	20	60	45
In Bus-B Districts		NA	NA	NA	NA	20	85	45
In Bus-C Districts		NA	NA	10	10	10	60	55**
In Ind Districts		NA	NA	50	20	20	25	60*
Other Permitted Principal Use								
In S-15 Districts		15,000	100	20	15	20	25	35
In S-20 Districts		20,000	120	20	15	20	25	35
In S-40 Districts		40,000	200	20	15	20	25	35
In A-40 Districts		10,000	80	20	NA	NA	NA	40
In A-80 Districts		80,000	NA	20	NA	NA	NA	60
In Bus-A Districts		NA	NA	15	10	20	60	45
In Bus-B Districts		NA	NA	NA	NA	20	85	45
In Bus-C Districts		NA	NA	10	10	10	60	55**
In Ind Districts		NA	NA	50	20	20	60	60*
Exempt Uses – School and Church								
In S-15 Districts		15,000	100	15	30	30	25	35
In S-20 Districts		20,000	120	15	30	30	25	35
In S-40 Districts		40,000	200	15	30	30	25	35
In A-40 Districts		10,000	80	NA	30	30	NA	40
In A-80 Districts		80,000	NA	NA	30	30	NA	60

* Except as provided in Section 6.2.4.2.

** Fifty-five (55) feet, except ninety-five (95) feet if the structure is located within four hundred (400) feet of the property line adjacent to Route 128, as the property line exists on May 1, 2000, including ramps, and south of Jacob Way and excluding areas within two hundred (200) feet of the residential zoning district to the west, all as more specifically shown on a plan entitled: "Plan Showing Height Limitation and Setback Areas, Business C District in Reading, Mass.," dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
NOTE: Current Section 6 includes Parking Regulations, Sign Regulations and Nonconforming Uses and Structures. Parking regulations are proposed to be moved to new Section 9.0 and will NOT contain any text changes. Similarly, Sign regulations will be moved to Section 8.0 and will NOT contain any text changes. The Section relating to Nonconforming will move to new Section 7.0 and has been changed as detailed below.				
Section 6	General Provisions Affecting All Districts (includes Parking, Signs and Non-Conforming)			To be broken out to individual sections for Parking, Signs and Nonconforming. Will be renumbered. No change to text is proposed at this time.
Section 6.1	Parking	Section 9.0	Parking	To be renumbered. No change to text.
Section 6.2	Signs	Section 8.0	Signs	To be renumbered. No change to text.
Section 6.3	Nonconforming Uses and Structures	7	NONCONFORMING USES AND STRUCTURES	
6.3.1	<u>Applicability</u>	7.1	<u>Overview</u>	
	This bylaw shall not apply to uses or structures lawfully in existence or lawfully begun, or to a building or Special Permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this bylaw, or any relevant part thereof, was adopted. No modification of a lawfully existing nonconforming use or structure is allowed except as authorized hereunder.		Nonconforming Lots, Uses, Buildings and Structures shall be regulated as provided in Section 6 of Chapter 40A of the Massachusetts General Laws and as provided in the Zoning Bylaw. An "increase in the nonconforming nature of a building or structure" occurs when the change to the building or structure (1) extends the existing nonconformity or (2) creates a new nonconformity. An increase in the nonconforming nature of a building or structure will not result from replacement or repair, without undue delay, of a nonconforming portion thereof. "Alteration" of a nonconforming building or structure refers to alterations that provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.	Clarified language as it relates to State Law. Included language to clarify what an "increase in nonconforming nature..." means and clarified what "alteration..." means.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
6.3.2	<u>Nonconforming Uses</u>	7.2	<u>Nonconforming Uses</u>	
			Nonconforming Single or Two Family uses located in Business or Industrial districts, can be reconstructed, altered, extended, or structurally changed so long as the Building Inspector makes a determination that the nonconforming nature of the use is not increased. Other nonconforming uses may be extended upon a determination from the Building Inspector that such extensions are not substantial.	New language to protect nonconforming uses (located in business and industrial district) for when alterations are proposed. Now allow for a "as of right" for certain alteration, where before required a Special Permit.
	The Board of Appeals may grant a Special Permit to change or extend a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:		Where the nonconforming nature of a Single or Two Family use is increased or where other nonconforming uses are changed or substantially extended, the use may be reconstructed, altered, extended, or structurally changed only if the Zoning Board of Appeals determines that such reconstruction, alteration, extension, or structural change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and, on this basis, grants a Special Permit.	Modified the language to clarify the requirements for nonconforming single and two-family structures. Currently, the Board of Appeals may issue a Special Permit to extend the nonconforming use or change the use if they find the proposed use is less detrimental than the existing nonconforming use. This requirement is staying the same.
	a Modification or extension of the existing nonconforming use;		Once a nonconforming use is changed to a conforming use it may not revert to a nonconforming use.	
	b Change from one nonconforming use to another, less detrimental, nonconforming use. Once a nonconforming use is changed to a conforming use, there is no authority to allow the property to revert to a nonconforming use.			

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
6.3.3	<u>Nonconforming Structures</u>	7.3	<u>Nonconforming Structures</u>	
6.3.3.1	The Building Inspector may issue a Building Permit for an interior renovation, interior alteration or interior reconstruction of a pre-existing, nonconforming structure that does or will not extend the nonconformity or create a new nonconformity.	7.3.1	The Building Inspector may grant a building permit for repair or interior renovations of nonconforming structures that are conforming as to use. The Building Inspector may grant a building permit for the alteration of a Nonconforming Single or Two-Family dwelling that:	This has been combined to include the "As-of-Right" option for alterations of Single or Two-Family dwellings (currently Section 6.3.5).
		a	will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, regardless of whether the lot complies with the current area and/or frontage requirements,	Minor re-word from current Section 6.3.5. No change in intent. Still allows the Building Inspector to issue permits for alterations of nonconforming single and two family structures if they meet the requirements.
		b	complies with all current yard, lot coverage and building height requirements and the lot complies with all requirements except for area; or	
		c	complies with all current yard, lot coverage and building height requirements; and the lot complies with all requirements except for frontage.	
6.3.3.2	The Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:	7.3.2	For those alterations of a Single or Two Family dwelling not eligible for a building permit pursuant to Section 7.3, the Zoning Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure.	Simplified the language for those alterations to Single or Two Family dwellings which will require a Special Permit from the Board of Appeals.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	a A reconstruction, extension or structural change;			Deleted and combined with above 7.3.2.
	b An alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.			Deleted and combined with above 7.3.2.
6.3.3.3	For purposes of this bylaw, an increase in the nonconforming nature of a structure will result when the portion added to the structure violates any provision of this Zoning By-Law applicable at the time of application for the building permit required for such addition. An increase in the nature of a nonconforming structure will not result from a mere replacement, without undue delay, of a nonconforming portion thereof.			Deleted. Clarified above in new Section 7.1.
6.3.3.4	Nothing in this bylaw shall prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof, declared unsafe by the Building Inspector.	7.3.3	Nothing in the Zoning Bylaw shall prevent the strengthening or restoring to a safe condition of any nonconforming building or structure, or part thereof, declared unsafe by the Building Inspector.	Minor re-word. No change to intent.
6.3.4	<u>Variance Required</u>	7.4	<u>Variance Required</u>	
	Except as provided in Section 6.3.5 herein, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.		Except as provided in Section 7.5 of the Zoning Bylaw, the reconstruction, alteration, extension or structural change of a nonconforming building or structure that results in a new nonconformity shall require a determination by the Zoning Board of Appeals as to whether it will grant a variance.	Minor re-word. No change to intent.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		7.5	<u>Single Lot Exemption for Single Family and Two Family Dwelling</u>	
			Any increase in area, frontage, width, yard, or depth requirements of the Zoning Bylaw shall not apply to a previously undeveloped lot proposed to be used as the site of a Single or Two Family dwelling, that, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements at the time of such recording or endorsement, and had less than the increased requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage, whether or not such lot was zoned for residential or nonresidential use at the time of the increase.	New language to provide additional protection for Lots for Single or Two Family Homes which have been undeveloped.
		7.6	<u>Change, Extension, or Alteration of a Pre-Existing Nonconforming Lot</u>	
			A nonconforming lot may be changed, extended or altered as a matter-of-right only if: a Such change, extension, or alteration will bring the lot into total conformance with the Zoning Bylaw in effect at the time of said change, extension or alteration; or b Such change, extension or alteration only enlarges the pre-existing nonconforming lot and does not reduce the area, frontage, width, or depth thereof; or c Such change, extension, or alteration deducts land from the nonconforming lot but in a manner that does not reduce the lot's area, frontage, width, depth, building setbacks, percent of building coverage or percent of open space below what is required by the Zoning Bylaw.	New language to provide clarity to proposed changes to nonconforming lots.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
6.3.5	<u>Alteration of Nonconforming Single and Two-Family Residential Structures – As of Right</u>			Combined into new Section 7.3 above.
	Nonconforming single and two-family residential structures may be extended, altered or structurally changed (collectively “alteration”) upon a determination by the Building Inspector that such proposed alteration does not increase the nonconforming nature of said structure. The Building Inspector may issue a Building Permit under any of the following circumstances:			
	a For the alteration of a single or two-family structure which will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;			
	b For the alteration of a single or two-family structure that is located on a lot which is nonconforming only with respect to area, where such alteration will comply with all current setback, yard, lot coverage and building height requirements;			
	c For the alteration of a single or two-family structure that is located on a lot which is nonconforming only with respect to frontage where such alteration complies with all current setback, yard, lot coverage and building height requirements; and			
	d For the alteration of a single or two-family structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, lot coverage and building height requirements.			
6.3.6	<u>Alteration of Nonconforming Single and Two-Family Residential Structures – by Special Permit</u>			

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	In the event that the Building Inspector determines, after consideration of Section 6.3.5 above, that the nonconforming nature of such structure would be increased by the proposed extension, alteration or change, the Board of Appeals may, by special permit, allow such extension, alteration or change where it determines that the proposed extension, alteration or change will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.			Combined into new Section 7.3.2 above.
6.3.7	<u>Reconstruction After Catastrophe</u>	7.7	<u>Reconstruction After Catastrophe</u>	
	A lawful, pre-existing, nonconforming single or two-family building, structure or use, which has been destroyed or damaged by fire or other casualty may be re-established, restored or reconstructed within two years of occurrence of the damage or destruction. Re-establishment, restoration or reconstruction shall be permitted provided that there is no increase in the degree of the nonconformity. Any proposed change of use is subject to the provisions of this bylaw.		A nonconforming Single or Two Family dwelling that has been destroyed or damaged by fire or other casualty may be re-established, restored or reconstructed within two (2) years of the occurrence of the damage or destruction if there is no extension of the nonconformity or no new nonconformity. Any proposed change of use is subject to the provisions of the Zoning Bylaw.	Minor re-word. Intent the same.
6.3.8	<u>Voluntary Demolition and Reconstruction</u>	7.8	<u>Voluntary Demolition and Reconstruction</u>	
6.3.8.1	Any new construction, following voluntary demolition of a nonconforming structure, shall be in conformance with this Zoning By-Law, except in the following circumstances:		Any reconstruction, following voluntary demolition of a nonconforming structure, shall meet the following requirements:	Minor re-word. Intent the same.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	a A single-family or two-family dwelling which is nonconforming only with respect to lot size and/or frontage may be voluntarily removed or demolished and replaced by a new single-family or two-family dwelling. Such reconstruction must comply with the current dimensional controls for the district in which the dwelling is located.		a A Single or Two Family dwelling that is nonconforming only with respect to lot size and/or frontage may be voluntarily removed or demolished and replaced by a new Single or Two Family dwelling.	Minor re-word. Intent the same.
	b In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition. The Board of Appeals may, by Special Permit, allow such reconstruction where it determines that the proposed reconstruction will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.		b In the event that the proposed reconstruction would (a) cause the structure to exceed the lot coverage of the original nonconforming building or structure or (b) cause the building or structure to be located on other than the original footprint, the Building Inspector may issue a Building Permit if the proposed reconstruction will not extend the nonconformity or create a new nonconformity.	Re-worded to be more clear as to the authority of the Building Inspector and eliminate review by the Board of Appeals.
	c A detached accessory structure which is accessory to a single-family or two-family dwelling that has nonconforming setbacks may be demolished and a new accessory structure may be built in the same footprint; provided, that the new accessory structure does not exceed the existing height and size limitations for accessory structures.		c A nonconforming building or structure that is accessory to a Single or Two Family Dwelling may be demolished and a new accessory building or structure may be built in the same footprint if the new accessory structure does not exceed the height and size limitations for accessory structures in effect at the time that the structure is rebuilt.	Minor re-word. Intent the same.
6.3.9	<u>Abandonment or Non-Use</u>	7.9	<u>Abandonment or Non-Use</u>	
	A nonconforming use of a structure or land that has been abandoned or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Zoning By-Law.		A nonconforming use of a structure or land that has been abandoned or not used for a continuous period of two (2) years shall not be reestablished, and any subsequent use of the structure or land shall conform to the provisions of the Zoning Bylaw. For the purposes of Section 7.0, temporary use or occupancy for one or more periods of less than sixty (60) days shall not be deemed to have interrupted a continuous period of non-use.	Minor re-word. Included language to be clear as to how temporary use affects abandonment.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
7	ADMINISTRATION	4	ADMINISTRATION	
7.1	<u>Permits</u>	4.1	<u>Permits</u>	
7.1.1	The Inspector of Buildings shall require of every applicant for a license or permit for any construction, alteration or use of any building, structure or premises, for which a permit or license is by law required, such written information, plans, specifications and other data as he shall deem necessary for the full and accurate exposition of the proposed construction, alteration or use, with relation to the requirements of this Bylaw. Such material, so required, shall be kept on file in the records of the officer or officers to whom it is submitted.	4.1.1	The Building Inspector shall require of every applicant for a license or permit for any construction, alteration or use of any building, structure or premises, for which a permit or license is by law required, such written information, plans, specifications and other data as he shall deem necessary for the full and accurate exposition of the proposed construction, alteration or use. Such material, so required, shall be kept on file in the records of the Building Inspector.	Minor re-word. No change in intent.
7.1.1.1	Whenever an application is made for a building permit which the Building Inspector believes may be affected by an Overlay District boundary, the Inspector shall require the applicant to provide as part of such application a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the district boundary. Such plan shall not be required where a permit is applied for solely for interior work.	4.1.1.1	Whenever an application is made for a building permit to authorize construction on premises that the Building Inspector believes may be within an Overlay District boundary, the Building Inspector shall require the applicant to provide, as part of such application, a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the district boundary; provided, however, that such a plan shall not be required where a building permit is applied for solely for interior work.	Minor re-word. No change in intent.
7.1.2	No building erected, materially altered, relocated or in any way changed as to the construction or use under a permit or otherwise, and no land, shall be occupied or used without an occupancy permit signed by the Inspector of Buildings, which permit shall not be issued until the building and its use and accessory uses, and the use of all land, comply in all respects with this Bylaw.	4.1.2	No building that has been erected, materially altered or relocated shall be occupied or used without an occupancy permit issued by the Building Inspector; and no such building permit shall be issued until the building and its use and accessory uses comply in all respects with the Zoning Bylaw.	Minor re-word. No change in intent.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
7.13	The Inspector of Buildings shall not grant a permit for the construction or alteration of any building which would violate any provision of this Bylaw. No municipal officer shall grant any permit or license for the use of buildings or land which use would violate any provision of this Bylaw. Whenever such a permit or license is refused, the reason therefore shall be clearly stated in writing.	4.1.3	The Building Inspector shall not grant a building permit for the construction or alteration of any structure that would violate any provision of the Zoning Bylaw.	Minor re-word. Deleted second sentence to simplify.
7.2	<u>Enforcement</u>	4.2	<u>Enforcement</u>	
7.2.1	The Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this Bylaw.	4.2.1	The Building Inspector or his/her designee is hereby authorized as the officer responsible for the enforcement of the Zoning Bylaw.	Minor re-word. Now allows for designee to perform enforcement.
7.2.2	Whoever violates any provision of this Bylaw shall be punished by a fine not exceeding three hundred (\$300.00) dollars for each offense and each day that such a violation continues shall constitute a separate offense. Upon any well-founded information that this Bylaw is being violated, or upon his own initiative, the Building Inspector shall take immediate steps to enforce this Bylaw, including making complaint in the Fourth District Court of Eastern Middlesex held at Woburn, by noncriminal disposition in accordance with the provisions of Section 5.11 of the General Bylaw of the Town and Section 21D of Chapter 40 of the General Laws, or by any other manner authorized by law. The provisions of this Section 7.2.2 shall equally apply to the record owner of the real property upon which a violation of this Bylaw occurs regardless of who caused or committed such violation.	4.2.2	Whoever violates any provision of the Zoning Bylaw shall be punished by a fine not exceeding three hundred (\$300.00) dollars for each offense. Each day that such a violation continues shall constitute a separate offense. Upon any well-founded information that the Zoning Bylaw is being violated, or upon his own initiative, the Building Inspector shall take immediate steps to enforce the Zoning Bylaw, which may include filing a civil complaint for injunctive relief, an application for noncriminal disposition in accordance with the provisions of Section 1.8 of the General Bylaws and Section 21D of Chapter 40 of the Massachusetts General Laws, or by any other manner authorized by law. The provisions of Section 4.2 shall apply to both the record owner and any lessee of the real property upon which a violation of the Zoning Bylaw occurs regardless of who caused or committed such violation.	Minor re-word. No change in intent.
7.2.3	If the Building Inspector is requested in writing to enforce the provisions of this Bylaw against any person allegedly in violation of this Bylaw and the Building Inspector declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.	4.2.3	If the Building Inspector is requested in writing to enforce the provisions of the Zoning Bylaw against any person allegedly in violation of the Zoning Bylaw and the Building Inspector declines so to act, he shall notify the party requesting such enforcement of his action or refusal to act, and the reasons therefor, in writing, within fourteen (14) days of receipt of such request.	Minor re-word. No change to intent.
7.3	<u>Special Permit Granting Authority</u>	4.3	<u>Special Permit Granting Authority</u>	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
7.3.1	The Special Permit Granting Authority will issue permits in accordance with the procedure and provisions of Section 9 of Chapter 40A.	4.3.1	The Special Permit Granting Authority (SPGA) shall issue special permits in accordance with the procedure and provisions of Section 9 of Chapter 40A of the Massachusetts General Laws.	Minor re-word. No change in intent.
7.3.2	Unless otherwise specified in this Bylaw, the Special Permit Granting Authority is the Board of Appeals.	4.3.2	Unless otherwise specified in the Zoning Bylaw, the SPGA is the Community Planning and Development Commission (CPDC).	Changed the Special Permit Granting Authority to the CPDC, unless otherwise specified Previously was the Board of Appeals.
7.3.3	Any approval which has been granted by the Special Permit Granting Authority under the provisions of Paragraph 7.3.1. and 7.3.2. above, shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.	4.3.3	Any Special Permit shall lapse within two (2) years from the issuance thereof, if a substantial use thereof has not sooner commenced except for good cause.	Minor re-word. No change to intent.
7.3.4	In exercising the powers granted by this Bylaw, the Special Permit Granting Authority shall act in accordance with the provisions of Sections 11 and 16 of Chapter 40A of the General Laws, and shall consider the effects thereof upon the neighborhood in particular and the Town at large in general.	4.3.4	In issuing Special Permits, the SPGA shall act in accordance with the provisions of Sections 11 and 16 of Chapter 40A of the Massachusetts General Laws, and shall consider the effects of the proposed use upon the neighborhood in particular and the Town at large in general.	Minor re-word. No change to intent.
		4.3.5	The SPGA may grant a Special Permit if it finds that:	New to clarify the criteria for issuance of a Special Permit.
		4.3.5.1	The proposed use will be suitably located in the neighborhood in which it is proposed and in relation to the entire Town.	
		4.3.5.2	The proposed use will be compatible with existing uses and other uses permitted by right in the same district..	
		4.3.5.3	The proposed use will not constitute a nuisance due to air and water pollution, flood, noise, dust, vibration, lights, or visually offensive structures and accessories.	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		4.3.5.4	The proposed use will not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians.	New to clarify the criteria for issuance of a Special Permit.
		4.3.5.5	The proposed use will not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians.	
		4.3.5.6	Adjoining premises will be reasonably protected against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance.	
		4.3.5.7	The proposed use will be in conformance with the sign regulations of Section 8 of the Zoning Bylaw.	
		4.3.5.8	The proposed use will provide convenient and safe vehicular and pedestrian movement within the site in relation to adjacent streets, property or improvements.	
		4.3.5.9	Adequate space will be provided for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the proposed use.	
		4.3.5.10	Adequate methods of disposal and storage will be provided for sewage, refuse and other wastes resulting from the proposed uses, and adequate methods of drainage will be provided for surface water.	
		4.3.5.11	The proposed uses will ensure protection from flood hazards, considering such factors as elevation of buildings, drainage, adequacy of sewage disposal, erosion and sedimentation control, equipment location, refuse disposal, storage of buoyant materials, extent of paving, effect of fill, roadways, or other encroachments on flood runoff and flow.	
		4.3.5.12	The proposed use will ensure protection of water quality in both public and private supplies.	
		4.3.6	A Special Permit shall be issued only following a public hearing, which shall be held within sixty-five (65) days after the filing of an application therefor with the SPGA.	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		4.3.7	The SPGA may adopt and, from time to time, amend rules relative to the issuance of Special Permits, and shall file a copy of said rules in the Office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of required plans and specifications, as well as the procedure for application submittal and Special Permit approval.	New to clarify the criteria for issuance of a Special Permit.
		4.3.8	The SPGA shall take final action on a Special Permit application within ninety (90) days following the close of the public hearing thereon. Failure by the SPGA to take final action on a Special Permit application within said ninety (90) days shall be deemed to be a grant of the Special Permit.	
		4.3.9	Special Permits shall require a vote of at least four (4) members of the SPGA.	
7.4	<u>Board of Appeals</u>	4.4	<u>Board of Appeals</u>	
7.4.1	<u>Establishment</u>			Deleted. This is established in the Charter.
7.4.1.1	There is hereby established a Board of Appeals of three (3) members and three (3) associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in Chapter 40A of the General Laws.			Deleted. This is established in the Charter. Second portion of the provision modified into 4.4.1 below.
7.4.2	<u>Powers of the Board of Appeals</u>	4.4.1	<u>Powers of the Board of Appeals</u>	
			The Zoning Board of Appeals shall act on all matters within its jurisdiction under the Zoning Bylaw in the manner prescribed in Chapter 40A of the Massachusetts General Laws. It shall have the power:	Language taken from current Section 7.4.1.1 above.
7.4.2.1	To hear and decide appeals in accordance with Section 8 of Chapter 40A.	4.4.1.1	To hear and decide appeals in accordance with Section 8 of Chapter 40A of the General Laws.	Minor re-word. No change to intent.
7.4.2.2	To hear and decide petitions for variances, including for use, in accordance with Section 10 of Chapter 40A.	4.4.1.2	To hear and decide petitions for variances, including for use, in accordance with Section 10 of Chapter 40A of the General Laws.	Minor re-word. No change in intent.
7.4.2.3	To hear and decide applications for Special Permits for those uses for which approval of the Board of Appeals is required in accordance with the provisions of this Bylaw.	4.4.1.3	To hear and decide applications for Special Permits for those uses for which approval of the Board of Appeals is required in accordance with the provisions of this Bylaw. (see Section 4.3).	Minor re-word. No change in intent.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
7.4.2.4	To hear and decide applications for extension or alteration, of non-conforming uses in accordance with Section 6.3 of this Bylaw.	4.4.1.4	To hear and decide applications for extension or alteration, of non-conforming uses in accordance with Section 7.0 of this Bylaw.	Minor re-word. No change in intent.
7.4.3	Considerations			
7.4.3.1	In exercising the powers granted by Paragraph 7.4.2. above, the Board of Appeals shall act in accordance with the provisions of Section 11, 14, 15 and 16 of Chapter 40A of the General Laws, and shall consider the effects thereof upon the neighborhood in particular and the Town at large in general.			Deleted. The Special Permit Granting Authority may consider Permit application under the criteria listed under proposed 4.3.5 above. This includes considering effects and impacts to proposed location of use, compatibility with the district in which the use is proposed, impacts to pedestrians, vehicles, abutters, the environment, water and sewer and impacts to flooding.
		4.4.2	Variances	New
		4.4.2.1	No variance shall be issued pursuant to Section 4.4.1.2., unless the Zoning Board of Appeals finds that:	New to clarify the criteria for a Variance.
			a There are unique circumstances relating to the soil conditions, shape or topography that specifically affect the land or structure in question, but do not affecting generally the Zoning District in which the land or structure is located:	New to clarify the criteria for a Variance.
			b Literal enforcement of the Zoning Bylaw would involve substantial financial or other hardship to the petitioner;	New to clarify the criteria for a Variance.
			c Desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of the Zoning Bylaw, as set forth in Section 1.0; and	New to clarify the criteria for a Variance.
			d Desirable relief may be granted without substantial detriment to the public good.	New to clarify the criteria for a Variance.
		4.4.2.2	In issuing a variance, the Zoning Board of Appeals may impose conditions, safeguards, and limitations of time and use; provided, however, that such conditions cannot require continued ownership of the land or structure to which the variance pertains.	New to clarify authority of the Board of Appeals for issuance of Variances.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		4.4.2.3	If the rights authorized by a variance are not exercised within one (1) year of the date of its issuance, they shall lapse and may be reestablished only after a new application and hearing.	New to clarify the time limit for variances.
		4.5	<u>Community Planning and Development Commission</u>	New to clarify the role of the CPDC
		4.5.2	<u>Powers</u>	
			The Community Planning and Development Commission (CPDC) shall act on all matters within its jurisdiction under the Zoning Bylaw in the manner prescribed in Chapter 40A of the Massachusetts General Laws. It shall have the power:	
		4.5.2.1	To hear and decide applications for Special Permits in accordance with Section 9 of Chapter 40A of the Massachusetts General Laws and Section 4.3 of the Zoning Bylaw.	
		4.5.2.2	To conduct Site Plan Reviews in accordance with Section 4.6 of the Zoning Bylaw.	
		4.5.2.3	To propose, review, hold hearings and make recommendations on text or map changes to the Zoning Bylaw in accordance with Section 5 of Chapter 40A of the Massachusetts General Laws.	
		4.5.2.4	To review and act on preliminary and definitive subdivision plans in accordance with Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws.	
		4.5.2.5	To review applications for endorsement of plans as "Approval Not Required" in accordance with Section 81P of Chapter 41 of the Massachusetts General Laws.	
		4.5.2.6	To prepare a comprehensive/master plan in accordance with Section 81D of Chapter 41 of the Massachusetts General Laws..	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	NOTE : THE PROPOSED SITE PLAN REVIEW SECTION IS LOCATED IN SECTION 4 AND IS PROPOSED TO REMAIN IN THE NEW SECTION FOR ADMINISTRATION. THE NEW SECTION HAS BEEN COMPLETELY REORGANIZED. THEREFORE SECTION NUMBERS OF THE PROPOSED LANGUAGE WILL NOT BE IN CHRONOLOGICAL ORDER, BUT ARE MEANT TO FOLLOW THE EXISTING SITE PLAN REVIEW LANGUAGE. (Current Section 4 to Proposed Section 5)			
4.3.3	<u>Site Plan Review</u>	4.6	<u>Site Plan Review</u>	
		4.6.1	<u>Purpose and Authority</u>	
		4.6.1.1	Site Plan Review is a means of protecting the public interest through evaluating impacts of new development and redevelopment of land and structures within the Town of Reading. Site plan review is designed to manage aesthetics, minimize the potential for conflicts among uses and limit the impacts, through imposition of reasonable conditions, of uses that are otherwise permitted in the applicable district.	New, to clarify the purpose of Site Plan Review
			The CPDC administers the Site Plan Review process for the following purposes:	New, to clarify the purpose of Site Plan Review
			A. To protect and promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Reading, and to ensure the integrity of its neighborhoods;	New, to clarify the purpose of Site Plan Review
			B. To oversee acceptable site planning practices and to promote desirable architectural design within the Town of Reading;	New, to clarify the purpose of Site Plan Review
			C. To address development issues comprehensively while ensuring a streamlined and efficient development review process;	New to clarify purpose of Site Plan Review.
			D. To provide for appropriate mitigation measures as a result of increased impacts to municipal services and infrastructure;	New, to clarify the purpose of Site Plan Review
			E. To ensure consistency in the application of development standards and guidelines, and;	New, to clarify the purpose of Site Plan Review
			F. To ensure proper monitoring and enforcement of Reading zoning and development regulations.	New, to clarify the purpose of Site Plan Review

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
4.3.3.1	Applicability	4.6.2	Applicability	
	The following types of activities and uses require site plan review by the CPDC Routine maintenance or replacement in-kind is exempt.	4.6.2.1	Single Family and Two Family dwellings, structures and routine maintenance or in-kind replacement of buildings are exempt from Site Plan Review.	Minor re-word. Clarified the exemption for Single and Two Family structures.
		4.6.2.2	Except as otherwise specified in Section 4.6.2.1, Site Plan Review is required if the proposed construction or site alteration involves any of the following:	Replaced Current 4.3.3.1.
	a Any exterior construction, or alteration or expansion of more than five hundred (500) gross square feet of an institutional, commercial, industrial, or multi-family structure with four or more dwelling units;		A. Exterior Alteration of 500 square feet of horizontal or vertical area or more;	Clarified the requirement for exterior alteration of 500 square feet.
	b A change of use within an institutional, commercial, industrial, or multi-family structure;			This has been clarified for changes of use that create the need for 15 more parking spaces. See C. below. This threshold has been moved to a new Section related to thresholds for Minor Site Plan Review. See 4.6.2.3.A below.
	c Interior renovations over two thousand (2,000) gross square feet;			
	d Construction or expansion of a parking lot for an institutional, commercial, industrial, or multifamily structure or purpose.		B. Construction or expansion of a Parking Lot involving 15 spaces or more; or	Construction of a parking lot now requires at least 15 spaces for review under Site Plan Review.
			C. New construction or a change of use requiring the creation or addition of 15 or more parking spaces.	Currently change of uses is a threshold for Site Plan Review. Modified language to specify that Site Plan Review is required when there is 15 or more spaces created as a result of the change in use.
		4.6.2.3	Except as otherwise specified in Section 4.6.2.1 or Section 4.6.2.1, Minor Site Plan Review is required if the proposed construction or site alteration involves any of the following:	New Section to identify projects that exceed Minor Site Plan Review thresholds.
			A. Interior Alteration of 2,000 square feet of floor area or more;	Same as current Section 4.3.3.1.c, but now determined this would be reviewed by Minor Site Plan Review.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
			B. Minor Exterior Alteration of 500 square feet of horizontal or vertical area or more that is limited to doors, paint, awnings, railings, step replacement, handicapped ramps or building code compliance measures;	This threshold was taken from the current administrative rules and regulations for Minor Site Plan Review. Clarified by including it into the zoning.
			C. New construction or a change of use requiring the creation or addition of fewer than 15 parking spaces; or	Change of uses are currently thresholds under Site Plan Review. Change of uses that result in fewer than 15 spaces will require Minor Site Plan Review.
			D. New construction or a change of use to an existing institutional, commercial, or multi-family structure.	This threshold is currently reviewed under Site Plan Review. This will be reviewed under Minor Site Plan Review if there is no change in parking requirements as a result of the change in use.
		<u>4.6.3</u>	Minor Site Plan Review	See page 21 for changes to Minor Site Plan Review.
		<u>4.6.3.3</u>	Waiver of Loading Zone Space Requirements	See page 21 for changes to Waivers.
		<u>4.6.3.4</u>	Waiver of Parking, Loading Space and Related Design Requirements in the Business C District	See page 21 for changes to Waivers.
		<u>4.6.4</u>	Site Plan Review	No change.
4.3.3.2	Procedures	<u>4.6.4.1</u>	Procedure	No change.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	Applicants for site plan approval shall submit twelve (12) copies of the site plan to the CPDC for review, and within three (3) days thereafter request a determination from the Town Planner on completeness of application. The Town Planner shall make a determination of completeness within thirty (30) days of receipt of such application. The CPDC shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its determination of completeness, and notify the applicant of its decision. The decision of the CPDC approving site plan review, shall be a majority of the commission and shall be in writing. No building permit or certificate of occupancy shall be issued by the Building Inspector without the written approval of the site plan by the CPDC, or unless 60 days lapse from the date of a determination of completeness of the site plan without action by the CPDC.		A. An application for Site Plan Review shall be submitted to the CPDC for its review and decision in accordance with the provisions of Section 4.6. The contents of the application shall be as specified in the CPDC Site Plan Review Guidelines, Regulations and Standards. All such applications shall include twelve (12) copies and one (1) electronic copy of the required materials; provided, however, that the CPDC may, at its discretion, waive the requirement to submit any required materials that it determines are not needed.	Broke out current Section 4.3.3.2 into new subsections for clarity. Allows for 10 days of review for application completeness (current language allows for 30). Clarified public hearing requirements and timeframes. Now requires a Public Hearing to be scheduled within 45 days of application complete, and then 45 days from the Public Hearing to issue a decision. The current language requires the decision 60 days from the submission of a complete application. The new language also includes a requirement for occupancy permit before occupying or using the space/site. This is currently written into Site Plan Review decisions and is added here for clarification.
			B. Within ten (10) business days of submitting an application for a Site Plan Review, the Applicant shall initiate discussions with the Town Planner concerning any issues related to the completeness of the application. If this review discloses that all required materials have been submitted, the application shall be date stamped by the Town Planner. If this review discloses that all required materials have not been submitted, the Applicant shall be issued a written notice identifying which specific items are outstanding. No hearing date shall be scheduled until the Town Planner deems the application to be complete.	Broke out current Section 4.3.3.2 into new subsections for clarity. Allows for 10 days of review for application

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
			C. Within five (5) days of the date stamp, the CPDP shall transmit one (1) copy of the application and plan to the Building Inspector, Director of Public Works, Fire Chief, Police Chief, and any other Town official whose review is requested. Such officials may, at their discretion, investigate the application and report their recommendations in writing to the CPDC. The CPDC shall not take final action on such application until it has received reports from such officials, or until thirty (30) days from the date of the transmittal, whichever is sooner.	completeness (current language allows for 30). Clarified public hearing requirements and timeframes. Now requires a Public Hearing to be scheduled within 45 days of application complete, and then 45 days from the Public Hearing to issue a decision. The current language requires the decision 60 days from the submission of a complete application. The new language also includes a requirement for occupancy permit before occupying or using the space/site. This is currently written into Site Plan Review decisions and is added here for clarification.
			D. The CPDC shall schedule a public hearing for all Site Plan Review applications to be held within forty-five (45) days of the date stamp. This public hearing shall be advertised in the local newspaper once in each of two successive weeks prior to the meeting and a notice will be sent to property owners within 300 feet of the affected lot.	
			E. The applicant may request, and the CPDC may grant an extension of the time limits set forth herein.	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
			F. The Applicant shall satisfy or comply with all of the conditions of a Site Plan Approval prior to the issuance of a building permit except for those conditions that, by their terms, are intended to be satisfied during construction or later. The building permit application shall be accompanied by one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector, of the plan that received Site Plan Approval, as well as a letter issued by a registered professional engineer, registered architect or registered landscape architect certifying, under pains and penalties of perjury, that such plan is consistent in all respects with the plan approved by the CPDC, and that all required conditions of Site Plan Approval have been satisfied.	Broke out current Section 4.3.3.2 into new subsections for clarity. Allows for 10 days of review for application completeness (current language allows for 30). Clarified public hearing requirements and timeframes. Now requires a Public Hearing to be scheduled within 45 days of application complete, and then 45 days from the Public Hearing to issue a decision. The current language requires the decision 60 days from the submission of a complete application. The new language also includes a requirement for occupancy permit before occupying or using the space/site. This is currently written into Site Plan Review decisions and is added here for clarification.
			G. The Applicant shall satisfy or comply with all of the conditions of a Site Plan Approval prior to the issuance of a final certificate of occupancy unless otherwise specifically stated in the Site Plan Approval.	
4.3.3.3	Requirements			Deleted.
4.3.3.3.1	Where the CPDC serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.	4.6.2.4.	Coordination with Special Permit	New Title
			A. Where proposed construction or site alterations require both site plan review and one or more Special Permits, the CPDC shall be the SPGA.	Minor re-word. Intent the same.
			B. Where both a Special Permit and Site Plan Review are required, the applicant shall seek both forms of relief simultaneously, and the CPDC shall generally conduct its review of both applications contemporaneously.	
4.3.3.3.2	The applicant may request, and the CPDC may grant by majority vote, an extension of the time limits set forth herein.			Moved to new Section 4.6.4.1.e which says that the Applicant may grant an extension to the time limit.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
4.3.3.3.3	No deviation from an approved site plan shall be permitted without modification thereof approved by CPDC.			Moved to new Section 4.6.9 Modification of Approved Site Plan.
4.3.3.4	Preparation of Plans			
	Applicants are invited to submit a pre-application sketch of the proposed project to the CPDC and to schedule a comment period at a regular meeting of the CPDC. Site plans shall be submitted on 24-inch by 36-inch sheets, or larger if necessary for clarity. Plans shall be prepared by a registered professional engineer, registered land surveyor, architect or landscape architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal.			Deleted. Plan requirements will be further detailed in the Site Plan Review Rules and Regulations.
4.3.3.5	Contents of Plan			
	The contents of the site plan are as follows:			
4.3.3.5.1	Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or forty (40) feet or such suitable scale as may be approved by the CPDC. The plans are as follows:			
	a Site Layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, signage, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale acceptable to CPDC, showing the entire project and its relation to the existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the staff.			Deleted Will be described in Administrative Rules and Regulations for Site Plan Review
	b Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling storm water drainage, including resource area delineation.			

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	c Utility plan which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including flood plain areas.			Deleted Will be described in Administrative Rules and Regulations for Site Plan Review
	d Architectural plans which shall include the floor plans and architectural elevations of all proposed buildings and a color rendering or photographs of similar structures.			
	e Landscaping plan showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for shrub or tree, and including proposed erosion control measures.			
4.3.3.5.2	The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.			
4.3.3.5.3	A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Bylaw.			
4.3.3.5.4	The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town of Reading subdivision regulations and Department of Environmental Protection storm water regulations.			

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
4.3.3.5.5	The CPDC may require a narrative statement detailing the impact of the proposed use on municipal services and the environment, lighting, traffic, hazardous materials storage, trash, hours of operation and construction impacts.			Deleted Will be described in Administrative Rules and Regulations for Site Plan Review
4.3.3.5.6	Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.			
4.3.3.5.7	All plans submitted shall be in digital format as well as prints as approved by the Town Engineer. Number of prints submitted shall be determined by the Town Planner.			
4.3.3.6	Approval	4.6.5	Review Criteria - Generally	
	Site plan approval shall be granted upon determination by the CPDC that the plan meets the following objectives. The CPDC may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage consistent with the functional requirements of the CPDC's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the site plan, after considering the qualities of the specific location, the proposed land use, the design of building form, the grading, egress points, and other aspects of the development, so as to:	4.6.5.1	All construction and site alterations subject to Site Plan Review shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the proposed construction and/or alteration, so as to:	Minor re-word. Intent the same and describes the CPDC review criteria.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	a Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow from the site, soil erosion, and the threat of air and water pollution;		A. Minimize the volume of cut and fill, the number of removed trees six inch (6") caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;	Minor re-word. Intent the same.
	b Maximize pedestrian and vehicular safety both on the site and approach/egression from it;		B. Maximize pedestrian, bicycle and vehicular access and safety, both on the site and entering and exiting the site;	
	c Minimize obstruction of scenic views from publicly accessible locations;		C. Minimize obstruction of scenic views from publicly accessible locations;	
	d Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned through the use of landscaping and fencing;		D. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or from residential properties;	
	e Minimize glare from headlights and lighting intrusion;		E. Minimize glare from headlights and light pollution emitted from on-site lighting fixtures;	
	f Minimize unreasonable departure from the character, materials, signage and scale of buildings in the vicinity, as viewed from public ways and places;		F. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;	
	g Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;		G. Ensure compliance with applicable regulations governing on-site waste-water disposal systems;	
			H. Minimize contamination of groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances;	Broken our from 4.3.3.6.g above.
	h Ensure compliance with the provisions of the Zoning Bylaw;			Moved to 4.6.5.1.O
	i Maximize property enhancement through use of landscaping and other site amenities;		I. Provide appropriate landscaping and other site amenities so as to enhance the visual character of the property	Minor re-word. Intent the same.
	j Minimize environmental impacts to adjacent properties through hours of operation, deliveries, noise, rubbish removal and storage.		J. Minimize environmental and other impacts to adjacent properties through appropriate restrictions of hours of operation, deliveries, noise, rubbish removal and storage or by other appropriate means.	Minor re-word. Intent the same.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
			K. Provide adequate access to each structure for fire, public safety and service equipment;	Broken out from current 4.3.3.6
			L. Provide adequate utilities and water and sewer service;	Broken out from current 4.3.3.6
			M. Provide stormwater drainage and roadway and driveway layouts consistent with the functional requirements of the Town of Reading's Subdivision Rules and Regulations, any applicable federal, state and local regulations, and the standards of the Department of Public Works;	Broken out from current 4.3.3.6
			N. Minimize impacts to abutting residential development; and	Consolidated former j to be more clear.
			O. Otherwise demonstrate compliance with the Zoning Bylaw.	Former 4.3.3.6.h
		4.6.5.2	The CPDC shall apply the criteria set forth in Section 4.6.5.1 to determine whether an application for Site Plan Review should be approved, approved with conditions or denied.	Broken out from current 4.3.3.6
4.3.3.7	Lapse	4.6.6	Lapse	New Section to clarify permitting path and timelines associated with Site Plan Review.
	Site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the CPDC upon the written request of the applicant.		A Site Plan Approval shall lapse two (2) years after its issuance if construction pursuant thereto has not begun; provided however, that the CPDC may grant an extension of the two (2) year period, for a maximum of one (1) year, upon a finding of good cause, including the need to obtain other local, state, and federal permits duly applied for, at the written request of the applicant if submitted to the CPDC at least thirty (30) days prior to the expiration of the two (2) year period.	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		<u>4.6.7</u>	<u>Approval, Conditions, & Continuation of Site Plan Review</u>	
			The CPDC shall file a written decision with the Town Clerk stating that the application is approved as submitted, approved with conditions, or denied. The CPDC may impose conditions on any Site Plan Approval that it deems necessary or desirable.	New language that clarifies the decision deadlines for filing with the Town Clerk. New language requires a decision from the CPDC 45 days after the closing of the public hearing. This timeline has not changed and mentioned above in Section 4.6.4.1.D.
4.3.3.8	Regulations	4.6.1.2	Guidelines, Regulations and Standards	
	The CPDC may adopt and from time to time amend reasonable regulations for the administration of these site plan guidelines.		A. The CPDC may adopt reasonable Guidelines, Regulations and Standards governing procedures to be used for the administration of Site Plan Review.	Expanded upon current language to stipulate how the Guidelines, Regulations, etc. are to be developed and established.
			B. The proposed Guidelines, Regulations and Standards shall be submitted to all CPDC members at least 48 hours prior to any vote on their adoption, provided, however, that the CPDC may make such amendments to the proposed Guidelines or Regulations as it deems appropriate at said meeting.	
			C. Upon adoption of any Guidelines, Regulations and Standards by the CPDC, a copy thereof shall be filed with the Town Clerk.	
4.3.3.9	Fee	4.6.8	<u>Advertising, Consultant Fees and Reports</u>	
	The CPDC may adopt reasonable administrative fees and technical review fees for site plan review at levels necessary to cover costs. The CPDC may also require the applicant to fund professional review of the filing.		In addition to any application or advertisement fees required by the CPDC's Guidelines, Regulations and Standards, the CPDC is authorized, at any point during the hearing or deliberations prior to a final decision., to require an Applicant to pay a consultant fee upon a finding that additional information, available only through an expert consultant is necessary prior to making a decision.	This section expands upon currently language to detail the consultant fee requirement. It details what the consultant fee services may include as well as when the fee can be imposed.
			Any applicant aggrieved by the CPDC's selection of an outside consultant may appeal such selection to the Board of Selectmen; provided, however, that the grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
			Any unused portion of the consultant fee shall be returned to the applicant unless the CPDC decides at a public meeting that additional services will be required.	This section expands upon currently language to detail the consultant fee requirement. It details what the consultant fee services may include as well as when the fee can be imposed.
			The CPDC may, at its own discretion, waive any application or filing fee or consultant fee if the application is submitted by a government agency, including the Town and all its departments.	
4.3.3.11	Minor Site Plan Review	4.6.3	Minor Site Plan Review	
	The Community Planning and Development Commission or the Town Planner by administrative approval may grant approval for a minor site plan review with or without conditions provided the proposed construction, expansion or alteration will not result in any adverse impact in the areas described in Sections 4.3.3.5 or 4.3.3.6 and for any of the following reasons provided however that the	4.6.3.1	The CPDC, through regulation, may authorize the Town Planner to grant administrative approval for a Minor Site Plan Review with or without conditions provided the proposed construction, expansion or alteration will not result in any adverse impact in the areas described in Sections 4.6.6.1.	Minor re-word. No change to intent.
	a The construction, expansion or alteration only involves the interior renovation of an existing space such as plumbing, electrical, furniture, fixtures, mechanical systems, or interior changes to comply with the current building code such as handicap accessibility.	4.6.3.2	Minor Site Plan Review Procedures	New language for procedures of Minor Site Plan Review. These procedures are the same that are currently adopted under CPDC rules and regulations.
	b The proposed change in use is in the same use category.		The Applicant shall submit to the CPDC through the Town Planner's office, one electronic copy and eight (8) sets plans showing the following:	
	c The property has been developed according to a full site plan review and approval within the past five years.		1. A written narrative explaining the proposed changes;	
	If the Community Planning and Development Commission or Town Planner does not act within 60 days of receiving a complete Minor Site Plan Review Project request, the request shall be deemed granted.		2. Photographs of the existing site or area to be altered; and	
			3. A rendering, site plan, plot plan or sketch.	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
			For Minor Site Plan Review by the CPDC, the Applicant shall also submit stamped addressed envelopes for the abutter notification. The Application and abutter envelopes are due at least two (2) weeks prior to the scheduled meeting.	New language for procedures of Minor Site Plan Review. These procedures are the same that are currently adopted under CPDC rules and regulations.
			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.	
			Projects subject to a Minor Site Plan Review may be eligible for administrative approval and may bypass CPDC review if the Town Planner in accordance with Sections 4.6 determines, pursuant to regulations issued in accordance with Section 4.6.3.1, that the proposed construction, expansion or alteration will not result in any adverse impact on surrounding areas.	
4.3.3.10	Appeal	4.6.10	Appeal	
	The appeal of any decision of the CPDC hereunder shall be made in accordance with the provisions of Mass. Gen. L. Chapter 40A. Section 17.		Any person aggrieved by a decision of the CPDC pursuant to Section 4.6 may appeal such decision to the Zoning Board of Appeals within twenty (20) days of the date filed with the Town Clerk.	Minor re-word. No change to intent.
4.3.3.12	Waiver of Loading Zone Space Requirements	4.6.3.3	Waiver of Loading Zone Space Requirements	
	The Community Planning and Development Commission may waive the requirements of 6.1.1.3 as to the number of loading zone spaces, provided there is no adverse impact in the areas described in Section 4.3.3.6, or take any other action with respect thereto.		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.	Minor re-word. No change to intent.
4.3.3.13	Waiver of Parking, Loading Space and Related Design Requirements in the Business C District	4.6.3.4	Waiver of Parking, Loading Space and Related Design Requirements in the Business C District	

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
	Upon the applicant's request and submission of supporting documentation, the community Planning and Development Commission may waive or reduce the requirements under Section 6.1.1.3 and Section 6.1.2, provided there is no adverse impact in the areas described in Section 4.3.3.6.		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 C District upon a finding that there will be no adverse impact on surrounding areas.	Minor re-word. No change to intent.
		4.6.9	Modifications to Approved Site Plan	
		4.6.9.1	If, at any time before or during development, it becomes necessary or desirable to make modifications to a Site Plan, the Applicant shall appear at a regular meeting of the CPDC and submit, if required by the CPDC, plans showing the modification. Modification requests shall be processed in accordance with the rules governing Site Plan Review unless, upon review and determination by the Town Planner that the proposed changes qualify as a Minor Modification pursuant to Section 4.6.9.2 may be granted administrative approval; provided, however, that the following changes shall not be deemed to qualify as a Minor Modification: A. Any relocation or shifting of structures or parking areas; B. Any increase in the gross floor area of structures or any changes to the building envelope; C. Any change that requires additional water or sewer usage or the relocation of water and sewer utilities; D. Any increase in impervious areas, either by changes to structures or paved parking areas; E. Substantial changes to the approved architectural drawings, including changes in building materials and color. A meeting with the Town Planner prior to filing a modification request is recommended.	Added to be clear of the requirements for modifications to the approved Site Plan. Currently, there is no language pertaining to this in the bylaw, however, this language is written into the decisions in current practice.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
		4.6.9.2	A proposed change may qualify for administrative approval as a Minor Modification if it would not substantially alter the concept of the approved Plan in terms of the qualities of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points, and minor changes in site layout, topography, architectural plans, landscaping plan, traffic circulation, parking, lighting plan, signage or open space.	Added to be clear of the requirements for modifications to the approved Site Plan. Currently, there is no language pertaining to this in the bylaw, however, this language is written into the decisions in current practice
		4.6.9.3	Upon approval of a Site Plan Modification, the applicant shall submit one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector, of the modified plan, as well as a letter issued by a registered professional engineer, registered architect or registered landscape architect certifying, under pains and penalties of perjury, that the modified plan is consistent in all aspects with the approved modification and that all conditions of approval have been satisfied.	
		<u>4.6.10</u>	<u>Appeal</u>	See page 21.

	No changes or minor changes			
	Deleted			
	New			
Section	Existing	Section	Proposed	Change
8	APPLICABILITY	12	APPLICABILITY AND SEVERABILITY	New Title
8.1	<u>Effective Date</u>			
	This Bylaw shall take effect upon its approval by the Town Meeting and publication according to law.			This has been deleted as it is assumed.
8.2	<u>Other Regulations</u>			Deleted
	Reserved			Deleted
8.3	<u>Invalidity</u>	12.1	<u>Severability</u>	New
	In the event that any provision of this Bylaw shall be determined to be invalid by a Court of competent jurisdiction, the remaining provisions of this Bylaw not manifestly inseparable from the invalid provisions shall continue in force.		If any provision of the Zoning Bylaw shall be found invalid for any reason in a court of competent jurisdiction, such invalidity shall be construed as narrowly as possible, and the balance of the Zoning Bylaw shall be deemed to be amended to the minimum extent necessary, so as to secure the purposes thereof, as set forth in Section 1.0.	New. This provision holds that the bylaw will stand alone should a section or provision is found invalid for any reason in court or other jurisdiction.
9	ADOPTION AND AMENDMENT			Deleted as this is understood by state statute.
	This Bylaw from time to time may be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws			Deleted as this is understood by state statute.