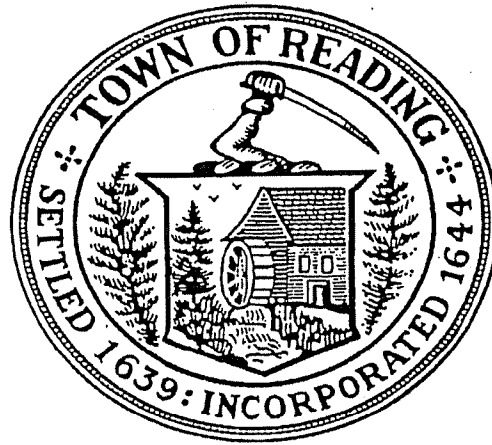


**Town of
Reading
Massachusetts**



**Report on the Warrant
Special Town Meeting
November 30, 2009**

**SPECIAL TOWN MEETING
NOVEMBER 30, 2009
TABLE OF CONTENTS**

<u>Article</u>	<u>Title</u>	<u>Sponsor</u>	<u>Page #</u>
1	Reports	Board of Selectmen	2
2	Instructions	Board of Selectmen	2,3
3	Amend Capital Improvements Program FY 2010 - FY 2019	Board of Selectmen	3
4	Amend FY 2010 Budget	Finance Committee	3
5	Amend Zoning By-Laws and Zoning Map by adding a new Section 4.12, Downtown Smart Growth District	CPDC	3-23
	APPENDIX		
	Article 5 Recommendation from Economic Development Committee		25,26
	Conduct of Town Meeting		27-34

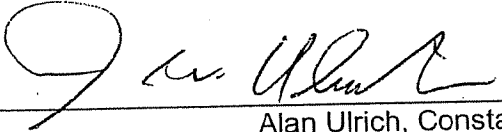
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Officer's Return, Reading:

By virtue of this Warrant, I, on ~~October~~ 27, 2009 notified and warned the inhabitants of the Town of Reading, qualified to vote on Town affairs, to meet at the place and at the time specified by posting attested copies of this Town Meeting Warrant in the following public places within the Town of Reading:

- Precinct 1 J. Warren Killam School, 333 Charles Street
- Precinct 2 Peter Sanborn Place, 50 Bay State Road
- Precinct 3 Reading Police Station, 15 Union Street
- Precinct 4 Joshua Eaton School, 365 Summer Avenue
- Precinct 5 Town Hall, 16 Lowell Street
- Precinct 6 Austin Preparatory School, 101 Willow Street
- Precinct 7 Reading Library, Local History Room, 64 Middlesex Avenue
- Precinct 8 Wood End School, 85 Sunset Rock Lane

The date of posting being not less than fourteen (14) days prior to November 30, 2009, the date set for the Special Town Meeting in this Warrant.


Alan Ulrich, Constable

A true copy. Attest:


Laura Gemme, Town Clerk

**SPECIAL TOWN MEETING
(Seal)
COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

To any of the Constables of the Town of Reading, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Reading, qualified to vote in elections and Town affairs, to meet at the Reading Memorial High School Auditorium, 62 Oakland Road, in said Reading, on Monday, November 30, 2009, at seven-thirty o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by Town Meeting Members in accordance with the provisions of the Reading Home Rule Charter.

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

Board of Selectmen

Background: This Article appears on the Warrant for all Town Meetings. At this Special Town Meeting, there are no known reports to be given under this Article.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

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

Board of Selectmen

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

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 3 To see if the Town will vote to amend the FY 2010 – FY 2019, Capital Improvements Program as provided for in Section 7-7 of the Reading Home Rule Charter, or take any other action with respect thereto.

Board of Selectmen

Background: This Article appears on the Warrant of all Town Meetings. There are no known amendments to the Capital Improvements Program at this time.

Finance Committee Report: No report.

Bylaw Committee Report: No report.

ARTICLE 4 To see if the Town will vote to amend one or more of the votes taken under Article 14 of the April 27, 2009 Annual Town Meeting relating to the Fiscal Year 2010 Municipal Budget, as amended under Article 4 of the November 9, 2009 Subsequent Town Meeting, and see what sum the Town will raise by borrowing or transfer from available funds, or otherwise, and appropriate as the result of any such amended votes for the operation of the Town and its government, or take any other action with respect thereto.

Finance Committee

Background: It is possible that the Northeast Metropolitan Regional Vocational School District may vote yet another budget prior to December 1st and if so, it is desirable to have at least five communities of the 12 in the Vocational School District vote on that latest budget amendment. We will not necessarily know whether or not they have voted a budget until just prior to the November 30th Special Town Meeting.

Finance Committee Report: Action pending.

Bylaw Committee Report: No report.

ARTICLE 5 To see if the Town of Reading will vote to amend the Zoning By-Laws and Zoning Map by adding to Section 4.0, Use Regulations, a new Section 4.12. entitled Downtown Smart Growth District (DSGD) to read as follows:

4.12. DOWNTOWN SMART GROWTH DISTRICT (“the DSGD”)

4.12.1 Purposes

The purposes of the Downtown Smart Growth District are:

- (1) To provide an opportunity for residential development and to especially encourage mixed-use development, including both new construction and renovation of existing buildings, within a distinctive, attractive and livable environment that supports the commercial revitalization of Downtown Reading.
- (2) To promote continuing development and redevelopment in Downtown Reading that is pedestrian friendly and consistent with Reading history and architecture.
- (3) To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Downtown Reading and provides an environment with safety, convenience and amenity.
- (4) To provide for a diversified housing stock at a variety of costs within walking distance of services and public transportation, including affordable housing and other housing types that meet the needs of the Town's population.
- (5) To generate positive tax revenue for the Town, and to benefit from the financial incentives provided by Mass. Gen. Laws Ch. 40R, while providing the opportunity for new business growth and additional local jobs.
- (6) To encourage preservation and rehabilitation of historic structures and buildings.
- (7) To promote efficient use of land and existing parking supply and limit expansion within the district by encouraging shared parking.
- (8) To encourage adoption of energy efficient building practices and sustainable construction methods.
- (9) To ensure compliance with the Massachusetts Department of Environmental Protection stormwater management policies and practices.

4.12.2 Definitions

As used in this Article, the following terms shall have the meanings set forth below:

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

AFFORDABLE HOMEOWNERSHIP UNIT – A dwelling unit required to be sold to an Eligible Household per the requirements of this Section 4.12.

AFFORDABLE HOUSING RESTRICTION – A deed restriction of an Affordable Unit meeting statutory requirements in Mass. Gen. Laws Ch.184 §31 and the requirements of §4.12.10 of this Article.

AFFORDABLE RENTAL UNIT – A dwelling unit required to be rented to an Eligible Household per the requirements of §4.12.10.

AFFORDABLE UNIT – The collective reference to Affordable Homeownership Units and Affordable Rental Units.

ANNUAL UPDATE – A list of all approved and currently proposed Smart Growth Districts within the Town of Reading, to be filed on or before July 31st of each year with the Massachusetts Department of Housing and Community Development pursuant to Mass. Gen. Laws Ch. 40R and applicable regulations.

APPLICANT – A landowner or other petitioner who files a plan for a Development Project subject to the provisions of this Section 4.12.

APPROVING AUTHORITY (AA) – The Community Planning and Development Commission (CPDC) of the Town of Reading acting as the authority designated to review projects and issue approvals under this Section 4.12.

AA REGULATIONS – The administrative rules and regulations adopted by the AA pursuant to Section 4.12.11.

AS-OF-RIGHT DEVELOPMENT – A Development Project allowable under this Section 4.12 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this Section 4.12 shall be considered an As-of-right Development.

CONSUMER SERVICES – A barber shop, dry cleaning or laundry establishment, photographer's shop or studio or similar business where service is provided directly on the premises.

DESIGN STANDARDS – The document entitled Downtown Smart Growth District Design Standards and Guidelines, dated October 2, 2009 and approved by the Massachusetts Department of Housing and Community Development on October 31, 2009, as amended, pursuant to Mass. Gen. Laws Ch. 40R § 10 and applicable regulations. Said Design Standards shall be applicable to all Development Projects within the DSGD that are subject to Plan Review by the Approving Authority.

DEVELOPMENT PROJECT or PROJECT – A residential or mixed use development undertaken under this Section 4.12. A Development Project shall be identified as such on the Plan which is submitted to the Approving Authority for Plan Review.

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.

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

FAMILY – One (1) or more persons occupying a dwelling unit as a single house-keeping unit. Domestic employees may be housed on the premises without being counted as a family or families.

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, GROSS – The sum of the gross areas of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include the following:

- (1) Basement space having at least one-half the floor-to-ceiling height below grade, rated as non-habitable by applicable building code.
- (2) Accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard).
- (3) Attic space having a floor-to-ceiling height less than seven feet, rated as non-habitable by applicable building code.
- (4) Exterior balconies.
- (5) Uncovered steps, landings, and ramps.
- (6) Inner courts open to the sky.

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

INSTITUTIONAL USE – A non-profit or quasi-public use or institution, such as a church, library, public or private school, municipally owned or operated building, structure or land, used for public purpose.

MIXED-USE DEVELOPMENT PROJECT – A Development Project containing a residential Principal Use and one or more Non-Residential, Secondary Uses as specified in Section 4.12.5.1, provided that, in newly constructed buildings, separate and distinct building entrances are provided for residential and non-residential uses.

MONITORING AGENT – An entity designated by the Reading Board of Selectmen, which may be the Reading Housing Authority or other qualified housing entity, with the power to monitor and to enforce compliance with the provisions of this By-Law related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the DSGD (See Section 4.12.10.6).

MULTI-FAMILY RESIDENTIAL – A building containing four or more residential dwelling units designed for occupancy by the same number of families as the number of dwelling units.

NON-RESIDENTIAL USE – Office, Retail, Restaurant, Service or Institutional Use, inclusive, or some combination of the same.

OFFICE – A place for the regular performance of business transactions and services, generally intended for administrative, professional and clerical activities, including a medical or dental office or health clinic.

PLAN – A plan depicting a proposed Development Project for all or a portion of the Downtown Smart Growth District and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of this Section 4.12.

PLAN APPROVAL – The Approving Authority's authorization for a proposed Development Project based on a finding of compliance with this Section 4.12 and Design Standards after the conduct of a Plan Review.

PLAN REVIEW – The review procedure established by this Article and administered by the Community Planning and Development Commission of the Town of Reading as the Approving Authority.

RESTAURANT – Any business establishment principally engaged in serving food, drink, or refreshments, whether prepared on or off the premises provided, however, that drive through windows are not allowed.

RESIDENTIAL USE – A building or part of a building containing Dwelling Units as defined herein above and parking that is accessory to the Dwelling Units.

RETAIL USE – Business establishments selling goods and/or services to customers on-site, generally for end use personal, business or household consumption. A reasonable amount of storage consistent with Massachusetts Building Codes of said goods shall also be assumed to be an incidental part of Retail Use.

SMART GROWTH DISTRICT – An Overlay Zoning District adopted pursuant to Mass. Gen. Laws Ch. 40R, in accordance with the procedures for zoning adoption and amendment as set forth in Mass. Gen. Laws Ch. 40A and approved by the Department of Housing and Community Development pursuant to Mass. Gen. Laws Ch. 40R and applicable regulations.

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

UNDULY RESTRICTIVE – A provision of a Smart Growth District or a Design Standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed Development Projects in a Smart Growth District.

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

USE, ACCESSORY – A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use,

and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the Smart Growth District.

USE, PRINCIPAL – The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Section 4.12.

USE, SECONDARY – A use located on the same lot as a Principal Use but which is of equal or lesser scale, impact, and visibility than the Principal Use. A Secondary Use is not an Accessory Use, as it is largely independent from the Principal Use.

4.12.3 Scope and Authority

The Downtown Smart Growth District is established pursuant to the authority of Mass. Gen. Laws. Ch. 40R and applicable regulations, and shall be deemed to overlay the parcels as shown on the Zoning Map of the Town of Reading, as amended. The Applicant shall have the option of applying for Plan Approval pursuant to the zoning controls set forth in this Article or complying with all applicable zoning controls set forth in the Zoning By-Laws of the Town of Reading for the underlying district(s) or for other overlay zoning that may be therein defined. Development Projects proceeding under this Article shall be governed solely by the provisions of this Article and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning and other overlay provisions.

4.12.4 Establishment and Delineation of the DSGD

The Downtown Smart Growth District is an overlay district that is superimposed over the Underlying District. The boundaries are delineated as the "Downtown Smart Growth District" on the Official Zoning Map of the Town of Reading on file in the office of the Town Clerk, said map hereby made a part of the Reading Zoning By-Law.

4.12.5 Allowed and Prohibited Uses

Any use not listed herein as an Allowed Use is deemed prohibited.

4.12.5.1 Allowed Uses

The following uses shall be permitted as-of-right in the DSGD upon Plan Approval pursuant to the provisions of this Article:

- (1) Multi-family Residential
- (2) Office*
- (3) Retail*
- (4) Restaurant*
- (5) Institutional*
- (6) Consumer Service*

*Only as part of a Mixed-Use Development - see Section 4.12.7 below.

In addition to the allowed uses listed above, the following uses are permitted as-of-right for Development Projects within the DSGD subject to the requirements of this Article:

- (7) Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking.
- (8) Accessory uses customarily incidental to any of the above permitted principal uses.

4.12.5.2 Prohibited Uses

The following uses are prohibited in the DSGD:

- (1) Any use which regularly emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.
- (2) Any other use dangerous to persons within or outside the District by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.
- (3) Any use that degrades water quality, reduces groundwater recharge, or increases flooding are prohibited.

4.12.6 Dimensional and Other Requirements

Applications for Plan Approval shall be governed by this Section 4.12 and the Design Standards for the Downtown Smart Growth District.

Building Type	Mixed-Use with Commercial 1 st Floor	Other Mixed-Use or Residential Only
Maximum Floor Area Ratio (FAR) (Gross Floor Area / Lot Size)	3.4	2.4
Minimum Lot Frontage	50 feet	
Maximum Lot Coverage	N/A	
Minimum Lot Area	N/A	
Number of Buildings per lot	N/A	
Maximum Building Frontage	300 feet	
Minimum Front Setback ¹	0 feet	
Maximum Front Setback ¹	10 feet	
Minimum Side/Rear Setback ² abutting a Residential Zone	15 feet	

Minimum Side/Rear Setback ² in DSGD or abutting Business-B	0 feet
Interior Setback (between buildings on same lot)	15 feet

¹ See 7.1.1 of the Design Standards for front façade setback requirements

² See 7.1.2 of the Design Standards for building step-back requirements

4.12.6.1 Residential Density Allowances

The following residential densities shall be allowed on all lots and within all buildings within the DSGD pursuant to the requirements of this Section 4.12:

Multifamily Residential 20 Units per acre

- (a) The Approving Authority may provide a waiver as specified in Section 4.12.12 to allow a density in excess of that stated above.
- (b) The Approving Authority may provide a waiver as specified in Section 4.12.12 to promote the renovation or adaptive reuse of existing buildings.

4.12.6.2 Dimensional Standards and Requirements

The following building heights shall be allowed on all lots within the DSGD, pursuant to the requirements of this Section 4.12:

Multifamily Residential Buildings 33 Feet
 Multifamily Residential Buildings with 45 Feet
 Commercial Uses on the Ground Floor

4.12.6.3 Contiguous Lots

In the DSGD, where two or more lots are contiguous or are separated by a right-of-way, such lots may be considered as one lot for the purpose of calculating maximum lot coverage; parking requirements; minimum useable open space; and dwelling units per acre.

4.12.6.4 Age-Restricted Housing Units

An Applicant may propose a Residential or Mixed-Use Development Project in which all dwelling units are designed for or are accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this Section 4.12 and the Design Standards.

4.12.7 Mixed-Use Development

Development Projects may include a portion not to exceed 50% of the total gross floor area to be used for non-residential uses including Office, Retail, Restaurant,

Service or Institutional Uses; provided that office or institutional uses on the ground floor may not utilize more than 33% of the total gross square footage of that floor.

4.12.8 Off-Street Parking and Loading

4.12.8.1 Off-Street Parking

Retail stores, offices and consumer service establishments located within three hundred (300) feet of a public off-street parking facility shall be exempt from off-street parking requirements. In all other cases, off-street parking shall be provided to meet the following minimum requirements:

Retail or Restaurant	0 spaces
Office and Institutional	2 spaces per 1,000 ft.
Residential Units	1 space per unit
Other Non-Residential, less than 2,000 ft	0 spaces
Other Non-Residential, 2,000 ft or more leaseable space in excess of 2,000 ft	1 space per 2,000 ft.

As indicated above, off-street parking is not required for Other Non-Residential uses in the district unless such use exceeds 2,000 square feet of net floor area.

4.12.8.2 Off-Street Loading and Delivery

Front door and on-street deliveries are not allowed for non-residential establishments on Main and Haven Streets. Off-street loading spaces shall be provided to meet or exceed the following minimum requirements:

Restaurant:	1 space per 2,000 ft.
leaseable space in excess of 2,000 ft.	
Other allowed Secondary Use:	1 space per 5,000 ft.
leaseable space in excess of 2,000 ft.	

The Approving Authority may waive the loading space requirement if the Applicant provides a plan proving that the loading space is not needed or can be shared.

4.12.8.3 Location of Parking

Any surface parking lot shall, to the maximum extent feasible, be located at the side or rear of a building, relative to any public right-of-way, public open space, or pedestrian way. In no case shall surface parking for new construction be permitted within the required front yard setbacks.

4.12.8.4 Waiver of Parking Requirements

The Approving Authority may grant a Plan Approval making such modifications in the standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in the DSGD. The Approving Authority may impose conditions of use or occupancy appropriate to such modifications.

4.12.8.5 Shared Use of Required Parking

Shared use may be made of required parking spaces by intermittent use establishments, for example, churches, assembly halls or theaters, whose peak parking demand is only at night or on specific days of the week; by other uses whose peak demand is only during the day; or in public parking lots. At the time of application, a formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such shared use is not overlapping or in conflict, and the duration of the agreement.

The applicant shall demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other industry established studies on shared parking).

4.12.8.6 Cooperative Establishment and Operation of Parking Areas

Required spaces for any number of uses may be provided in a combined lot or lots (public or private), provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within 600 feet of the principal buildings served.

4.12.8.7 Visitor Parking

The Approving Authority may allow for additional visitor parking beyond the minimum required spaces per unit if deemed appropriate given the design, layout and density of the proposed Development Project.

4.12.8.8 Parking Design

Parking shall be designed and constructed to comply with all applicable disability access requirements including but not limited to the Americans with Disabilities Act (ADA) and 521 CMR.

4.12.9 Open Spaces and Recreational Areas

The site design for Development Projects may include common open space and facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for Plan Approval within the DSGD shall show the general location, size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the Approving Authority shall include a description of proposed ownership and maintenance provisions of all common open space and facilities and, if requested by the Approving Authority, any necessary restrictions or easements designed to preserve the open space and recreational areas from future development. Upon consideration of the above information, the Approving Authority may approve a waiver as provided for in Section 4.12.12 for a front setback to allow for common open space or facilities.

4.12.10 Affordable Housing

Affordable Units shall comply with the following requirements:

- (1) The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, except in the event of an Eligible Household with a Section 8 voucher in which case program rent limits shall apply.
- (2) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one.
- (3) Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4.12.10.1 Number of Affordable Units

Twenty percent (20%) of all dwelling units constructed in a Development Project shall be Affordable Units. Provided however, for Development Projects in which all of the dwelling units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the dwelling units shall be Affordable Units, whether the dwelling units are Rental Units or Ownership Units.

4.12.10.2 Fractional Units

When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.

4.12.10.3 Design and Construction

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

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

4.12.10.4 Unit Mix

The total number of bedrooms in the Affordable Units shall be at least proportionate to the total number of bedrooms in all units of the Project of which the Affordable Units is part.

4.12.10.5 Affordable Housing Restriction

Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the County Registry of Deeds or Land Court Registry District of the County. All Affordable Housing Restrictions must include, at minimum, the following:

- (a) A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Development or portion of a Development which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Development or the rental portion of a Development without specific unit identification.
- (b) The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period customarily allowed by law but shall be no less than thirty (30) years.
- (c) The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.
- (d) Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for local preferences in resident selection. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
- (e) A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.
- (f) Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.
- (g) A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the Monitoring Agent.
- (h) Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent.

- (i) Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town of Reading, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.
- (j) Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the provisions of this Section 4.12.10 and containing such other information as may be reasonably requested in order to ensure affordability.
- (k) Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the Town of Reading, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.
- (l) A requirement that residents in Affordable Units provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.
- (m) Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

4.12.10.6 Administration

The Monitoring Agent shall ensure the following (See Section 4.12.2 Definitions):

- (a) Prices of Affordable Homeownership-Units are properly computed; rental amounts of Affordable Rental Units are properly computed.
- (b) Income eligibility of households applying for Affordable Units is properly and reliably determined.
- (c) The housing marketing and resident selection plan conforms to all requirements and is properly administered.
- (d) Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
- (e) Affordable Housing Restrictions meeting the requirements of this section are recorded with the Middlesex County Registry of Deeds or Land Court Registry District of Middlesex County.

In the case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the Approving Authority or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Reading Board of Selectmen.

4.12.10.7 Costs of Housing Marketing and Selection Plan

The housing marketing and selection plan shall make provision for payment by the owner of reasonable costs to the Monitoring Agent and the owner shall pay reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

4.12.11 Plan Approval Procedures

The Approving Authority (AA) shall adopt and file with the Town Clerk Administrative Regulations relative to the application requirements and contents for Plan Review, subject to approval by the Massachusetts Department of Housing and Community Development. Plan approval procedures shall be as follows:

4.12.11.1 Pre-Application Requirements

Prior to the submittal of a Plan for Plan Approval, a "Concept Plan" may be submitted to help guide the development of the definitive submission for project build out. Such Concept Plan shall reflect the following:

- (a) Overall building envelope areas
- (b) Open space and natural resource areas
- (c) General site improvements, drainage plans, groupings of buildings and proposed land uses
- (d) Anticipated parking spaces and locations
- (e) Site vehicular access

The Concept Plan is intended to be used as a tool for both the Applicant and the Approving Authority to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the DSGD.

4.12.11.2 Application Procedures

All Projects are subject to Plan Approval.

- (1) Submittal

An application for Plan Approval shall be submitted to the AA on the form provided by the Authority, along with the application fees set forth in the administrative regulations. The application shall be accompanied by such plans and other documents as required by the AA as well as any materials required to verify compliance with any of the provisions of this Section 4.12. All plans shall be prepared by certified architects or engineers as required by the Massachusetts Building Code.

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

- Evidence that the Development Project complies with the cost and eligibility requirements of Section 4.12.10;
- Development Project plans that demonstrate compliance with the design and construction standards of Section 4.12.10.3; and
- A form of Affordable Housing Restriction that satisfies the requirements of Section 4.12.10.5.
- Review Fees: The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Approving Authority. Such fees shall be held by the Town of Reading in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

(3) Circulation to Other Boards

Upon receipt of the application, the AA shall immediately provide a copy of the application materials to all relevant municipal Boards, Departments, Commissions, Officials as determined by the AA and, if the project is subject to Affordability requirements, the Monitoring Agent. These entities shall provide any written comments within 60 days of receipt of the plan and application.

(4) Public Hearing

The Approving Authority shall hold a public hearing and review all applications according to the procedure specified in Mass. Gen. Laws Ch. 40A § 11.

(5) Criteria for Plan Approval

The Approving Authority shall approve the Development Project upon the following findings:

- a. The Applicant has submitted the required fees and information as set forth in applicable Regulations; and
- b. The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section 4.12, applicable Design Standards and the AA regulations, or a waiver has been granted there from; and

- c. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to Affordability requirements, compliance with Condition b. above shall include written confirmation by the Monitoring Agent that all Affordability requirements have been satisfied.

(6) Criteria for Plan Denial

A Plan Approval application may be disapproved only where the Approving Authority finds that:

- a. The applicant has not submitted the required fees and information as set forth in the regulations; or
- b. The Project as described in the application does not meet all the requirements and standards set forth in this Section 4.12, applicable Design Standards and the AA Regulations, or that a required waiver there from has not been granted; or
- c. It is not possible to adequately mitigate significant project impacts on nearby properties by means of suitable conditions.

(7) Time Limit

The decision of the AA shall be made, and written notice of the decision filed with the Town Clerk within 120 days of receipt of the Application by the Town Clerk. This time may be extended by mutual agreement between the AA and the Applicant by written agreement filed with the Town Clerk. Failure of the AA to take action within said 120 days or the extended time shall be deemed an approval of the Plan Approval application.

4.12.12 Waivers

Upon request of the Applicant, the Approving Authority may waive dimensional and other requirements, including design standards, with conditions, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the DSGD and the Reading Master Plan, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses and/or physical character allowed under this Section 4.12. Notwithstanding anything to the contrary in this Zoning By-Law, the Affordability provisions of Section 4.12.10 shall not be waived. The Approving Authority will take into consideration the following items when considering a waiver:

- 1) High performance energy efficient buildings and construction methods.
- 2) Projects with publicly accessible open space.
- 3) Projects that include retail and restaurants located on street level.
- 4) A demonstrated shared parking initiative that makes efficient use of land and existing parking supply.

- 5) The preservation or rehabilitation of historic properties or other buildings considered significant to the Town.

4.12.13 Plan Changes After Approval by Approving Authority

4.12.13.1 Minor Plan Changes

After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Approving Authority on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Approving Authority. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

4.12.13.2 Major Plan Changes

Those changes deemed by the Approving Authority to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Approving Authority as a new application for Plan Approval pursuant to this Section 4.12.

4.12.14 Fair Housing Requirement

All Development Projects within the DSGD shall comply with applicable federal, state and local fair housing laws.

4.12.15 Project Phasing

The Approving Authority may allow a Project to be phased at the request of the applicant or to mitigate any extraordinary adverse impacts on nearby properties. For projects that are approved and developed in phases, the proportion of Affordable units shall be consistent across all phases and the proportion of Existing Zoned Units to Bonus units (as those terms are defined in 760 CMR 59.00 shall be consistent across phases.

4.12.16 Decisions

The Approving Authority shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected and the plans that were the subject of the decision and certifying that a copy of the decision has been filed with the Town Clerk. If 20 days have elapsed after the decision has been filed with the Town Clerk without an appeal having been filed, or if such appeal having been filed is dismissed or denied, the Town Clerk shall so certify on a copy of the

decision. A copy of said decision shall be filed with the Middlesex South District Registry of Deeds.

A Plan Approval shall remain valid and run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate an appeal and which time shall be extended if the project proponent is actively pursuing other required permits or there is other good cause for failure to commence. The Approving Authority may require the posting of a performance bond to secure and/or screen a Development Project site in the event that demolition is undertaken but subsequent work lapses, for any reason within or outside the applicant's control, for a period longer than one year.

4.12.17 Date of Effect

The effective date of this By-Law shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of Section 5 of Chapter 40A of the General Laws and Chapter 40R of the General Laws; provided, however, that an Applicant may not proceed with construction pursuant to this By-Law prior to the receipt of final approval of this By-Law and accompanying Zoning Map by both the Department of Housing and Community Development and the Office of the Massachusetts Attorney General.

4.12.18 Severability

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected but remain in full force. The invalidity of any provision of this Section 4.11 shall not affect the validity of the remainder of the Town's Zoning By-Law.

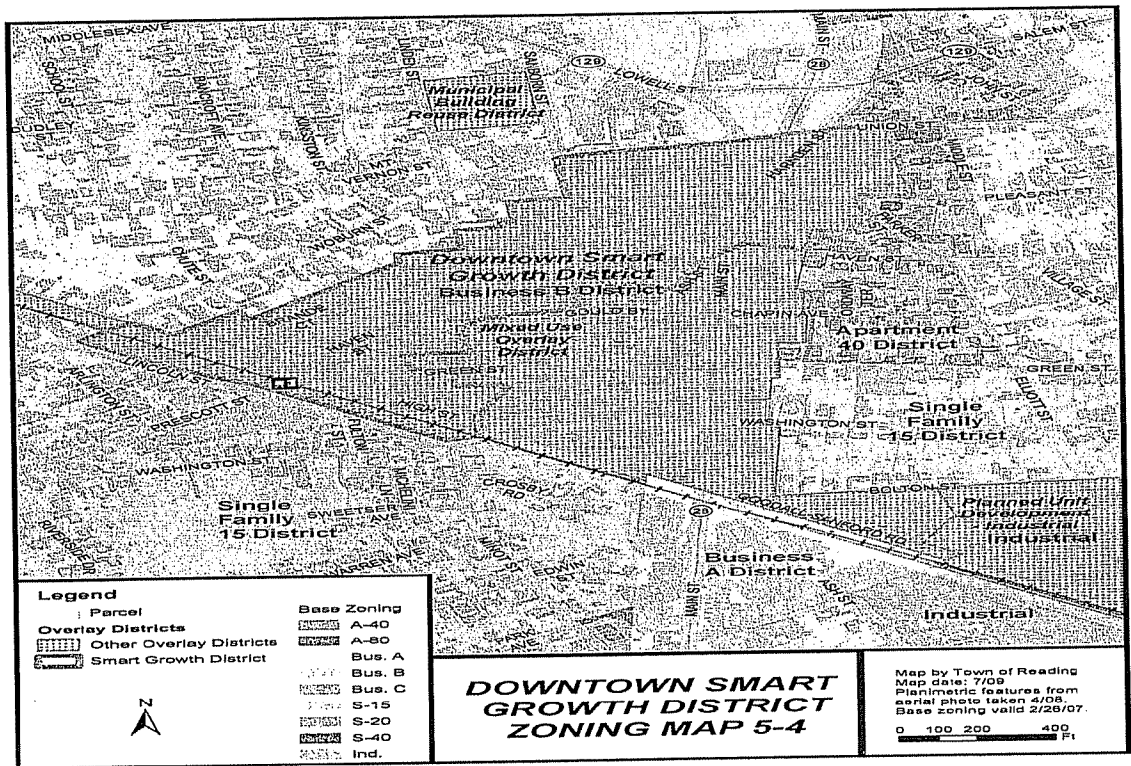
4.12.19 Amendments to Design Standards

The AA may adopt, by majority vote, amendments to the Design Standards. Any amendment to the Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require any amendment to the Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

Before adopting any Design Standard, the AA shall submit the proposed Design Standard to DHCD for approval. Any amendment to the Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk.

An application for Plan Approval that has been submitted to the Town Clerk pursuant to this Section 4.12 shall not be subject to any Design Standard that has not been approved by DHCD and filed with the Town Clerk.

And to see if the Town will vote to amend the Zoning Map of the Town of Reading as follows:



or take any other action with respect thereto.

Community Planning and Development Commission

Background:

The 2005 Master Plan outlines goals for the community including Downtown revitalization through expanding housing and mixed use in the Downtown area. The Master Plan's Housing Chapter directs the Community Planning and Development Commission (CPDC) to develop Mixed-Use Zoning in the Downtown. Creating affordable housing through rehabilitation and reconstruction of existing buildings is suggested. The plan recommends that new developments be consistent with Reading's character and identity and be designed to help meet State mandated affordable housing goals.

Existing Downtown zoning restricts property owners who wish to expand uses and rehabilitate or develop properties. The underlying zoning for Downtown, Business B, allows business uses only. Residential use is not allowed under Business B zoning. A mixed-use overlay district which allows residential uses was adopted some years ago, and that is problematic as well, and has never been used.

In an effort to address zoning hurdles noted above, as well as promote redevelopment of key properties Downtown, a 40R Downtown Smart Growth District (DSGD) has been developed as a zoning tool to make Downtown more viable. The proposed DSGD allows housing and mixed use by right in the Downtown core (see map above). The 40R district is an overlay district that is optional, comprised of approximately 25.76 acres.

Chapter 40R Smart Growth Districts are State approved designated zoning districts. They are generally found in locations that have existing infrastructure, existing business development, and are close to transportation. Smart Growth districts allow for higher densities than the underlying zoning allows and promote mixed use.

The DSGD Application was submitted to the Massachusetts Department of Housing and Community Development (DHCD) by a vote of the Board of Selectmen in July, 2009. DHCD approved Reading's Smart Growth bylaw and design standards in a letter of eligibility dated October 16, 2009.

At full build out, 256 housing units could be developed in downtown. This assumes that every parcel in the DSGD is built to its maximum density, including properties that are unlikely to be developed – like the US Post Office, the Masonic Hall, etc. A more realistic development potential is 175 housing units built over some considerable period of time as properties might be re-developed. In the short-term, the only properties that are likely to be redeveloped are the former Atlantic property and the MF Charles property, and the potential residential development there could yield a maximum of 65 residential units.

MGL Chapter 40R requires that 20% of the total housing units be affordable. Affordable housing is defined as households earning under 80% of the area median income. In Reading 80% of median income for a family of 4 is \$67,400. The affordability restriction will help the Town attain a level of 10% affordable housing stock. At full build-out, 51 affordable units would be added to the Town's Subsidized Housing Inventory (SHI). Communities that have met this 10% threshold are not vulnerable to 40B (comprehensive permit) requests that by-pass local zoning.

The (CPDC) has been working on the DSGD bylaw and accompanying design guidelines for the past two (2) years. CPDC's publicly posted and televised meetings have allowed for transparency during the development of the DSGD. On March 9, 2009, CPDC held a widely advertised public forum. On July 13, 2009, a combined Board of Selectmen/CPDC joint public hearing was also held to get comments on the proposal.

The benefits of the DSGD are:

- A tool for Downtown revitalization;
- Allows housing by right – promotes housing diversity (affordable housing);
- Promotes mixed-use (1st floor retail; housing above);
- Uses existing infrastructure for new development;
- Requires design standards; CPDC would review **ALL** proposed projects in the district;
- Additional residents living in downtown will create a positive economic spin off effect on businesses in Downtown;
- Reduces pressure to spread out Downtown;
- Maximizes use of land and existing infrastructure;

- Ensures quality site planning through plan review and design guidelines;
- Qualifies for State financial incentives and gives Town priority for State grants.

If Town Meeting approves the Downtown Smart Growth District (DSGD), the State is expected to issue their final approval in January of 2010. Without approval of the DSGD, the underlying zoning Downtown would remain which does not support residential or mixed use. The difficulty meeting the requirements of the Mixed Use overlay district would stall the re-use of projects such as the former Atlantic Supermarket, MF Charles Building and others.

Finance Committee Report: Action pending.

Bylaw Committee Report: Action pending.

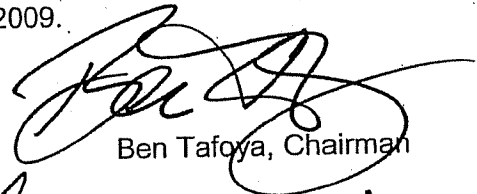
CPDC Report: The CPDC held a hearing on this Article on November 2, and will be taking action on their recommendations on November 23. The details of the report will be given at Town Meeting on November 30.

Economic Development Committee Report: See the report in the Appendix of this Warrant Report.

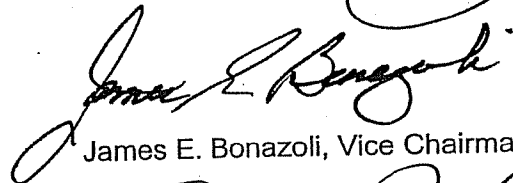
and you are directed to serve this Warrant by posting an attested copy thereof in at least one (1) public place in each precinct of the Town not less than fourteen (14) days prior to November 30, 2009, the date set for the meeting in said Warrant, and to publish this Warrant in a newspaper published in the Town, or providing in a manner such as electronic submission, holding for pickup or mailing, an attested copy of said Warrant to each Town Meeting Member.

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

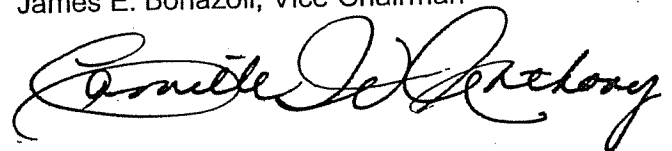
Given under our hands this 20th day of October, 2009.



Ben Tafoya, Chairman



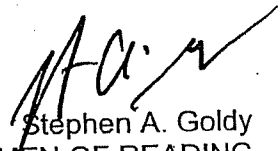
James E. Bonazoli, Vice Chairman



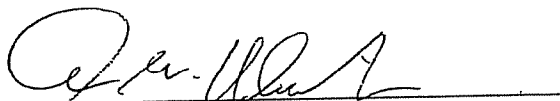
Camille W. Anthony, Secretary



Richard W. Schubert



Stephen A. Goldy
SELECTMEN OF READING



Alán Ulrich, Constable



**Town of Reading
16 Lowell Street
Reading, MA 01867-2683
ECONOMIC DEVELOPMENT COMMITTEE**

05 November 2009

TO: Board of Selectmen, Community Planning and Development Commission (CPDC)
FROM: Economic Development Committee (EDC)
RE: Article 5 Recommendation

The Economic Development Committee at its meeting on October 21, 2009 voted to recommend the passage of Article 5 of the Special Town Meeting to be held on November 30, 2009.

The EDC believes that this article relative to Smart Growth 40R is the best path to encourage economic development in the town consistent with the goals of the Master Plan and with the vision of the Downtown as expressed by the EDC and by the CPDC.

The EDC notes that the three most significant potential developments under consideration in the town have been 40R Smart Growth Projects. This certainly indicates the economic feasibility of this zoning change and the willingness of developers to undertake projects within this zoning, despite the uncertainty and the problems in today's real estate market.

The EDC also can not overemphasize the importance of the town's ability to implement design guidelines under this zoning allowing the town to help insure that buildings within this zoning contribute to the desired character of the Downtown and make it a desirable place to shop, visit and do business in.

The introduction of residential units can, in the opinion of the EDC, only enhance the vigor and the vibrancy of the Downtown contributing to the desired image of Reading as a town village.

That the zoning also contributes to the affordable housing shortfall in Reading is a bonus, and begins to alleviate the potential for prime economic real estate being utilized for developments that would neither contribute to economic progress nor necessarily contribute to the character of Reading.

The EDC strongly recommends that the Board of Selectmen and the CPDC support the subject matter of Article 5 and stands ready to work with them on moving the proposed zoning forward.

Respectfully submitted,

Economic Development Committee
Meghan Young-Tafoya, Chair, Sheila Clarke, Vice Chair, Russ T. Graham, George Rio and
Michele Williams

CONDUCT OF TOWN MEETING

Reading's Town Meeting is conducted in accordance with the rules set down in Article 2 of the Charter and the General Bylaws. Although Town Meeting Time Third Edition is the basic source, a Town Meeting Member need only be familiar with what is contained in the Charter. These notes are intended to outline the major points all Town Meeting Members should know, and which by knowing will make Town Meeting more understandable.

ORGANIZATION

- ◆ Town Meeting consists of 192 elected members, of which 97 constitute a quorum.
- ◆ There are two required sessions: The Annual Meeting in Spring which is primarily for fiscal matters and acceptance of the annual budget, and the Subsequent Meeting in November. Special Town Meetings may be called at any time that the need arises.
- ◆ There are three main committees which review certain Articles and advise Town Meeting of their recommendations:

Finance for all expenditures of funds, Bylaw for all bylaw changes, and the Community Planning and Development Commission for all zoning changes.

Their reports are given prior to discussing the motion.

GENERAL RULES OF PROCEDURE

- ◆ The Meeting is conducted through the Warrant Articles which are presented (moved) as motions. Only one motion may be on the floor at a time; however, the motion may be amended. Often two or more Articles which address the same

subject may be discussed together; however, only one is formally on the floor, and each when moved is acted upon individually. Note that the vote on one may influence the others.

- ◆ Members who wish to speak shall rise, state their name and precinct in order to be recognized.
- ◆ A Member may speak for ten (10) minutes but permission must be asked to exceed this limit.
- ◆ Seven (7) Members can question a vote and call for a standing count, and twenty (20) can ask for a roll call vote; however, a roll call vote is seldom used because of the time it takes.

PRINCIPAL MOTION ENCOUNTERED AT TOWN MEETING

The following motions are the principal ones used in most cases by Town Meeting to conduct its business. Experience shows that the Members should be familiar with these.

- ◆ **Adjourn:** Ends the sessions, can be moved at any time.
- ◆ **Recess:** Stops business for a short time, generally to resolve a procedural question or to obtain information.

- ◆ **Lay on the Table:** Stops debate with the intention generally of bringing the subject up again later. May also be used to defer action on an Article for which procedurally a negative vote is undesirable. Note that tabled motions die with adjournment.
- ◆ **Move the Previous Question:** Upon acceptance by a two-thirds (2/3) vote, stops all debate and brings the subject to a vote. This is generally the main motion, or
 - ◆ The most recent amendment, unless qualified by the mover. The reason for this as provided in Robert's Rules of Order is to allow for other amendments should they wish to be presented.
- ◆ **Amend:** Offers changes to the main motion. Must be in accordance with the motion and may not substantially alter the intent of the motion. In accordance with Robert's Rules of Order, only one primary and one secondary motion will be allowed on the floor at one time, unless specifically accepted by the Moderator.
- ◆ **Indefinitely Postpone:** Disposes of the Article without a yes or no vote.
- ◆ **Take from the Table:** Brings back a motion which was previously laid on the table.
- ◆ **Main Motion:** The means by which a subject is brought before the Meeting.

THE FOLLOWING MOTIONS MAY BE USED BY A MEMBER FOR THE PURPOSE NOTED:

- ◆ **Question of Privilege:** Sometimes used to offer a resolution. Should not be used to "steal" the floor.
- ◆ **Point of Order:** To raise a question concerning the conduct of the Meeting.
- ◆ **Point of Information:** To ask for information relevant to the business at hand.

MULTIPLE MOTIONS
SUBSEQUENT (MULTIPLE) MOTIONS

If the subsequent motion to be offered, as distinct from an amendment made during debate, includes material which has previously been put to a vote and defeated, it will be viewed by the Moderator as reconsideration and will not be accepted. If the subsequent motion contains distinctly new material which is within the scope of the Warrant Article, then it will be accepted. An example of this latter situation is successive line items of an omnibus budget moved as a block.

SUBJECT TO THE FOLLOWING CONSIDERATIONS

- ◆ The maker of any proposed multiple motion shall make their intent known, and the content of the motion to be offered shall be conveyed to the Moderator - prior to the initial calling of the Warrant Article.
- ◆ Once an affirmative vote has been taken on the motion then on the floor - no further subsequent alternative motions will be accepted. (Obviously does not apply to the budget, for example.)

- ◆ Also - There can only be one motion on the floor at any one time. You have the ability to offer amendments to the motion that is on the floor. You also have the ability to move for reconsideration.

TOWN OF READING BYLAWS
ARTICLE 2: TOWN MEETINGS

2.1 General

Section 2.1.1

The Annual Town Meeting shall be held on the third Tuesday preceding the second Monday in April of each year for the election of Town Officers and for other such matters as required by law to be determined by ballot. Notwithstanding the foregoing, in any year in which presidential electors are to be elected, the Board of Selectmen may schedule the commencement of the Annual Town Meeting for the same date designated as the date to hold the Presidential Primary.

Section 2.1.2

The polls for the Annual Town Meeting shall be opened at 7:00 a.m. and shall remain open until 8:00 p.m.

Section 2.1.3

All business of the Annual Town Meeting, except the election of such Town officers and the determination of such matters as required by law to be elected or determined by ballot, shall be considered at an adjournment of such meeting to be held at 7:30 p.m. on the second Monday in April, except if this day shall fall on a legal holiday, in which case the Meeting shall be held on the following day or at a further adjournment thereof.

Section 2.1.4

A Special Town Meeting called the Subsequent Town Meeting shall be held on the second Monday in November,

except if this day shall fall on a legal holiday, in which case the Meeting shall be held on the following day.

The Subsequent Town Meeting shall consider and act on all business as may properly come before it except the adoption of the annual operating budget.

Section 2.1.5

Adjourned sessions of every Annual Town Meeting after the first such adjourned session provided for in Section 2.1.3 of this Article and all sessions of every Subsequent Town Meeting, shall be held on the following Thursday at 7:30 p.m. and then on the following Monday at 7:30 p.m. and on consecutive Mondays and Thursdays, unless a resolution to adjourn to another time is adopted by a majority vote of the Town Meeting Members present and voting.

Section 2.1.6

The Board of Selectmen shall give notice of the Annual, Subsequent or any Special Town Meeting at least fourteen (14) days prior to the time of holding said Meeting by causing an attested copy of the Warrant calling the same to be posted in one (1) or more public places in each precinct of the Town, and either causing such attested copy to be published in a local newspaper or providing in a manner such as electronic submission, holding for pickup, or mailing, an attested copy of said Warrant to each Town Meeting Member.

Section 2.1.7

All Articles for the Annual Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 p.m. on the fifth Tuesday preceding the date of election of Town officers unless this day is a holiday in which case the following day shall be substituted.

All Articles for the Subsequent Town Meeting shall be submitted to the Board of Selectmen not later than 8:00 p.m. on the fifth Tuesday preceding the Subsequent Town Meeting in which action is to be taken, unless this day is a holiday, in which case the following day shall be substituted.

Section 2.1.8

The Board of Selectmen, after drawing a Warrant for a Town Meeting, shall immediately deliver a copy of such Warrant to each Member of the Finance Committee, the Community Planning and Development Commission, the Bylaw Committee and the Moderator.

2.2 Conduct of Town Meetings

Section 2.2.1

In the conduct of all Town Meetings, the following rules shall be observed:

Rule 1: A majority of the Town Meeting Members shall constitute a quorum for doing business.

Rule 2: All Articles on the Warrant shall be taken up in the order of their arrangement in the Warrant, unless otherwise decided by a majority vote of the Members present and voting.

Rule 3: Prior to debate on each Article in a Warrant involving the expenditure of money, the Finance Committee shall advise the Town Meeting as to its recommendations and the reasons therefore.

Rule 4: Prior to a debate on each Article in a Warrant involving changes in the Bylaw or Charter, petitions for a special act, or local acceptance by Town Meeting of a State statute, the Bylaw Committee shall advise the Town Meeting as to its recommendations and reasons therefore.

Rule 5: Every person shall stand when speaking, shall respectfully address the Moderator, shall not speak until recognized by the Moderator, shall state his name and precinct, shall confine himself to the question under debate and shall avoid all personalities.

Rule 6: No person shall be privileged to speak or make a motion until after he has been recognized by the Moderator.

Rule 7: No Town Meeting Member or other person shall speak on any question more than ten (10) minutes without first obtaining the permission of the Meeting.

Rule 8: Any non-Town Meeting Member may speak at a Town Meeting having first identified himself to the Moderator. A proponent of an Article may speak on such Article only after first identifying himself to the Moderator and obtaining permission of Town Meeting to speak. No non-Town Meeting Member shall speak on any question more than five (5) minutes without first obtaining the permission of the Meeting. Non-Town Meeting Members shall be given the privilege of speaking at Town Meetings only after all Town Meeting Members who desire to speak upon the question under consideration have first been given an opportunity to do so.

Rule 9: Members of official bodies who are not Town Meeting Members shall have the same right to speak, but not to vote, as Town Meeting Members on all matters relating to their official bodies.

Rule 10: No speaker at a Town Meeting shall be interrupted except by a Member making a point of order or privileged motion or by the Moderator.

Rule 11: Any person having a monetary or equitable interest in any matter under discussion at a Town Meeting and any person employed by another having such an interest, shall disclose the fact of his interest or his employer's interest before speaking thereon.

Rule 12: The Moderator shall decide all questions of order subject to appeal to the meeting, the question on which appeal shall be taken before any other.

Rule 13: When a question is put, the vote on all matters shall be taken by a show of hands, and the Moderator shall declare the vote as it appears to him. If the Moderator is unable to decide the vote by the show of hands, or if his decision is immediately questioned by seven (7) or more members, he shall determine the question by ordering a standing vote and he shall appoint tellers to make and return the count directly to him. On request of not less than twenty (20) members, a vote shall be taken by roll call.

Rule 14: All original main motions having to do with the expenditure of money shall be presented in writing, and all other motions shall be in writing if so directed by the Moderator.

Rule 15: No motion shall be received and put until it is seconded. No motion made and seconded shall be withdrawn if any Member objects. No amendment not relevant to the subject of the original motion shall be entertained.

Rule 16: When a question is under debate, no motion shall be in order except (1) to adjourn, (2) to lay on the table or pass over, (3) to postpone for a certain time, (4) to commit, (5) to amend, (6) to postpone indefinitely or (7) to fix a time for terminating debate and putting the question, and the afore-

said several motions shall have precedence in the order in which they stand arranged in this Rule.

Rule 17: Motions to adjourn (except when balloting for offices and when votes are being taken) shall always be first in order. Motions to adjourn, to move the question, to lay on the table and to take from the table shall be decided without debate.

Rule 18: The previous question shall be put in the following form or in some other form having the same meaning:

"Shall the main question now be put?," and until this question is decided all debate on the main question shall be suspended. If the previous question be adopted, the sense of the meeting shall immediately be taken upon any pending amendments in the order inverse to that in which they were moved except that the largest sum or the longest time shall be put first, and finally upon the main question.

Rule 19: The duties of the Moderator and the conduct and method of proceeding at all Town Meetings, not prescribed by law or by rules set forth in this Article, shall be determined by rules of practice set forth in Town Meeting Time Third Edition except that to lay on the table shall require a majority vote.

Section 2.2.2

It shall be the duty of every official body, by a Member thereof, to be in attendance at all Town Meetings for the information thereof while any subject matter is under consideration affecting such official body.

Section 2.2.3

All committees authorized by Town Meeting shall be appointed by the Moderator unless otherwise ordered by a vote of the Members present and

voting. All committees shall report as directed by the Town Meeting. If no report is made within a year after the appointment, the committee shall be discharged unless, in the meantime, the Town Meeting grants an extension of time. When the final report of a committee is placed in the hands of the Moderator, it shall be deemed to be received, and a vote to accept the same shall discharge the committee but shall not be equivalent to a vote to adopt it.

Section 2.2.4 Motion to Reconsider

2.2.4.1 A motion to reconsider any vote must be made before the final adjournment of the Meeting at which the vote was passed but such motion to reconsider shall not be made at an adjourned meeting unless the mover has given notice of his intention to make such a motion, either at the session of the meeting at which the vote was passed or by written notice to the Town Clerk within twenty-four (24) hours after the adjournment of such session.

When such motion is made at the session of the meeting at which the vote was passed, said motion shall be accepted by the Moderator but consideration thereof shall be postponed to become the first item to be considered at the next session unless all remaining Articles have been disposed of, in which case reconsideration shall be considered before final adjournment. There can be no reconsideration of a vote once reconsidered or after a vote not to reconsider. Reconsideration may be ordered by a vote of two-thirds (2/3) of the votes present.

Arguments for or against reconsideration may include discussion of the motion being reconsidered providing such discussion consists only of relevant facts or arguments not previously presented by any speaker.

2.2.4.2 The foregoing provisions relating to motions to reconsider shall not apply to any such motion made by the Board of Selectmen and authorized by the Moderator as necessary for the reconsideration of actions previously taken by Town Meeting by reason of State or Federal action or inaction or other circumstances not within the control of the Town or Town Meeting.

In the event such a motion to reconsider is made and authorized, said motion may be made at any time before the final adjournment of the Meeting at which the vote was passed, said motion may be made even if the vote was already reconsidered, or was the subject of a vote not to reconsider and reconsideration may be ordered by a vote of two-thirds (2/3) of the votes present.

2.2.4.3 Notice of every vote to be reconsidered at an adjourned Town Meeting shall be posted by the Town Clerk in one (1) or more public places in each precinct of the Town as soon as possible after adjournment, and he shall, if practicable, at least one (1) day before the time of the next following session of said Adjourned Meeting, publish such notice in some newspaper published in the Town.

Said notice shall include the vote to be reconsidered and the place and time of the next following session of said Adjourned Meeting. The foregoing notice provisions shall not apply when a motion to reconsider any Town Meeting action is made publicly at Town Meeting before the adjournment of any session of any Adjourned Town Meeting.

Section 2.2.5

The Selectmen shall, at each Annual Town Meeting, give to the Members information of the State of the Town.

Section 2.2.6

The Town Meeting Members and Town Meeting Members-Elect from each precinct shall hold an annual precinct meeting after the Annual Town Election but before the convening of the business sessions of the Annual Town Meeting.

The purpose of the meeting shall be the election of a Chairman and a Clerk and to conduct whatever business may be appropriate. Chairman shall serve no more than six (6) consecutive years in that position. Additional precinct meetings may be called by the Chairman or by a petition of six (6) Town Meeting Members of the precinct.

Section 2.2.7 **Removal of Town Meeting Members**

2.2.7.1 The Town Clerk shall mail, within thirty (30) days after the adjournment sine die of a Town Meeting, to every Town Meeting Member who has attended less than one half (1/2) of the Town Meeting sessions since the most recent Annual Town Election, a record of his attendance and a copy of Section 2-6 of the Charter.

2.2.7.2 Town Meeting Members of each precinct shall consider at a precinct meeting to be conducted in accordance with Section 2.2.6 of these Bylaws and Section 2-6 of the Charter, preceding the consideration of the Article placed upon the Annual Town Meeting Warrant in accordance with Section 2-6 of the Charter, the names of Town Meeting Members in that precinct appearing on said Warrant Article and adopt recommendations to Town Meeting as to what action should be taken regarding each such Member. The Chairman of each precinct or his designee shall make such recommendations along with supporting evidence and rationale to Town Meeting.

2.2.7.3 The names of the Members subject to removal in accordance with Section 2-6 of the Charter shall be grouped by precinct in the Warrant Article required by said Section.

Section 2.2.8 **Meetings During Town Meeting**

No appointed or elected board, commission, committee or other entity of Town Government shall schedule or conduct any hearing, meeting or other function during any hours in which an Annual, Subsequent or Special Town Meeting is in session or is scheduled to be in session.

Any such board, commission or committee which schedules or holds a meeting or hearing on the same calendar day but at a time prior to a session of Town Meeting shall adjourn or recess not less than five (5) minutes prior to the scheduled session of Town Meeting.

Any Board, Commission or Committee may, at the opening of any session of Town Meeting, present to that Town Meeting an instructional motion requesting an exemption from this Bylaw and asking that Town Meeting permit it to meet at a date and hour at which a future session of Town Meeting is scheduled and may present reasons for Town Meeting to give such permission.

Notwithstanding the foregoing, any board, commission or committee which meets the requirements of Section 23B of Chapter 39 of the General Laws concerning emergency meetings may, upon meeting such requirements, conduct such a meeting or hearing at a time scheduled for a Town Meeting.

